

NO. CAAP-20-0000384

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

CRANDALL PENAFLOR, Petitioner-Appellant, v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2PR181000006(2) (CR. NO. 2PC900000146(4))

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

Upon review of the record, it appears we lack appellate jurisdiction over self-represented Petitioner-Appellant Crandall Penaflor's (**Penafloor**) appeal from the Circuit Court of the Second Circuit's (**circuit court**) April 27, 2020 Order Denying [Penaflor's] Motion for Reconsideration, entered in No. 2PR181000006.

On February 22, 2021, we issued an order for temporary remand, under Waikiki v. Hoomaka Village Ass'n of Apartment Owners, 140 Hawai'i 197, 204, 398 P.3d 786, 793 (2017), on the ground that the circuit court had not entered a final, appealable order or judgment. On remand, the circuit court indicated that it did not intend to resolve all claims in Penaflor's petition for post-conviction relief under Hawai'i Rules of Penal Procedure Rule 40, and the claims remain unresolved. Thus, we lack

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appellate jurisdiction and must dismiss the appeal. See State v. Johnston, 63 Haw. 9, 10, 619 P.2d 1076, 1077 (1980).

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

DATED: Honolulu, Hawai'i, April 13, 2021.

/s/ Keith K. Hiraoka
Presiding Judge

/s/ Clyde J. Wadsworth
Associate Judge

/s/ Karen T. Nakasone
Associate Judge