

NOS. CAAP-15-0000415 and CAAP-15-0000416

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

NO. CAAP-15-0000415

STATE OF HAWAII, Plaintiff-Appellee, v.  
NELSON N. WAIKIKI, JR., Defendant-Appellant

AND

NO. CAAP-15-0000416

STATE OF HAWAII, Plaintiff-Appellee, v.  
NELSON N. WAIKIKI, JR., Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CRIMINAL NO. 13-1-0428(1))

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Nelson N. Waikiki, Jr. (**Waikiki**), appearing pro se, seems to appeal from the "Judgment Conviction and Sentence" entered on May 1, 2015 in the Circuit Court of the Second Circuit<sup>1</sup> (**circuit court**).

Waikiki was convicted and found guilty of: failure to meet securities registration requirements in violation of Hawaii Revised Statutes (**HRS**) §§ 485A-301 (2008 Repl.) & 485A-508(a)(3) (2008 Repl.) (Count One); failure to meet broker-dealer

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<sup>1</sup> The Honorable Rhonda I.L. Loo presided.

requirements and exemptions in violation of HRS §§ 485A-401 (2008 Repl.) & 485A-508(a)(3) (Count Two); and general securities fraud in violation of HRS §§ 485A-501(a)(2), (3) (2008 Repl.) & 485A-508(a)(3) (Counts Three and Four).

To the extent that we can discern his argument on appeal, Waikiki challenges his conviction on the basis that he is a citizen of the Kingdom of Hawai'i and not subject to prosecution by the State of Hawai'i.<sup>2</sup>

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments and the issues raised by the parties, as well as the relevant statutory and case law, we conclude Waikiki's appeal is without merit.

We have previously rejected arguments based on claims that the State of Hawai'i does not have jurisdiction over citizens of the Kingdom of Hawai'i, or that the State of Hawai'i is an illegitimate government. See State of Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004), aff'd, 106 Hawai'i 41, 101 P.3d 225 (2004). The Hawai'i Supreme Court recently reaffirmed that "'whatever may be said regarding the lawfulness' of its origins, 'the State of Hawai'i is now, a lawful government.'" Individuals claiming to be citizens of the Kingdom and not of the State are not exempt from application of the State's laws." State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013) (internal citation, brackets and ellipses omitted) (quoting Fergerstrom, 106 Hawai'i at 55, 101 P.3d at 664). Waikiki is not exempt from the laws of the State of Hawai'i regulating securities, and we decline to overturn his conviction.

Therefore,

IT IS HEREBY ORDERED that the "Judgment and Conviction

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<sup>2</sup> Waikiki's opening brief is an article dated August 4, 2013, written by David Keanu Sai, Ph.D., and titled "The Continuity of the Hawaiian State and the Legitimacy of the Acting Government of the Hawaiian Kingdom." The article includes no reference to Waikiki's case or appeal.

of Sentence" entered on May 1, 2015 in the Circuit Court of the Second Circuit is affirmed.

DATED: Honolulu, Hawai'i, July 26, 2016.

On the briefs:

Nelson N. Waikiki, Jr.,  
Defendant-Appellant pro se.

Presiding Judge

Albert Cook  
Deputy Attorney General  
for Plaintiff-Appellee.

Associate Judge

Associate Judge