

NO. CAAP-17-0000308

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. 3DTC-16-005744)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Nakamura, Chief Judge, Fujise and Chan, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over Defendant-Appellant Philip Bikle's (**Appellant's**) pro se appeal from the Honorable Michael J. Udovik's March 2, 2017 order in district court Criminal No. 3DTA-16-005744 denying Appellant's motion to dismiss the case for lack of jurisdiction and ordering Appellant to appear for trial because the district court has not yet entered a final decision or judgment.

"The right to an appeal is strictly statutory." State v. Ontiveros, 82 Hawai'i 446, 449, 923 P.2d 388, 391 (1996) (citation omitted). This court has jurisdiction "[t]o hear and determine appeals from any court or agency when appeals are allowed by law[.]" Hawaii Revised Statutes (HRS) § 602-57(1) (2016). HRS § 641-12 (2016) provides that "[a]ppeals upon the record shall be allowed from all final decisions and final

judgments of district courts in all criminal matters." Appellant is not appealing from a final decision or judgment of the district court because the district court has not yet held a trial and the charges have not been resolved. The March 2, 2017 order is a non-final, interlocutory order. Absent an appealable final decision or judgment, we lack appellate jurisdiction over Appellant's appeal.

Accordingly, IT IS HEREBY ORDERED that Case No. CAAP-17-0000308 is dismissed.

DATED: Honolulu, Hawai'i, October 24, 2017.

Chief Judge

Associate Judge

Associate Judge