

NO. 24244

IN THE SUPREME COURT OF THE STATE OF HAWAII

CHRISTOPHER GRINDLING, Petitioner-Appellant

vs.

STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE SECOND CIRCUIT COURT
(SPP NO. 00-1-0018(3))

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, Acoba, JJ.)

Upon review of the record, it appears that Appellant filed notices of appeal on March 7, 2001 in FC-DA 00-1-0072 (the restraining order case) and in SPP 00-1-0018 (the HRPP Rule 40 case). Appeal No. 24140 is the appeal from the restraining order case. Appeal No. 24244 is the appeal from the HRPP Rule 40 case. The appeal from the HRPP Rule 40 case is premature because (1) the motion for appointment of counsel and the petition for HRPP Rule 40 relief have not been decided by the circuit court and (2) the February 29, 2000 restraining order and the February 16, 2001 order denying relief therefrom under HRCF Rule 60 are not appealable in the HRPP Rule 40 case, but have been appealed in the restraining order case. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, July 5, 2001.