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**FIRST CIRCUIT**  
**1CPC-19-0000564**  
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII

v.

ANDREA L. JUNE,

Defendant.

CASE NO. 1CPC-19-0000564

COUNT 1:

OPERATING A VEHICLE AFTER LICENSE  
AND PRIVILEGE HAVE BEEN SUSPENDED  
OR REVOKED FOR OPERATING A VEHICLE  
UNDER THE INFLUENCE OF AN INTOXICANT

COUNT 2:

CHILD PASSENGER RESTRAINTS

COUNT 3:

CHILD PASSENGER RESTRAINTS

SUPPLEMENTAL MEMORANDUM TO  
STATE'S MEMORANDUM IN OPPOSITION  
TO DEFENDANT'S MOTIONS TO DISMISS  
FOR LACK OF JURISDICTION; DECLARATION  
OF COUNSEL

SUPPLEMENTAL MEMORANDUM TO STATE'S MEMORANDUM  
IN OPPOSITION TO DEFENDANT'S MOTIONS TO DISMISS FOR LACK OF JURISDICTION

Comes now the State of Hawaii, by and through Christopher J. Martens, Deputy Prosecuting Attorney, and respectfully asks this Court to deny Defendant's Motions to Dismiss for Lack of

Jurisdiction. The State submits the following supplemental memorandum of law in opposition to Defendant's motions.

Dated at Honolulu, Hawai'i: July 25, 2019.

STATE OF HAWAI'I

By DWIGHT K. NADAMOTO  
Acting Prosecuting Attorney

By /s/ CHRISTOPHER MARTENS  
CHRISTOPHER MARTENS  
Deputy Prosecuting Attorney  
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DECLARATION OF COUNSEL

DECLARATION OF COUNSEL

I, CHRISTOPHER J. MARTENS, declare that:

1. I am a Deputy Prosecuting Attorney for the City and County of Honolulu, State of Hawaii, assigned to the above-entitled case.
2. Declarant has reviewed the records and files pertaining to the instant case and is familiar with the facts and circumstances underlying the charged offenses.
3. Defendant filed the present motion to dismiss on May 9, 2019.
4. The State filed its memorandum in opposition on May 31, 2019.
5. On July 25, 2019, Declarant became aware that an incomplete version of the State's Memorandum in Opposition was filed. This error was completely of declarant's own doing.
6. Declarant believes the below outlined authority to be determinative in the present motion.

7. Declarant apologizes to the Court for submitting an incomplete memorandum, and humbly request this Court accept the additional argument outlined below.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

Further declarant sayeth naught.

Executed on July 25, 2019, at Honolulu, Hawaii.

/s/ CHRISTOPHER MARTENS  
CHRISTOPHER MARTENS

## ARGUMENT

The State does not dispute the historic events relied upon in the Defendant's motion, nor does it wish to minimize the significance of the such events, and the impact they continue to have to this day. The State holds the upmost respect for Defendant's argument, and the sentiment and cause behind it. However, notwithstanding individual feelings on the subject, the State is obligated to direct this Court to the authority announced by the Hawaii Supreme Court.

In State v. Kaulia, The Hawaii Supreme Court reaffirmed a position first announced by the ICA just nine years earlier in State v. Fergerstrom. In Fergerstrom, the court stated:

Whatever may be said regarding the lawfulness of the Provisional Government in 1893, the Republic of Hawaii in 1894, and the Territory of Hawaii in 1898, the State of Hawaii was, on February 9, 2002 [date Defendant committed the offense], and is now, a lawful government... Persons claiming to be citizens of the Kingdom of Hawaii and not of the State of Hawaii are not exempt from the laws of the State of Hawaii applicable to all persons (citizens and non-citizens)...

State v. Fergerstrom, 106 Haw. 43, 55, 101 P.3d 652, 664 (Haw.App. 2004), reaffirmed State v. Kaulia, 128 Hawaii 479, 487 (2013).

The Supreme Court stated further in State v. Kaulia:

Pursuant to HRS § 701-106 (1993), "the [S]tate's criminal jurisdiction encompasses all areas within the territorial boundaries of the State of Hawaii." (Citation omitted). The State charged Kaulia based on his conduct in Kona, County and State of Hawaii. Thus Kaulia is subject to the State's criminal jurisdiction in this case.

State v. Kaulia, 128 Haw at 487, 291 P.3d at 385.

The present charges in this case are based on Defendant's conduct on September 28, 2018, which occurred on the Island of Oahu, Honolulu County, and State of Hawaii. In accordance with

the above, the State of Hawaii was then, and is now a lawful government, and as such the Defendant is subject to the State's criminal jurisdiction in this case.

CONCLUSION

Based upon the foregoing facts and authorities, the records and files herein, the State respectfully requests this Honorable Court to deny Defendant's Motion to Dismiss for Lack of Jurisdiction.

Dated at Honolulu, Hawai'i: July 25, 2019.

STATE OF HAWAI'I

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By /s/ CHRISTOPHER MARTENS  
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