

**Electronically Filed
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NO. CAAP-24-0000028

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
SHAWN J. MEDEIROS, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CASE NO. 2CPC-22-0000677)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Leonard, Acting Chief Judge, Hiraoka and Wadsworth, JJ.)

Upon consideration of Plaintiff-Appellee State of Hawaii's (**State**) April 12, 2024 Motion to Dismiss Appeal for Lack of Appellate Jurisdiction, the papers in support and in opposition, and the record, it appears the State seeks dismissal of this appeal on the basis that the Circuit Court of the Second Circuit's April 18, 2023 Findings of Fact, Conclusions of Law, and Order Denying Defendant's Motion to Suppress Evidence (**Denial Order**), from which self-represented Defendant-Appellant Shawn J. Medeiros appeals, is not a final appealable order or judgment, and that no exception to finality applies.

We conclude that the Denial Order is not a final judgment and sentence appealable under Hawaii Revised Statutes (**HRS**) § 641-11 (2016). The Circuit Court has not granted leave to file an interlocutory appeal from the Denial Order under HRS § 641-17 (2016). No other exception to finality applies. See State v. Johnson, 96 Hawai'i 462, 470 n.12, 32 P.3d 106, 114 n.12 (App. 2001) ("[T]he collateral order exception is applicable in criminal cases only upon a denial of pretrial motions to reduce

bail, motions to dismiss based on double jeopardy grounds, and motions to dismiss under the Speech and Debate Clause.").

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

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, July 5, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge