

NO. CAAP-18-0000532

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

WILLIE JAMES JONES, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(S.P.P. NO. 17-1-0012 (1PC950001384))

ORDER DISMISSING MOTION TO REINSTATE APPEAL
(By: Ginoza, Chief Judge, Fujise and Leonard, JJ.)

Upon review of the September 27, 2019 Motion to Reinstate Appeal by Petitioner-Appellant Willie James Jones (Appellant), which this court construes as a motion for reconsideration, pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP) and the record, we note Appellant neither filed his HRAP Rule 40 motion for reconsideration, nor obtained special leave for additional time to file such a motion, within ten days after the filing of the December 19, 2018 Order Dismissing Appeal for Lack of Appellate Jurisdiction (Dismissal Order), as HRAP Rule 40(a) requires. We therefore lack appellate jurisdiction to adjudicate the merits of Appellant's September 27, 2019 HRAP Rule 40 motion for reconsideration of the December 19, 2018 Dismissal Order in Appeal No. CAAP-18-0000532.

State v. Bernal, No. CAAP-11-0000474, 2012 WL 1871035, at *1
(Haw. Ct. App. May 23, 2012), cert. denied July 6, 2012.

Therefore, IT IS HEREBY ORDERED that the September 27, 2019
HRAP Rule 40 motion for reconsideration of the December 19, 2018
Dismissal Order is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, October 3, 2019.

Chief Judge

Associate Judge

Associate Judge