

**Electronically Filed
Intermediate Court of Appeals
CAAP-11-0000813
25-SEP-2012
09:30 AM**

NO. CAAP-11-0000813

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

STATE OF HAWAI'I,
Plaintiff-Appellee,
v.
SIMBRALYNN L. KANAKA'OLE,
Defendant-Appellant

APPEAL FROM THE FAMILY COURT OF THE THIRD CIRCUIT
(FC-CR. NO. 10-1-0246)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Simbralyynn L. Kanaka'ole (Kanaka'ole) appeals from the November 3, 2011 "Judgment of Conviction and Sentence" (Judgment) entered in the Family Court of the Third Circuit¹ (family court). Kanaka'ole was convicted of harassment in violation of Hawaii Revised Statutes (HRS) § 711-1106 (Supp. 2011).

On July 6, 2010, Plaintiff-Appellee, State of Hawai'i filed a complaint charging Kanaka'ole with abuse of a household or family member in violation of HRS § 709-906 (Supp. 2011). Kanaka'ole pled no contest to the lesser offense of harassment in violation of HRS § 711-1106.

¹ The Honorable Glenn S. Hara presided.

On November 3, 2011, the family court entered Judgment against Kanaka'ole sentencing her to 35 hours of community service. On November 9, 2011, Kanaka'ole filed a notice of appeal.

On appeal, Kanaka'ole contends the family court lacked jurisdiction because she is a citizen of the Kingdom of Hawai'i.

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 Kanaka'ole's appeal is without merit. See Adams v. State, 103 Hawai'i 214, 222, 81 P.3d 394, 402 (2003); see also State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004).

Therefore,

IT IS HEREBY ORDERED that the November 3, 2011 "Judgment of Conviction and Sentence" of the Family Court of the Third Circuit is affirmed.

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

On the briefs:

Gary C. Zamber
for Defendant-Appellant.


Presiding Judge

Ricky R. Damerville
Deputy Prosecuting Attorney
County of Hawai'i
for Plaintiff-Appellee.


Associate Judge


Associate Judge