

NO. CAAP-12-0000364

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII,  
BY ITS DEPARTMENT OF HAWAIIAN HOME LANDS,  
Plaintiff-Appellee,  
v.  
KENNETH K.K. KAWA'AUHAU, JR.,  
Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 1RC11-1-10294)

SUMMARY DISPOSITION ORDER

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

In this civil case arising out of an action for  
ejectment, Defendant-Appellant Kenneth K.K. Kawa'auhau, Jr.  
(Kawa'auhau) appeals from the Judgment for Possession entered  
March 9, 2012 in the District Court of the First Circuit<sup>1</sup>  
(district court). Judgment was entered in favor of Plaintiff-

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<sup>1</sup> The Honorable Gerald H. Kibe presided.

Appellee State of Hawai'i, by its Department of Hawaiian Home Lands (DHHL) and against Kawa'auhau.

Kawa'auhau filed a motion to dismiss a November 8, 2011 complaint against him alleging the district court lacked subject matter jurisdiction based on the theory that the Kingdom of Hawai'i continues to exist as an occupied nation and that only military courts established by the United States have jurisdiction over summary possession actions.

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 Kawa'auhau's appeal is without merit.

This court has repeatedly held that claims involving the applicability of the Kingdom of Hawai'i laws are without merit. In State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004), we wrote: "Whatever may be said regarding the lawfulness of the Provisional Government in 1893, the Republic of Hawai'i in 1894, and the Territory of Hawai'i in 1898, the State of Hawai'i was, on February 9, 2002, and is now, a lawful government." In State v. Kaluau, we held: "The circuit court did not err in precluding Kaluau from introducing 'Hawaiian Kingdom' evidence. The sovereignty of the State and its lawful jurisdiction over the inhabitants of the State is a matter of law that is well-established." State v. Kaluau, 125 Hawai'i 251, 1, 258 P.3d 948 (App. 2011) (quoting Fergerstrom, 106 Hawai'i at 55, 101 P.3d at 664); see also State v. Lorenzo, 77 Hawai'i 219, 883 P.2d 641 (App. 1994).

**NOT FOR PUBLICATION IN WEST'S HAWAII REPORTS AND PACIFIC REPORTER**

Therefore,

IT IS HEREBY ORDERED that the Judgment for Possession entered March 9, 2011 in the District Court of the First Circuit is affirmed.

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

On the briefs:

Kenneth K.K. Kawa'auhau, Jr.,  
Defendant-Appellant pro se.

Diane K. Taira  
S. Kalani Bush  
Matthew S. Dvonch  
Deputy Attorneys General  
for Plaintiff-Appellee.

Presiding Judge

Associate Judge

Associate Judge