

NO. CAAP-11-0000606

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

GERALD VILLANUEVA, Petitioner-Appellant
v.
STATE OF HAWAI'I, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(CR. NO. 96-0078(2))

SUMMARY DISPOSITION ORDER

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

Petitioner-Appellant Gerald Villanueva (Villanueva), pro se, appeals from the "Findings of Fact, Conclusions of Law, and Order Denying Rule 40 Petition for Post-Conviction Relief" (Order Denying Petition) filed on August 2, 2011, in the Circuit Court of the Second Circuit (Circuit Court).¹

Although his precise arguments are not clear, Villanueva appears to contend that the Circuit Court erred in denying his petition because the Circuit Court lacked jurisdiction over his underlying criminal case. In his opening brief, Villanueva asserts that he is "an American and Hawaiian national citizen" and that "1. God created men created Government created corporation[.] 2. Since God created men, then the

¹ Villanueva filed two notices of appeal which reference different decisions of the Circuit Court. However, the Order Denying Petition is the only order for which a timely notice of appeal was filed, and the arguments in Villanueva's opening brief appear to address the Order Denying Petition. We therefore treat his appeal as from the Order Denying Petition. The Honorable Shackley F. Rafetto presided in the Circuit Court.

governments such as United States and the 50 states have no lawful authority or Jurisdiction over men."

We conclude that the Circuit Court had jurisdiction over Villanueva's underlying criminal case. See Hawaii Revised Statutes (HRS) § 701-106 (1993); State v. Kaulia, 128 Hawai'i 479, 486-87, 291 P.3d 377, 384-85 (2013). Accordingly, we affirm the Order Denying Petition.

DATED: Honolulu, Hawai'i, April 25, 2013.

On the briefs:

Gerald Villanueva
Petitioner-Appellant Pro Se

Chief Judge

Richard K. Minatoya
Deputy Prosecuting Attorney
County of Maui
for Respondent-Appellee

Associate Judge

Associate Judge