

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-22-0000139

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

LOREN HAMMOND, aka LOREN DALE HAMMOND III, Petitioner-Appellant,
v. STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CPN-21-0000028)

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

Upon review of the record, it appears that we lack appellate jurisdiction because the notice of appeal filed by self-represented Petitioner-Appellant Loren **Hammond**, aka Loren D. Hammond III, was filed on March 17, 2022, more than thirty days after entry of the February 8, 2022 order denying Hammond's Hawai'i Rules of Penal Procedure Rule 40 Petition. See Hawai'i Rules of Appellate Procedure Rule 4(a)(1); Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1129 (1986) ("[A]n appellant's failure to file a timely notice of appeal is a jurisdictional defect that can neither be waived by the parties nor disregarded by the court in the exercise of judicial discretion.") (cleaned up).

NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

Therefore, IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction. All pending motions are also dismissed.

DATED: Honolulu, Hawai'i, December 27, 2022.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge