

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000426

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellant,
v.
LAMARR A. JONES, Defendant-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CASE NO. 1CPC-22-0001595)

ORDER

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

Upon consideration of Defendant-Appellee Lamarr A. Jones's (**Jones**) January 12, 2025 Motion to Dismiss Appeal (**Motion**), the papers in support and in opposition, and the record, it appears that Jones seeks dismissal of Plaintiff-Appellant State of Hawaii's (**State**) appeal from the Circuit Court of the First Circuit's May 15, 2024 "Findings of Fact, Conclusions of Law, and Order Granting Defendant's Motion for Bill of Particulars" (**May 15, 2024 Order**) for lack of jurisdiction because the May 15, 2024 Order is not appealable. The State contends the court has jurisdiction because the May 15, 2024 Order is a de facto order granting a motion to suppress,

appealable by the State under Hawai'i Revised Statutes (**HRS**) § 641-13(7) (2016).¹

HRS § 641-13(7) grants the State the right of interlocutory appeal from a pretrial motion to suppress in a criminal case. State v. Kirn, 70 Haw. 206, 207, 767 P.2d 1238, 1239 (1989). A motion to suppress seeks exclusion of evidence illegally obtained. Id. at 208, 767 P.2d at 1239. The May 15, 2024 Order does not exclude any evidence.

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

DATED: Honolulu, Hawai'i, February 6, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

¹ HRS § 641-13(7) states, in part, that the State may appeal "from the district or circuit courts to the intermediate appellate court, subject to chapter 602, in all criminal matters, . . . [f]rom a pretrial order granting a motion for the suppression of evidence, including a confession or admission, or the return of property[.]"