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Intermediate Court of Appeals
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NO. CAAP-11-0000072

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
RICHARD LOVELL, JR., Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
NORTH AND SOUTH HILO DIVISION
(CASE NO. 3DTC-09-015874)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, Leonard and Reifurth, JJ.)

Defendant-Appellant Richard Lovell, Jr. (Lovell) appeals from the Judgment/Order and Notice of Entry of Judgment/Order (Judgment), filed on December 20, 2010, in the District Court of the Third Circuit, North and South Hilo Division (District Court).^{1/}

On November 6, 2009, Lovell was cited on a public road near "Makaala and Railroad" for Driving Motor Vehicle Without Valid Driver's License, in violation of Hawaii Revised Statutes (HRS) § 286-102 (Supp. 2011) and No Motor Vehicle Insurance Policy, in violation of HRS § 431:10C-104 (Supp. 2011).

On appeal, Lovell claims that the District Court erred by denying his motion to dismiss, filed on September 1, 2010, because the District Court lacked subject matter jurisdiction.

^{1/} The Honorable Harry P.N. Freitas presided.

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 Lovell's point of error as follows:

[T]he 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.

State v. Fergestrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004).

Lovell was cited for traffic violations while driving on a public road within the State of Hawai'i. Thus, the District Court did not lack subject matter jurisdiction.

Therefore, the District Court's December 20, 2010 Judgment is affirmed.

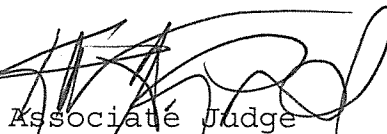
DATED: Honolulu, Hawai'i, June 29, 2012.

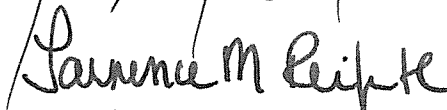
On the briefs:

Gary C. Zamber
for Defendant-Appellant

Glenn H. Shiigi
Deputy Prosecuting Attorney
County of Hawai'i
for Plaintiff-Appellee


Chief Judge


Associate Judge


Associate Judge