

NO. CAAP-20-0000587

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ROLAND I. KEHANO, SR., Petitioner-Appellant, v.
SCOTT HARRINGTON, WARDEN, HALAWA CORRECTIONAL FACILITY;
FORMER TRIAL JUDGE SHACKLEY F. RAFFETTO; FORMER PROSECUTING
ATTORNEY RICHARD T. BISSEN, JR.; FORMER DEPUTY PROSECUTING
ATTORNEY DAVELYNN M. TENGAN; FORMER DEFENSE ATTORNEY
PAUL J. CUNNEY; CO-DEFENSE ATTORNEY ART E. ROSS, DECEASED;
MARY J. TIWANAK; CHAIRMAN ALBERT TUFONO; REAPPOINTED PAROLE,
PARDON, EXECUTIVE SECRETARY, ADMINISTRATOR TOMMY JOHNSON,
Respondents-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 19-1-0002(2) (CR. NO. 92-0562(2)))

ORDER GRANTING MOTION TO DISMISS APPEAL
FOR LACK OF APPELLATE JURISDICTION

(By: Hiraoka, Presiding Judge, Wadsworth and Nakasone, JJ.)

Upon consideration of the April 6, 2021 Motion to Dismiss Appeal for Lack of Appellate Jurisdiction (**Motion**) by Respondent-Appellee State of Hawaii, the papers in support, and the record, it appears we lack appellate jurisdiction over self-represented Petitioner-Appellant Roland I. Kehano, Sr.'s appeal from S.P.P. No. 19-1-0002.¹ Under Hawaii Revised Statutes § 641-11 (2016) and Hawaii Rules of Penal Procedure (**HRPP**) Rule 40(h), "appeals from proceedings for post-conviction relief may be made from a judgment entered in the proceeding and must be taken in accordance with Rule 4(b) of the Hawaii Rules of Appellate Procedure (HRAP)." Grattafiori v. State, 79 Hawaii 10, 13, 897

¹ It is unclear what ruling(s) Kehano appeals from.

P.2d 937, 940 (1995) (internal quotation marks and brackets omitted).

An order is appealable and final only if it meets the test of finality applicable to all judicial decisions. Familian Nw., Inc. v. Cent. Pac. Boiler & Piping, Ltd., 68 Haw. 368, 369, 714 P.2d 936, 937 (1986).

"Final order" means an order ending the proceedings, leaving nothing further to be accomplished. Consequently, an order is not final if the rights of a party involved remain undetermined or if the matter is retained for further action.

Id. (internal block quotation format and citations omitted). Here, the circuit court has not issued an order resolving any of the grounds raised in Kehano's HRPP Rule 40 petition for post-conviction relief.

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

IT IS FURTHER ORDERED that all pending motions are dismissed as moot.

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