

**Electronically Filed
Intermediate Court of Appeals
30154
29-OCT-2010
08:02 AM**

NO. 30154

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
A'OPOHAKUKU R. RODENHURST, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
(CASE NO. 1DTC-09-062844)

SUMMARY DISPOSITION ORDER

(By: Fujise, Presiding Judge, Leonard and Reifurth, JJ.)

Defendant-Appellant A'oPohakuku R. Rodenhurst (Rodenhurst) appeals from the Notice of Entry of Judgment and/or Order and Plea/Judgment filed on October 14, 2009 in the District Court of the First Circuit, Honolulu Division (District Court).^{1/} Rodenhurst was found guilty of Driving Without a License, in violation of Hawaii Revised Statutes § 286-102 (2007).

On appeal, Rodenhurst contends that the District Court lacks jurisdiction because she provided a factual and legal basis for concluding that the Kingdom of Hawai'i exists as a state in accordance with recognized attributes of a state's sovereign nature in accordance with *State v. Lorenzo*, 77 Hawai'i 219, 883 P.2d 641 (App. 1994), and because she met her burden of proving lack of jurisdiction.

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, we resolve Rodenhurst's point of error as follows:

^{1/} The Honorable Leslie Hayashi presided.

The District Court had jurisdiction over the criminal matter. HAW. REV. STAT. §§ 603-1 (Supp. 2009), 604-1 (1993), and 604-8 (Supp. 2009). The State has jurisdiction over all persons operating vehicles on the public roadways within Hawai'i. *State v. Fergerstrom*, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004). "Persons claiming to be citizens of the Kingdom of Hawai'i and not 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." *Id.* This authority does not violate Rodenhurst's right to travel or impinge upon her constitutional right to freedom of movement. *State v. French*, 77 Hawai'i 222, 231-32, 883 P.2d 644, 653-54 (App. 1994).

Rodenhurst did not present a factual and legal basis for concluding that the Kingdom of Hawai'i exists as a state in accordance with recognized attributes of a state's sovereign nature. *Lorenzo*, 77 Hawai'i at 221, 883 P.2d at 643. Recognized attributes include "the power to declare and wage war; to conclude peace; to maintain diplomatic ties with other sovereigns; to acquire territory by discovery and occupation; and to make international agreements and treaties." *Id.* at 221 n.4, 883 P.2d at 643 n.4.

Therefore,

IT IS HEREBY ORDERED that the Notice of Entry of Judgment and/or Order and Plea/Judgment filed on October 14, 2009, in the District Court of the First Circuit, Honolulu Division, is affirmed.

DATED: Honolulu, Hawai'i, October 29, 2010.

On the briefs:

A'opohakuku R. Rodenhurst
Defendant-Appellant Pro Se.

Delanie D. Prescott-Tate,
Deputy Prosecuting Attorney,
City & County of Honolulu,
for Plaintiff-Appellee.


Presiding Judge


Associate Judge


Associate Judge