

NO. CAAP-18-0000461

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
ROMAN SEMES, Defendant-Appellant.

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2PC151001014(3))

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Leonard, Presiding Judge, Reifurth and Chan, JJ.)

Upon review of Defendant-Appellant Roman Semes's (Semes) appeal in appellate court case number CAAP-18-0000461, it appears that we lack appellate jurisdiction over Semes's appeal from the Honorable Joseph E. Cardoza's April 2, 2018 judgment of conviction for Count 1 negligent homicide in the first degree in violation of HRS § 707-702.5 (2014), Count 2 negligent homicide in the first degree in violation of HRS § 707-702.5 (2014), Count 3 negligent injury in the first degree in violation of HRS § 707-705 (2014), Count 4 negligent injury in the first degree in violation of HRS § 707-705 (2014), and Count 5 accidents involving death or serious bodily injury in violation of HRS § 291C-12 (2014), in circuit court criminal case number 2PC151001014, because neither the April 2, 2018 judgment nor any prior orders adjudicate Count 6, Count 7 and Count 8 in Plaintiff-Appellee State of Hawaii's November 16, 2015 indictment.

The circuit court has not entered any written order or judgment that has adjudicated Count 6, Count 7 and Count 8, and, thus, the April 2, 2018 judgment of conviction has not "terminated the proceedings in the case and left nothing further to be accomplished by the lower court." State v. Nicol, 140 Hawai'i 482, 492, 403 P.3d 259, 269 (2017). Absent a final judgment or final order that terminates the proceedings, leaving nothing further to be accomplished, Semes's appeal is premature, and we lack appellate jurisdiction.¹

Accordingly, IT IS HEREBY ORDERED appellate court case number CAAP-18-0000461 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, October 25, 2018.

Presiding Judge

Associate Judge

Associate Judge

¹ We note that Keith S. Shigetomi (attorney number 3380) is still the counsel of record for Semes in this matter before the circuit court and is, therefore, responsible for ensuring that Semes pursues appellate review, if any, at an appropriate time and in an appropriate manner under the controlling law.