

NO. CAAP-14-0001387

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
DANIEL R. GRANILLO, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CR. NO. 89-0220)

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

Upon review of the record, including, among other things, the circuit court's January 24, 1991 judgment of conviction against Defendant-Appellant Daniel Granillo (Appellant Granillo) in Criminal No. 89-2220 and the Hawai'i Intermediate Court of Appeals' March 16, 1992 memorandum opinion in appellate court case number 15178 affirming the January 24, 1991 judgment of conviction, it appears that we lack appellate jurisdiction over Appellant Granillo's appeal in appellate court case number CAAP-14-0001387 from the following two post-judgment orders

adjudicating post-judgment motions that Appellant Granillo filed in apparent anticipation of a future hearing before the Hawai'i Paroling Authority:

- a January 9, 2015 post-judgment "Order Denying '[Deft.] Motion for In Camera Review to Provide [Deft] All Documents Withheld by the State'"; and
- a January 9, 2015 post-judgment "Order Denying 'Defendant Motion to Order Plaintiff to Provide Defendant Phone Access to Call Courts and Allow [Deft] Mail to Leave [SCC/CCA] and Mail Taken Only by Mailroom Staff, Provide Defendant Six Hours Minimum a Week of Law Library Access[.]'"

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"In a circuit court criminal case, a defendant may appeal from the judgment of the circuit court, see HRS § 641-11 (1993), from a certified interlocutory order, see HRS § 641-17 (1993), or from an interlocutory order denying a motion to dismiss based on double jeopardy." State v. Kealaiki, 95 Hawai'i 309, 312, 22 P.3d 588, 591 (2001) (citation omitted). Furthermore, "[a]ccording to HRPP [Rule] 40(h), appeals from proceedings for post-conviction relief may be made from a judgment entered in the proceeding and must be taken in accordance with Rule 4(b) of the Hawai'i Rules of Appellate Procedure (HRAP)." Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) (internal quotation marks and brackets omitted). Neither of the two January 9, 2015 post-judgment orders from which Appellant Granillo is appealing qualifies as one of these appealable orders or appealable judgments. There appears to be no statutory authority for Appellant Granillo's appeal from the two January 9, 2015 post-judgment orders, and, thus, we lack appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-14-0001387 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 10, 2015.

Presiding Judge

Associate Judge

Associate Judge