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Intermediate Court of Appeals
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NO. CAAP-19-0000546

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
WILSON K. KOIKE, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT
WAI'ANAE DIVISION
(CASE NO. 1DTC-18-005830)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Wilson K. Koike (**Koike**) appeals from the Notice of Entry of Judgment and/or Order and Plea/Judgment, entered on July 5, 2019, in the District Court of the First Circuit, Wai'anae Division (**District Court**).^{1/} Koike was convicted of one count of driving without a license, in violation of Hawaii Revised Statutes (**HRS**) § 286-102 (Supp. 2017).

In the District Court, Koike moved to dismiss his case for lack of subject matter jurisdiction and improper venue, asserting that: (1) the District court lacked jurisdiction "because the Hawaiian Kingdom continues to exist as a sovereign nation-state" under illegal occupation; and (2) "the appropriate court with subject matter jurisdiction" is a military court established by the United States. The District Court denied the motions to dismiss. Koike entered a conditional guilty plea to

^{1/} The Honorable Sherri-Ann L. Iha presided.

driving without a license,^{2/} and the District Court sentenced him to, among other things, three days in jail, with credit for time served.

On appeal, Koike contends that the District Court erred in denying his motions to dismiss and asserts the same arguments he made below.

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 Koike's points of error as follows:

In State v. Kaulia, 128 Hawai'i 479, 486-87, 291 P.3d 377, 384-85 (2013), the defendant argued that "the courts of the State of Hawai'i lacked subject matter jurisdiction over his criminal prosecution because the defense proved the existence of the Hawaiian Kingdom and the illegitimacy of the State of Hawai'i government." The Hawai'i Supreme Court rejected the defendant's claim and held as follows:

Pursuant to HRS § 701-106 (1993), "the State's criminal jurisdiction encompasses all areas within the territorial boundaries of the State of Hawai'i." State v. Jim, 105 Hawai'i 319, 330, 97 P.3d 395, 406 (App. 2004). The State charged Kaulia based on his conduct in Kona, County and State of Hawai'i. Thus Kaulia is subject to the State's criminal jurisdiction in this case.

Kaulia appears to argue that he is immune from the court's jurisdiction because of the legitimacy of the Kingdom government. In that regard, we reaffirm that "whatever may be said regarding the lawfulness" of its origins, "the State of Hawai'i is now, a lawful government." 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). Individuals claiming to be citizens of the Kingdom and not of the State are not exempt from application of the State's laws.

Id. at 487, 291 P.3d at 385 (footnote, ellipses, and brackets omitted). Here, Koike was cited for offenses in the City and County of Honolulu, and as in Kaulia, he is subject to the State's criminal jurisdiction.

Therefore, IT IS HEREBY ORDERED that the Notice of Entry of Judgment and/or Order and Plea/Judgment, entered on

^{2/} The District Court dismissed a charge of driving without no-fault insurance, in violation of HRS § 431:10C-104(a), pursuant to a plea agreement.

July 5, 2019, in the District Court of the First Circuit,
Wai‘anae Division, is affirmed.

DATED: Honolulu, Hawai‘i, June 5, 2020.

On the briefs:

Walter J. Rodby,
for Defendant-Appellant.

/s/ Katherine G. Leonard
Presiding Judge

Loren J. Thomas,
Deputy Prosecuting Attorney,
City & County of Honolulu,
for Plaintiff-Appellee.

/s/ Keith K. Hiraoka
Associate Judge

/a/ Clyde J. Wadsworth
Associate Judge