

*** NOT FOR PUBLICATION ***

NO. 27121

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Petitioner-Appellee

vs.

CHARLES MILLER, Respondent-Appellant

NONIMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 MAY 27 AM 9:10

FILED

APPEAL FROM THE FIRST CIRCUIT COURT
(S.P. NO. 04-1-0242)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that S.P. No. 04-1-0242 was a circuit court civil proceeding governed by the Hawai'i Rules of Civil Procedure. See HRS § 846E-3(d); HRCP 1. The circuit court's January 13, 2005 order was not reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order that resolves claims in a circuit court civil case is not appealable unless the order is reduced to a separate judgment pursuant to HRCP 58). Thus, the appeal of the January 13, 2005 order 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, May 27, 2005.



Steven Levinson

Pumua L. Nakayama



Kama E. Duffy, Jr.