NO. CAAP-23-0000059

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAIʻI

STATE OF HAWAIʻI, Plaintiff-Appellee, v.
NOE RAQUINIO, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CPC-22-0000941)

ORDER GRANTING MOTION TO DISMISS APPEAL
(By: Wadsworth, Presiding Judge, Nakasone and Chan, JJ.)

Upon consideration of Plaintiff-Appellee State of Hawaiʻi's (**State**) February 8, 2023 Opposition to Notice of Appeal, which the court construes as a motion to dismiss the appeal (**Motion**), the papers in support, the record, and self-represented Defendant-Appellant Noe Raquinio's (**Raquinio**) February 10, 2023 Jurisdictional Statement, which the court construes as both a Statement of Jurisdiction and as a memorandum in opposition to the Motion, it appears that the State seeks dismissal of Raquinio's appeal from the Circuit Court of the Third Circuit's January 31, 2023 minute order (**Minute Order**) denying Raquinio's December 12, 2022 motion to suppress evidence and statements, as Raquinio does not appeal from a final, appealable order or judgment.

We conclude that the court lacks appellate jurisdiction, as "a minute order is not an appealable order," Abrams v. Cades, Schutte, Fleming & Wright, 88 Hawaiʻi 319, 321 n.3, 966 P.2d 631, 633 n.3 (1998), and even if the Minute Order were reduced to a written order, it would not qualify as a final, appealable order. Hawaii Revised Statutes § 641-11 (2016);

State v. Nicol, 140 Hawaiʻi 482, 492, 403 P.3d 259, 269 (2017);
e.g., State v. Barton, No. CAAP-14-0000553, 2014 WL 2495422, at
*1 (App. June 3, 2014) (Order Dismissing the Cross-Appeal for
Lack of Appellate Jurisdiction).

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

      DATED: Honolulu, Hawaiʻi, February 24, 2023.

              /s/ Clyde J. Wadsworth
              Presiding Judge

              /s/ Karen T. Nakasone
              Associate Judge

              /s/ Derrick H.M. Chan
              Associate Judge