Electronically Filed Intermediate Court of Appeals CAAP-23-0000224 24-NOV-2023 08:04 AM Dkt. 26 ODSLJ

NO. CAAP-23-0000224

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v. JONATHAN P. SPIES, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT (CASE NO. 3CPC-21-0001004)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Hiraoka, Presiding Judge, Wadsworth and Guidry, JJ.)

Upon review of the record, it appears that selfrepresented Defendant-Appellant Jonathan P. Spies (Spies) appeals
from the March 28, 2023 "Order Denying (1) Defendant's Notice of

from the March 28, 2023 "Order Denying (1) Defendant's Notice of Protest, Opposition of the Taking of Personal and Subject Matter Jurisdiction; (2) Defense Counsel Motion to Withdraw for Limited Purposes of Motion Filed March 6, 2023 [Dkt. 186]" (March 28, 2023 Order). We conclude that the court lacks jurisdiction over the appeal because the March 28, 2023 Order is not an order or judgment that finally determines, and thus ends, all proceedings leaving nothing further to be accomplished, Hawaii Revised Statutes (HRS) § 641-11 (2016), State v. Nicol, 140 Hawaii 482, 492, 403 P.3d 259, 269 (2017), it has not been certified for interlocutory appeal, see HRS § 641-17 (2016), and it is not an

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appealable collateral order. <u>State v. Baranco</u>, 77 Hawai'i 351, 355, 884 P.2d 729, 7331-32 (1994) (citation omitted).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed. 1

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

DATED: Honolulu, Hawai'i, November 24, 2023.

/s/ Keith K. Hiraoka Presiding Judge

/s/ Clyde J. Wadsworth Associate Judge

/s/ Kimberly T. Guidry Associate Judge

 $^{^{\}rm 1}$ This order does not affect Spies's separate appeal in CAAP-23-0000388 from the June 9, 2023 Judgment of Conviction and Sentence entered in the underlying case.