

NO. 29750

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,
v.
TIMOTHY DAVID REINKE, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
Honolulu Division
(Case No. 1DTI-08-163737)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Timothy David Reinke (Reinke) appeals pro se from the Judgment entered against him for committing the traffic infraction of speeding, in violation of Hawaii Revised Statutes (HRS) § 291C-102(a)(1) (2007).¹ The

¹ HRS § 291C-102(a)(1) provides in relevant part:

(a) A person violates this section if the person drives:

(1) A motor vehicle at a speed greater than the maximum speed limit . . .

. . . ,

where the maximum . . . speed limit is established by county ordinance or by official signs placed by the director of transportation on highways under the director's jurisdiction.

Judgment was filed on March 10, 2009,² in the District Court of the First Circuit (District Court).³

Reinke was charged with driving a motor vehicle in excess of the maximum speed limit by traveling 57 miles per hour in a 35 mile-per-hour zone. Reinke did not challenge the evidence presented by Plaintiff-Appellee State of Hawai'i (State) to prove the charge at trial. Instead, he moved "for a dismissal" of the charge on the basis that "the federal government has mandated that federally-funded streets and highways in this country must have traffic engineering studies conducted on them before any officer of the law can conduct a speed enforcement on it." In support of this claim, Reinke introduced a letter from the Director of the State Department of Transportation stating that the State had not conducted any speed surveys in the area where Reinke was cited and portions of the Manual on Uniform Traffic Control Devices (MUTCD) published by the United States Department of Transportation, Federal Highway Administration.

The District Court treated Reinke's arguments as a motion for judgment of acquittal and denied the motion. The District Court found that the State had satisfied its burden of proof and that Reinke had committed the speeding infraction as charged. The District Court imposed fines, fees, and assessments against Reinke in the total amount of \$167.

Reinke's arguments on appeal are difficult to follow. It appears that he is arguing that pursuant to federal laws, which he claims include the MUTCD and preempt Hawai'i's laws, the State's failure to conduct an engineering study in the area where he was cited precludes the State from enforcing the posted speed limit. Reinke cites no persuasive authority to support his arguments, and we conclude that his arguments are without merit.

² The bar code affixed to the Judgment bears the date March 9, 2009, but the Judgment is file-stamped March 10, 2009.

³ The Honorable Gerald Kibe presided.

Accordingly, we affirm the March 10, 2009, Judgment of the District Court.

DATED: Honolulu, Hawai'i, February 24, 2011.

On the briefs:

Timothy David Reinke
Defendant-Appellant Pro Se

Chief Judge

Stephen K. Tsushima
Deputy Prosecuting Attorney
City and County of Honolulu
for Plaintiff-Appellee

Associate Judge

Associate Judge