

NOT FOR PUBLICATION

NO. 25683

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
HARVEY K. KELIIKOA, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT,
NORTH AND SOUTH HILO DIVISION
(Citation Nos. H00409H, 1692057MH,
1692055MH, 1692056MH, 1692058MH)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim, and Foley, JJ.)

In this appeal, Defendant-Appellant Harvey K. Keliikoa (Keliikoa) challenges his conviction and sentence, orally pronounced by the District Court of the Third Circuit (the district court)¹ on February 6, 2003 and memorialized in a written judgment filed on October 1, 2003, convicting him of, and sentencing him for: (1) driving a vehicle with an expired safety check, in violation of Hawaii Revised Statutes (HRS) § 286-25 (1993); and (2) driving a vehicle with a delinquent motor vehicle tax, in violation of HRS § 249-10 (2001). We affirm.

Keliikoa's sole argument is that the State of Hawai'i (the State) lacked jurisdiction to enforce its traffic laws against him, as he is a Native Hawaiian and a member of the

^{1/} Judge Sandra P. Schutte presided over the February 6, 2003 trial.

Hawaiian Kingdom. We disagree. Keliikoa's contention that the State lacks jurisdiction over him or over the lands within the territorial boundaries of the State has been conclusively resolved. Under controlling case law, the State does have jurisdiction to enforce its traffic laws within the boundaries of the State, regardless of whether the driver in question is Native Hawaiian and claims immunity from such jurisdiction. See State v. Lee, 90 Hawai'i 130, 976 P.2d 444 (1999); State v. Lorenzo, 77 Hawai'i 219, 883 P.2d 641 (App. 1994). See also State v. Jim, 80 Hawai'i 168, 907 P.2d 754 (1995) (concluding that the State has law enforcement jurisdiction on Hawaiian home lands). Keliikoa's arguments to the contrary are thus without merit.

Keliikoa also argues that the apologies issued by the state and federal governments regarding the overthrow of the Hawaiian Kingdom support his claim that the State lacked jurisdiction to try him for traffic offenses. The fact that both governments issued formal apologies for their roles in the overthrow of the Hawaiian monarchy does not establish that the Hawaiian Kingdom continues to exist today. Lorenzo, 77 Hawai'i at 221, 883 P.2d at 643. Nor does it establish that the citizens of such a kingdom would remain exempt from the operation of the State's traffic laws.

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Accordingly, the October 1, 2003 judgment entered by the district court is affirmed.

DATED: Honolulu, Hawai'i, July 21, 2004.

On the briefs:

Harvey K. Keliikoa,
defendant-appellant, *pro se*.

Glenn H. Shiigi, deputy
prosecuting attorney, County of
Hawai'i, for plaintiff-appellee.