

*** NOT FOR PUBLICATION ***

NO. 27522

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

SCOTT ALLEN DANIELSON, Defendant-Appella

KHAMAKADO
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2006 MAY 30 AM 10:52

FILED

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 93-0033)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court¹)

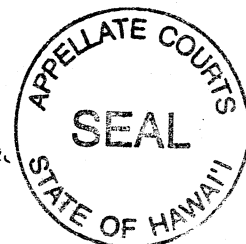
Upon review of the record, it appears that the circuit court's September 15, 2005 order is not appealable pursuant to HRS § 641-11 or HRS § 614-17, which authorize appeals only from the judgment and sentence or from a certified interlocutory order. Thus, we lack jurisdiction over this appeal. See Grattafiori 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 30, 2006.

FOR THE COURT:

Fumua C. Nakayama
Associate Justice



¹Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.