

NO. CAAP-19-0000100

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
FRED E. HOFER, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(CASE NO. 3DTC-15-012343)

SUMMARY DISPOSITION ORDER

(By: Leonard, Presiding Judge, Chan and Hiraoka, JJ.)

Defendant-Appellant Fred E. Hofer (**Hofer**), *pro se*, appeals from a Judgment and Notice of Entry of Judgment, entered on December 3, 2015 (**Judgment**), by the District Court of the Third Circuit (**District Court**).¹ The District Court convicted Hofer of one count of Driving Without a Valid Driver's License, in violation of Hawaii Revised Statutes (**HRS**) § 286-102 (2007 & Supp. 2015), and one count of Operating a Motor Vehicle Without Liability Insurance, in violation of HRS § 431:10C-104 (2005).

On appeal, Hofer contends he is a "duly naturalized subject to this Kingdom" and appears to assert one or more points

¹ The Honorable Diana L. Van De Car presided.

of error arguing that the District Court violated his due process rights as it lacked jurisdiction over him because the State of Hawai'i is not a lawful government.

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, we resolve Hofer's point(s) of error as follows:

In State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013), the Hawai'i Supreme Court held 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." (Citations omitted; format altered); see also State v. Fergerstrom, 106 Hawai'i 43, 55, 101 P.3d 652, 664 (App. 2004), aff'd, 106 Hawai'i 41, 101 P.3d 225 (2004).

Hofer's arguments to the contrary are wholly without merit.

Accordingly, the District Court's December 3, 2015 Judgment is affirmed.

DATED: Honolulu, Hawai'i, November 29, 2019.

On the briefs:

Fred E. Hofer,
Defendant-Appellant *Pro Se*.

Presiding Judge

Leneigha S. Downs,
Deputy Prosecuting Attorney,
County of Hawai'i,
for Plaintiff-Appellee.

Associate Judge

Associate Judge

