

NO. CAAP-17-0000452

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
GABRIEL ALISNA, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CR. NO. 13-1-1861)

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

Upon review of the record, it appears that we lack appellate jurisdiction over Third-Party/Appellant Trustees of the Estate of Bernice Pauahi Bishop doing business as Kamehameha Schools' (Kamehameha Schools) appeal from the Honorable Rom A. Trader's May 5, 2017 interlocutory findings of fact, conclusions of law, and order denying Kamehameha Schools' motion to close courtroom and to seal testimony (May 5, 2017 FOF/COL/Order) in circuit court criminal case number 1PC13-1-1861. The circuit court has not yet entered a judgment or order that terminated the proceedings in the underlying case. It appears that the appropriate means for Kamehameha Schools to obtain review of the challenged May 5, 2017 FOF/COL/Order is through a petition for writ of mandamus to the supreme court, and not an appeal to this court. See State v. Niswalt, 139 Hawai'i 86, 384 P.3d 862 (2016); Oahu Publications Inc. v. Ahn, 133 Hawai'i 482, 331 P.3d 460 (2014). Indeed, Kamehameha Schools filed a petition for mandamus regarding the challenged order which was denied after a review on

the merits by the supreme court in SCPW-17-0000455 (July 19, 2017).

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-17-0000452 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 16, 2017.

Chief Judge

Associate Judge

Associate Judge