

NO. CAAP-19-0000031

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
MARIO D. COOPER, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT  
(CASE NO. 5DTI-18-103756)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION  
(By: Fujise, Presiding Judge, Leonard and Hiraoka, JJ.)

Upon review of the records in CAAP-19-0000031, it appears that this court lacks appellate jurisdiction. Defendant-Appellant Mario D. Cooper (Appellant) appeals from the Judgment/Order and Notice of Entry of Judgment/Order entered on December 7, 2018 in the District Court of the Fifth Circuit finding that he violated HRS § 291C-102(a)(1) (2007). Pursuant to Rules 4(a) and 26(a) of the Hawai'i Rules of Appellate Procedure (HRAP), Appellant had until Monday, January 7, 2019, to file his notice of appeal from the December 7, 2018 Judgment/Order and Notice of Entry of Judgment/Order. Appellant's Notice of Appeal was filed on January 8, 2019, more than thirty days after entry of the December 7, 2018 Judgment/Order and Notice of Entry of Judgment/Order. Therefore, the appeal was untimely. "[C]ompliance with the requirement of the timely filing of a notice of appeal is jurisdictional."

State v. Brandimart, 68 Haw. 495, 496, 720 P.2d 1009, 1010  
(1986).

Therefore, IT IS HEREBY ORDERED that the appeal is  
dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 25, 2019.

Presiding Judge

Associate Judge

Associate Judge