

NO. CAAP-16-0000461

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

IN THE INTEREST OF TM
APPEAL FROM THE FAMILY COURT OF THE FIRST CIRCUIT
(FC-J NO. 0102139)

ORDER GRANTING JULY 26, 2016 MOTION TO
DISMISS APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, C.J., Fujise and Reifurth, JJ.)

Upon review of (1) Minor-Appellant's (Minor)¹ July 26, 2016 motion to dismiss Minor's own appeal in appellate court case number CAAP-16-0000461 for lack of appellate jurisdiction, and (2) the record,² it appears that we lack appellate jurisdiction over Minor's appeal from the Honorable Bode A. Uale's May 12, 2016 "Order Denying Respondent's Motion to Reconsider Denial of Respondent's Motion [to] Dismiss Petition for Violation of Due

¹ For purposes of preserving confidentiality in this appeal arising out of a family court juvenile delinquency proceeding, we refer to Minor-Appellant as "Minor" instead of referring to his or her actual name.

² Petitioner-Appellee State of Hawai'i (Appellee State) filed no memorandum in support or in opposition of Minor's motion.

Process and Granting of the State's Motion to Amend Petition for Waiver of Jurisdiction and Granting the State's Amended Petition for Waiver of Jurisdiction and Granting Respondent's Motion to Stay Execution of the Order Waiving Jurisdiction Pending Appeal" (hereinafter the May 12, 2016 order denying reconsideration) in FC-J. No. 0102139, because the May 12, 2016 order denying reconsideration does not qualify as an appealable family court order under Hawaii Revised Statutes (HRS) § 571-54 (2006). The basis for that conclusion is set out in the Order Dismissing Appeal for Lack of Appellate Jurisdiction (CAAP-16-0000513) which we have filed today.

Furthermore, HRS § 571-22.5 (2006) appears to expressly prohibit the instant appeal, providing that "[a]n order waiving jurisdiction shall not be appealable as a final order, but may only be appealable in conjunction with an appeal of all other issues after a trial on the charge against such minor or adult."

Therefore, IT IS HEREBY ORDERED that Minor's July 26, 2016 motion to dismiss this Minor's own appeal is granted, and appellate court case number CAAP-16-0000461 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 29, 2016.

Chief Judge

Associate Judge

Associate Judge