

*** NOT FOR PUBLICATION ***

NO. 27123

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

FRANCIS GRANDINETTI, Defendant-Appellant

K. HAMAMADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2005 MAY -9 PM 1:28

FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NOS. 86-0386 and 88-2074)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that the matters identified in the notices of appeal filed on February 9, 2005 and February 25, 2005 are not appealable pursuant to HRS § 641-11 or HRS § 614-17, which authorize appeals only from the judgment and sentence or from a certified interlocutory order. Thus, we lack jurisdiction over this appeal. See Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("The right of appeal in a criminal case is purely statutory and exists only when given by some constitutional or statutory provision."). Therefore,

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

DATED: Honolulu, Hawai'i, May 9, 2005.

Fumia A. Nakayama

James E. Duffy, Jr.