

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000360

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
GRANT MARSHALL, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CASE NO. 3CPC-23-0000240)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) Self-represented Defendant-Appellant Grant Andrew Marshall (**Marshall**) filed a May 9, 2024 Notice of Appeal, which appeals from the August 16, 2023 Judgment of Conviction and Sentence in 3CPC-23-0000240.

(2) "In a criminal case, the notice of appeal shall be filed within 30 days after entry of the judgment or order appealed from." Hawai'i Rules of Appellate Procedure Rule 4(b)(1); Hawaii Revised Statutes § 641-11 (2016) ("Any party aggrieved by the judgment of a circuit court in a criminal matter may appeal to the intermediate appellate court" and "[t]he sentence of the court in a criminal case shall be the judgment").

(3) "[C]ompliance with the requirement of timely filing of a notice of appeal is jurisdictional, and we must dismiss an appeal on our motion if we lack jurisdiction." State

v. Knight, 80 Hawai'i 318, 323, 909 P.2d 1133, 1138 (1996)
(quotation marks and citation omitted).

(4) Marshall filed the May 9, 2024 Notice of Appeal more than thirty days after entry of the August 16, 2023 Judgment of Conviction and Sentence.

(5) The record on appeal is not sufficiently developed for this court to address Marshall's contention that his trial counsel provided ineffective assistance of counsel.

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction, without prejudice to Marshall's pending Hawai'i Rules of Penal Procedure Rule 40 petition for post-conviction relief in 3CPN-25-0000001.

IT IS FURTHER ORDERED that all pending motions are dismissed.

DATED: Honolulu, Hawai'i, June 25, 2025.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge