

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000456

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
CORY B. KARLEEN, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CASE NO. 5PC04-1-0292)

ORDER GRANTING MOTION TO DISMISS APPEAL

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

Upon consideration of Plaintiff-Appellee State of Hawaii's (**State**) December 12, 2024 Motion to Dismiss Appeal; and alternatively, to Strike the Opening Brief, the papers in support, and the record, it appears that:

(1) Self-represented Defendant-Appellant Cory B. Karleen (**Karleen**) appeals from the Circuit Court of the Fifth Circuit's November 15, 2005 Judgment of Conviction and Sentence (**Judgment**), entered in Case No. 5PC04-1-0292;

(2) The State seeks, *inter alia*, dismissal of the appeal for lack of jurisdiction; and

(3) Dismissal is warranted, as Karleen's July 2, 2024 Notice of Appeal was not timely-filed within thirty days after entry of the Judgment, as required by Hawai'i Rules of Appellate Procedure Rule 4(b)(1), and "compliance with the requirement of

the timely filing of a notice of appeal is jurisdictional."¹
State v. Brandimart, 68 Haw. 495, 496, 720 P. 2d. 1009, 1010
(1986).

Therefore, IT IS FURTHER ORDERED that the motion is granted, and the appeal is dismissed without prejudice to Karleen seeking alternative relief from the Circuit Court in a petition under Hawai'i Rules of Penal Procedure Rule 40.

IT IS FURTHER ORDERED that all pending motions, as well as all other documents and submittals filed by Karleen in this appeal, are dismissed.

DATED: Honolulu, Hawai'i, May 1, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Sonja M.P. McCullen
Associate Judge

/s/ Kimberly T. Guidry
Associate Judge

¹ Though Hawai'i courts have seen fit in criminal cases to relax the deadline for filing a notice of appeal where justice so warrants, including where defense counsel has inexcusably or ineffectively failed to perfect an appeal on his or her client's behalf despite being asked to do so, State v. Cardenas, 150 Hawai'i 307, 317, 500 P.3d 492, 502 (App. 2021), those circumstances do not apply here.