

NO. CAAP-19-0000336

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.
KAPANA B. THRONAS-KAHO'ONEI, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIFTH CIRCUIT
(CR. NO. 16-1-0445 (5PC161000445))

SUMMARY DISPOSITION ORDER

(By: Ginoza, C.J., and Hiraoka and Wadsworth, JJ.)

Defendant-Appellant Kapana B. Thronas-Kaho'onei (**Thronas-Kaho'onei**), self-represented, appeals from the Judgment of Conviction and Probation Sentence, filed on April 10, 2019, in the Circuit Court of the Fifth Circuit (**Circuit Court**).^{1/}

Thronas-Kaho'onei was convicted of Resisting Arrest, in violation of Hawaii Revised Statutes (**HRS**) § 710-1026(1)(a) (2014).^{2/} On appeal, he contends that the Circuit Court lacked jurisdiction because the State of Hawai'i is a fraud, he is Kanaka Maoli, there is no treaty annexing the Hawaiian Islands,

^{1/} The Honorable Kathleen N.A. Watanabe presided.

^{2/} HRS § 710-1026(1)(a) provides:

(1) A person commits the offense of resisting arrest if the person intentionally prevents a law enforcement officer acting under color of the law enforcement officer's official authority from effecting an arrest by:

(a) Using or threatening to use physical force against the law enforcement officer or another[.]

and the Hawaiian Islands are a sovereign state and illegally occupied.

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 Thronas-Kaho'onei's points of error as follows:

The Hawai'i Supreme Court has 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." State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013) (brackets, ellipses, and internal citation omitted) (quoting 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)).

Here, the State charged Thronas-Kaho'onei based on his conduct in the County of Kaua'i. Accordingly, Thronas-Kaho'onei was subject to the State's criminal jurisdiction in this case, and he was not exempt from the application of HRS § 710-1026(1).

It is not clear, but it appears that Thronas-Kaho'onei may also contend that his arrest was otherwise improper and that he was not guilty of the charged offense. If that is his contention, it is not supported by any discernible argument, and he fails to state any alleged error committed by the Circuit Court. Even if any such error were properly alleged on appeal, Thronas-Kaho'onei fails to cite to where in the record any error might have occurred.^{3/} This contention is thus deemed waived and will not be addressed further. See Kakinami v. Kakinami, 127 Hawai'i 126, 144 n.16, 276 P.3d 695, 713 n.16 (2012) (citing In re Guardianship of Carlsmith, 113 Hawai'i 236, 246, 151 P.3d 717, 727 (2007) ("noting that this court may 'disregard a particular contention if the appellant makes no discernible argument in support of that position'")); Asato v. Procurement Policy Bd., 132 Hawai'i 333, 354 n.22, 322 P.3d 228, 249 n.22 (2014) ("However, these are not truly 'points of error' inasmuch as they

^{3/} We note that Thronas-Kaho'onei also has failed to include any transcripts of the pre-trial or trial proceedings in the record on appeal.

do not state an 'alleged error committed by the court.'" (brackets omitted)); Hawai'i Rules of Appellate Procedure Rule 28(b) (4).

Therefore, IT IS HEREBY ORDERED that the Judgment of Conviction and Probation Sentence, filed on April 10, 2019, in the Circuit Court of the Fifth Circuit, is affirmed.

DATED: Honolulu, Hawai'i, May 26, 2020.

On the briefs:

Kapana B. Thronas-Kaho'onei,
Pro Se Defendant-Appellant.

/s/ Lisa M. Ginoza
Chief Judge

Tracy Murakami,
Deputy Prosecuting Attorney,
County of Kaua'i,
for Plaintiff-Appellee.

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge