

**Electronically Filed
Intermediate Court of Appeals
CAAP-15-0000177
08-JUN-2015
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NO. CAAP-15-0000177

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
DENNIS SCOTT FLORES, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 14-1-0229)

ORDER
GRANTING APRIL 24, 2015 MOTION TO
DISMISS APPEAL FOR LACK OF APPELLATE JURISDICTION
AND
DISMISSING AS MOOT ALL OTHER PENDING MOTIONS
IN APPELLATE COURT CASE NUMBER CAAP-15-0000177
(By: Foley, Presiding Judge, Leonard and Ginoza, JJ.)

Upon review of (1) Plaintiff-Appellee State of Hawaii's (Appellee State) April 24, 2015 motion to dismiss for lack of appellate jurisdiction, and (2) the record, it appears that we lack appellate jurisdiction over Defendant-Appellant Dennis Scott Flores's (Appellant Flores) appeal from the Honorable Christine E. Kuriyama's oral announcement in Criminal No. 14-1-0229 relating, apparently, to the adjudication of Appellant Flores's

February 17, 2015 motion for an examination of fitness to proceed pursuant to Hawaii Revised Statutes (HRS) § 704-404 (2014), because there is no statutory authority for Appellant Florer's interlocutory appeal under the circumstances of this circuit court criminal case.

It appears that Appellant Florer is attempting to obtain appellate review of the circuit court's oral ruling despite that the circuit court has not yet entered a written order. Rule 4(b)(3) of the Hawai'i Rules of Appellate Procedure provides that "[a] judgment or order is entered within the meaning of this subsection when it is filed with the clerk of the court." Consequently, the concept of entering of an order "signifies something more formal than mere oral rendition of an order or ruling of the court, and contemplates a filed written order." Scott v. Liu, 46 Haw. 221, 225-26 377 P.2d 696, 700 (1963). Absent the entry of a written order, there is no order for us to review on appeal.

Furthermore, even if the circuit court had entered a written order on Appellant Florer's February 17, 2015 motion for an examination of fitness to proceed pursuant to HRS § 704-404, Appellant Florer would need to invoke an appropriate statutory authority for appellate review under these circumstances. "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).

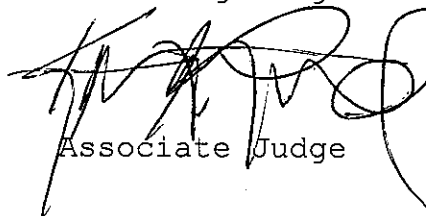
NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER

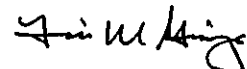
Therefore, IT IS HEREBY ORDERED that Appellee State's April 24, 2015 motion to dismiss this appeal is granted, and appellate court case number CAAP-15-0000177 is dismissed for lack of appellate jurisdiction.

IT IS FURTHER HEREBY ORDERED that all other pending motions in appellate court case number CAAP-15-0000177 are dismissed as moot.

DATED: Honolulu, Hawai'i, June 8, 2015.


Daniel R. Foley
Presiding Judge


Associate Judge


Associate Judge