

**Electronically Filed
Intermediate Court of Appeals
CAAP-23-0000567
29-SEP-2025
08:06 AM
Dkt. 43 SO**

NO. CAAP-23-0000567

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

COUNTY OF KAUA'I, Plaintiff-Appellee, v.
TOM KANAHELE, Defendant-Appellant, and
ALISON KANAHELE; DEAR KANAHELE; LAUAE KANAHELE;
GWENDOLYN P. HOLI; and NOLAND HOLI, Defendants-Appellees, and
NA OHANA AT SALT PONDS; GENE TAMASHIRO; and ANDREW CABEBE,
Purported Interested Parties-Appellants, and
JOHN DOES 1-30 AND JANE DOES 1-30, Defendants

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
LIHU'E DIVISION
(CASE NO. 5DRC-23-0000125)

SUMMARY DISPOSITION ORDER

(By: Leonard, Presiding Judge, McCullen and Guidry, JJ.)

Defendant-Appellant Tom Kanahele (**Kanahele**) and
Purported Interested Parties-Appellants Gene Tamashiro
(**Tamashiro**) and Andrew Cabebe (**Cabebe**) (together referred to as
Appellants) appeal from the October 10, 2023 Writ of Possession
and Judgment for Possession entered by the District Court of the
Fifth Circuit (**District Court**).¹ Appellants also challenge the
District Court's October 10, 2023 Order Granting Plaintiff County
of Kauai's (**County's**) Motion for Summary Judgment [(**MSJ**)] and For
Writ of Possession (**Order Granting MSJ**).

¹

The Honorable Stephanie R. Char presided.

Only Tamashiro filed an opening brief (**OB**). He has identified himself variously as Defendant-Appellant and Secretary General of Hawaii Transitional Governance. As noted in this court's August 12, 2025 Order to Show Cause (**OSC**), Tamashiro and Cabebe were not parties in the District Court proceedings. In an August 19, 2025 response to the OSC (**Response to OSC**), Tamashiro confirmed that he is not licensed to practice law in the State of Hawai'i. Kanahele also signed the Response to OSC, which states, *inter alia*, that Tamashiro, Kanahele, and Cabebe are in the process of abjuration/renunciation from the occupying foreign corporations.

The OB fails to comply with Hawai'i Rules of Appellate Procedure Rule 28(b)(4), and states no points of error. Liberally construed, the OB appears to contend that the District Court erred in granting the County's MSJ and issuing the Writ of Possession and Judgment for Possession because the District Court lacked jurisdiction as the State of Hawai'i (**State**) has no authority to adjudicate the issue of land in Hawai'i and the State does not have title to the subject property due to the continued sovereignty of the Hawaiian Kingdom.

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, we resolve this appeal as follows:

Most liberally construing Kanahele's signature on the Response to the OSC, it appears that Kanahele is attempting to assert the issues raised in the OB.

"The sovereignty of the State and its lawful jurisdiction over the inhabitants of the State is a matter of law that is well established." Coco Palms Hui LLC v. Mau-Espirito, No. CAAP-18-0000106, 2019 WL 2021634, at *1 (Haw. App. May 8, 2019) (SDO), (quoting State v. Kaluau, No. 30460, 2011 WL 3805761, at *1 (Haw. App. Aug. 29, 2011) (SDO)). Accordingly, the District Court had jurisdiction over this matter.

It is undisputed that the subject property is former "Crown Land." It has been conclusively determined that former Crown Lands are the property of the State. See, e.g., Section 99 of the Organic Act of April 30, 1900; Section 5 of the Admission Act of March 18, 1959; Corboy v. Louie, 128 Hawai'i 89, 91, 283 P.3d 695, 697 (2011). Accordingly, we conclude that the District Court did not err in granting the County of Kauai's motion for summary judgment.

For these reasons, the District Court's October 10, 2023 Writ of Possession and Judgment for Possession are affirmed. The July 9, 2025 motion for retention of oral argument is denied.

DATED: Honolulu, Hawai'i, September 29, 2025.

On the briefs:	/s/ Katherine G. Leonard Presiding Judge
Gene Tamashiro, Purported Interested Party- Appellant.	/s/ Sonja M.P. McCullen Associate Judge
Mark L. Bradbury, Deputy County Attorney, County of Kaua'i, for Plaintiff-Appellee.	/s/ Kimberly T. Guidry Associate Judge