NO. CAAP-21-0000353

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

ANTONIO VIERRA, Plaintiff-Appellee, v.
MONICA BERNARDINO, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
'EWA DIVISION
(CIVIL NO. 1DRC-20-0005850)

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

Upon review of the record, it appears we lack appellate jurisdiction over self-represented Defendant-Appellant Monica Bernardino's (**Bernardino**) appeal from the Judgment for Possession (**Judgment**) and Writ of Possession, entered by the District Court of the First Circuit, 'Ewa Division (**district court**), on April 13, 2021, because it is untimely.

Bernardino conventionally filed the notice of appeal in the district court, in accordance with Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 3(a). Although the notice of appeal and certificate of service are dated May 13, 2021, the notice of appeal was stamped "RECEIVED" by the district court clerk on May 14, 2021 and is deemed to have been filed on that date. See Hawai'i Electronic Filing and Service Rules Rule 2.5.

Because Bernardino did not file her notice of appeal within thirty days after entry of the Judgment and Writ of Possession, as required by HRAP Rule 4(a)(1), the appeal is untimely. "As a general rule, compliance with the requirement of the timely filing of a notice of appeal is jurisdictional, . . .

and we must dismiss an appeal on our motion if we lack jurisdiction." <u>Grattafiori v. State</u>, 79 Hawaiʻi 10, 13, 897 P.2d 937, 940 (1995) (cleaned up); <u>see</u> HRAP Rule 26(b) ("[N]o court or judge or justice is authorized to change the jurisdictional requirements contained in Rule 4 of these rules.").

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

DATED: Honolulu, Hawaiʻi, June 18, 2021.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Alexa D.M. Fujise
Associate Judge

/s/ Keith K. Hiraoka
Associate Judge