

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000689
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NO. CAAP-22-0000689

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
CHANI D. SMITH, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CPC-22-0000657)

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

Upon review, it appears that we lack appellate jurisdiction over Defendant-Appellant Chani Smith's (**Smith's**) appeal in CAAP-22-0000689 to the extent that Smith seeks review of proceedings in 2PC-22-000657 (the **2022 Case**). It further appears that Smith's appeal in CAAP-22-0000689 is otherwise duplicative of his appeal filed in CAAP-22-0000688. Therefore, this appeal should be dismissed in its entirety without prejudice.

In the Notice of Appeal filed in CAAP-22-0000689, Smith purports to appeal from August 29, 2022 Findings of Fact, Conclusions of Law, and Order Granting Defendant's Motion to Dismiss for Violation of HRPP Rule 48 Without Prejudice & Denying Defendant's Motion to Dismiss for Violation of Constitutional Speedy Trial Right (**Order Dismissing Without Prejudice**), which was entered by the Circuit Court of the Second Circuit (**Circuit Court**) in 2CPC-20-0000557 (the **2020 Case**).

However, Smith previously appealed from the Order Dismissing Without Prejudice entered in the 2020 Case (in CAAP-22-0000688). Smith does not purport to appeal from an order or

judgment entered in the 2022 Case, although he has filed various motions herein seeking interlocutory relief in the 2022 Case. The Circuit Court has not otherwise entered an order or judgment in the 2022 Case that finally determines, and thus ends, all proceedings, leaving nothing further to be accomplished. Hawaii Revised Statutes § 641-11 (2016); State v. Nicol, 140 Hawai'i 482, 492, 403 P.3d 259, 269 (2017).

Therefore, IT IS HEREBY ORDERED that CAAP-22-0000689 is dismissed without prejudice.

IT IS HEREBY FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, December 16, 2022.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge