

NO. 30223

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
TRUMAN LEE KETCHMARK, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
(CASE NO. 1DTI-09-020487)

ORDER DISMISSING APPEAL FOR
LACK OF APPELLATE JURISDICTION
(By: Nakamura, C.J., Fujise and Leonard, JJ.)

Upon review of the record, it appears that we lack jurisdiction over the appeal that Defendant-Appellant Truman Lee Ketchmark (Appellant Ketchmark), pro se, has asserted from the Honorable Gerald H. Kibe's August 20, 2009 order and notice of entry of order in favor of Plaintiff-Appellee State of Hawai'i (Appellee State) and against Appellant Ketchmark with respect to a citation for violating a pedestrian-control signal in violation of Hawai'i Revised Statutes (HRS) § 291C-33 (2007).

The August 20, 2009 order ended the trial de novo for Appellant Ketchmark's citation for violating a pedestrian-control signal in violation of HRS § 291C-33, leaving nothing further for the district court to accomplish. Therefore, the August 20, 2009 order is an appealable final order under HRS § 641-1(a).

However, Appellant Ketchmark's appeal from the August 20, 2009 order is not timely, because Appellant Ketchmark did not file his December 7, 2009 notice of appeal within thirty days after entry of the August 20, 2009 order, as required pursuant to Hawai'i Rules of Appellate Procedure Rule 4(a)(1).

Therefore, we lack jurisdiction over Appellant Ketchmark's untimely appeal.

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

DATED: Honolulu, Hawai'i, March 24, 2010.

Chief Judge

Associate Judge

Associate Judge