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Intermediate Court of Appeals  
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NO. CAAP-17-0000378

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,  
v.  
PHILIP BIKLE, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(CASE NO. 3DTI-16-016896)

ORDER DENYING FEBRUARY 9, 2018 HRAP RULE 40 MOTION  
FOR RECONSIDERATION OF FEBRUARY 1, 2018 ORDER OF DISMISSAL  
AND

ORDER OF CORRECTION OF FEBRUARY 1, 2018 ORDER  
(By: Leonard, Presiding Judge, Reifurth and Ginoza, JJ.)

Upon review of (1) the February 1, 2018 order granting Plaintiff-Appellee State of Hawaii's (State) November 17, 2017 motion to dismiss Defendant-Appellant Philip Bikle's (Bikle), pro se, appeal, (2) Bikle's February 9, 2018 motion for reconsideration of the February 1, 2018 order of dismissal, pursuant to Rule 40 of the Hawaii Rules of Appellate Procedure (HRAP), and (3) the record, it appears that we did not overlook or misapprehend any points of law or fact when we entered the February 1, 2018 order of dismissal. Bikle's reliance on State v. Baranco, 77 Hawai'i 351, 884 P.2d 729 (1994) is misplaced because his appeal does not involve an order denying a motion to dismiss on double jeopardy grounds, as in Baranco. Further, his claim that we have jurisdiction under Hawaii Revised Statutes

NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

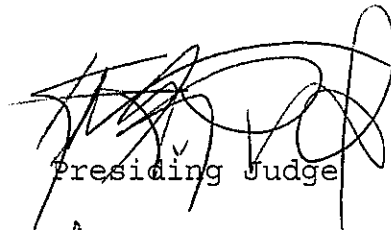
§ 641-1(b) is incorrect, because only circuit courts (not district courts) may allow an interlocutory appeal under that statute.

We note however, that the February 1, 2018 order of dismissal contains a clerical error in that it refers to Bikle as Michael Bikle rather than Philip Bikle.

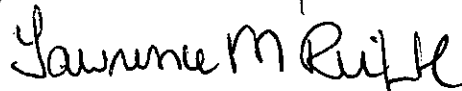
Therefore, IT IS HEREBY ORDERED that Bikle's February 9, 2018 HRAP Rule 40 motion for reconsideration of the February 1, 2018 order of dismissal is denied.

IT IS FURTHER HEREBY ORDERED that the February 1, 2018 order of dismissal is corrected to reflect that all references to Bikle refer to Defendant-Appellant Philip Bikle, and not Michael Bikle.

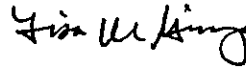
DATED: Honolulu, Hawai'i, February 14, 2018.



Presiding Judge



Associate Judge



Associate Judge