

NO. 23886

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JAYE T. ALFORD, aka MAURICE KOLA, Defendant-Appellant

and

SUNNY BLADES, Defendant

APPEAL FROM THE FIFTH CIRCUIT COURT
(CR. NO. 98-0123)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the defendant-appellant's appeal of the October 24, 2000 order granting the State's motion to dismiss the indictment without prejudice is not authorized by HRS §§ 641-11 or 641-17, which authorize a defendant in a circuit court criminal case to appeal only from a judgment of conviction or a certified interlocutory order; and, thus, (2) we lack jurisdiction over this appeal; State v. Grattafiori, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("The right of appeal in a criminal case is purely statutory and exists only when given by some constitutional or statutory provision."). Therefore,

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

DATED: Honolulu, Hawai'i, March 1, 2001.