

**Supreme Court**

No. 2017-230-Appeal.  
(K14-58M)

Kayla Votolato :  
v. :  
Geoffrey Kiff. :

**ORDER**

The defendant, Geoffrey Kiff, who is self-represented, appeals from a Family Court order that denied his motions for contempt and to modify a visitation order for his son. This case was referred to the full Court sitting in conference for possible disposition without further briefing or argument, in accordance with Article I, Rule 12A(7)(b) of the Supreme Court Rules of Appellate Procedure. After reviewing the record, we conclude that the defendant’s appeal is fatally defective in that it was not filed in a timely manner. The order the defendant appealed from was entered on April 6, 2017. The defendant’s notice of appeal was filed on May 2, 2017, beyond the twenty-day time period.

Article I, Rule 4(a) of the Supreme Court Rules of Appellate Procedure, requires that, in a civil case, the notice of appeal shall be filed within twenty days of the date of the entry of the judgment, order, or decree appealed from. This Court has ruled that “the time specified in Rule 4(a) is mandatory, and that once the prescribed time has passed there can be no review by way of appeal.” Wachovia Bank v. Hershberger, 911 A.2d 278, 279-80 (R.I. 2006) (mem.) (quoting Craveiro v. Craveiro, 773 A.2d 896, 899 (R.I. 2001)). “Our appellate jurisdiction may not properly be invoked when an appeal is filed more than twenty days subsequent to the entry of

the judgment of which review is being sought.” Id. at 280 (quoting Title Investment Co. of America v. Fowler, 504 A.2d 1010, 1011-12 (R.I. 1986)). “As a jurisdictional requirement, it cannot be waived.” Id.

Accordingly, the defendant’s appeal is denied and dismissed, the order appealed from is affirmed, and the papers in the case are remanded to the Family Court.

Entered as an order of this Court on this 6<sup>th</sup> day of March, 2018.

By Order,

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/s/

Clerk

**SUPREME COURT – CLERK’S OFFICE**

**ORDER COVER SHEET**

<b>Title of Case</b>	Kayla Votolato v. Geoffrey Kiff.
<b>Case Number</b>	No. 2017-230-Appeal. (K 14-58M)
<b>Date Order Filed</b>	March 6, 2018
<b>Justices</b>	Suttell, C.J., Goldberg, Flaherty, Robinson, and Indeglia, JJ.
<b>Source of Appeal</b>	Kent County Family Court
<b>Judicial Officer From Lower Court</b>	Associate Justice Stephen J. Capineri
<b>Attorney(s) on Appeal</b>	For Plaintiff:  Paul J. Ferns, Esq.
	For Defendant:  Geoffrey Kiff, Pro Se