

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-11-000024

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

STATE OF HAWAI'I, Plaintiff-Appellee,
v.
ARTHUR HOKE IV, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTC-09-13328)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Reifurth and Ginoza, JJ.)

Defendant-Appellant Arthur Hoke IV (Hoke) appeals from the November 22, 2010 "Notice of Entry of Judgment And/Or Order" entered in the District Court of the Third Circuit¹ (district court). Hoke was convicted of driving a motor vehicle without a valid license in violation of Hawaii Revised Statutes (HRS) § 286-102 (2007).

On August 25, 2009, Plaintiff-Appellee, State of Hawai'i filed a citation issued to Hoke August 20, 2012 for driving a motor vehicle without a valid license in violation of HRS § 286-102 (2007). At the conclusion of the bench trial, the district court found Hoke guilty as charged. On November 22, 2010, the district court entered judgment of conviction against

¹ The Honorable Harry P.N. Freitas presided.

Hoke and sentenced him to a fine of \$75 plus fees. On December 22, 2010, Hoke filed a notice of appeal.

On appeal, Hoke contends the district court lacked jurisdiction because he is a citizen of the Hawaiian Kingdom.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as well as the relevant statutory and case law, we conclude Hoke's appeal is without merit.

This court in State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004) held that

the State of Hawai'i has lawful jurisdiction over all persons operating motor vehicles on public roads or highways within the State of Hawai'i. Persons claiming to be citizens of the Kingdom of Hawai'i and not of the State of Hawai'i are not exempt from the laws of the State of Hawai'i applicable to all persons (citizens and non-citizens) operating motor vehicles on public roads and highways within the State of Hawai'i.

Therefore,

IT IS HEREBY ORDERED that the November 22, 2010 "Notice of Entry of Judgment And/Or Order" of the District Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, September 25, 2012.

On the briefs:

Gary C. Zamber
for Defendant-Appellant.

Sylvia Wan
Deputy Prosecuting Attorney
County of Hawai'i
for Plaintiff-Appellee.


Presiding Judge


Associate Judge


Associate Judge