

*** NOT FOR PUBLICATION ***

NO. 26966

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

EUGENE P. GORDON, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 98-2082)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the circuit court's decision denying the March 24, 2003 motion for correction of sentence is appealable upon entry of a written order denying the motion. See HRAP 4(b)(1) and (3). The motion was orally denied on September 20, 2004, but a written order denying the motion has not been entered by the circuit court. Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 4, 2005.