

NO. CAAP-13-0001055

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
BARABBAS DIETRICH, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CR. NO. 05-1-0184)

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

Upon review of the record on appeal in CAAP-13-0001055, it appears that this court lacks appellate jurisdiction. On December 9, 2011, Defendant-Appellant Barabbas Dietrich filed a Motion for Correction or Reduction of Sentence or Bail Pending Appeal, pursuant to HRPP Rule 35. However, there is nothing in the record on appeal to indicate that the circuit court ruled upon the Motion for Correction or Reduction of Sentence or Bail Pending Appeal.

Appellant then filed an Ex-Parte Motion for Litigation Expense (HRS § 802-7). The Ex-Parte Motion for Litigation Expense (HRS § 802-7) was denied on April 23, 2013. Appellant only appeals from the denial of his Ex-Parte Motion for Litigation Expenses (HRS § 802-7). However, the denial of the Ex-Parte Motion for Litigation Expenses (HRS § 802-7) is an interlocutory order related to the determination of Appellant's December 9, 2011 Motion for Correction or Reduction of Sentence or Bail Pending Appeal. Because the circuit court did not enter a final order regarding the Motion for Correction or Reduction of Sentence or Bail Pending Appeal, there is no final appealable judgment or order pursuant to HRS § 641-11. Therefore, this court lacks appellate jurisdiction to hear this appeal.

THEREFORE,

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

DATED: Honolulu, Hawai'i, August 21, 2013.

Chief Judge

Associate Judge

Associate Judge