

**Electronically Filed
Intermediate Court of Appeals
CAAP-19-0000769
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NO. CAAP-19-0000769

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
BRYENT K.M. KANESHIRO, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(1DTA-18-00712)

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

Upon review of the record in CAAP-19-0000769, it appears this court lacks appellate jurisdiction because no final judgment was entered by the District Court.

Defendant-Appellant Bryent K. M. Kaneshiro (Appellant) appeals from the October 4, 2019 Notice of Entry of Judgment and/or Order and Plea/Judgment (Judgment).

On October 4, 2019, the Judgment was entered which found Appellant guilty of Operating a Vehicle Under the Influence of an Intoxicant, in violation of Hawaii Revised Statutes (HRS) § 291E-61 (Supp. 2018). However, there is a notation on the Judgment which states "LR 10C 11/1/19 8:30," and the October 4, 2019 Court Minutes state "Further Sentencing on LR-Waiting on ADLRO; (SENT 11/01/2019 AM-10C); Bail continued." Thus, the issue of license revocation was not adjudicated. "Appeals upon the record shall be allowed from all final decisions and final judgments of district courts in all criminal matters." HRS §

641-12 (2016). Therefore, there is no final judgment and the notice of appeal was prematurely filed.

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

DATED: Honolulu, Hawai'i, August 19, 2020.

/s/ Derrick H.M. Chan
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge