

NO. 24710

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

HAROLD UHANE JIM, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT
(REPORT NO. 1731404 MH)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy JJ.)

Defendant-appellant Harold Uhane Jim appeals from the September 30, 2003 judgment of the district court of the third circuit,¹ finding Jim guilty of operating a motor vehicle on a public highway without a seatbelt in violation of Hawai'i Revised Statutes (HRS) § 291-11.6 (Supp. 2000) and ordering him to pay a total of \$67 in fines. On appeal, Jim argues that the Hawai'i County Police Department (HCPD) does not have jurisdiction to enforce Hawaii's traffic laws.

Upon carefully reviewing the record and the briefs submitted by the parties, and having given due consideration to the arguments advocated and the issues raised, we affirm the district court's judgment of conviction and sentence. In State v. Jim, 80 Hawai'i 168, 171, 907 P.2d 754, 757 (1995), we held that the State's police power extends to Hawaiian Homes

¹ The Honorable K. Napua Brown presided over this matter.

Commission lands. Furthermore, we held that Congressional approval is not required for the State to exercise this police power. Id. at 170-72, 907 P.2d at 756-58. Consequently, Jim's supremacy clause argument and the correlative breach of trust argument are without merit. Therefore,

IT IS HEREBY ORDERED that the district court's September 30, 2003 judgment of conviction and sentence is affirmed.

DATED: Honolulu, Hawai'i, August 19, 2004.

On the briefs:

Harold Uhane Jim
defendant-appellant
pro se

Belinda Castillo Hall,
Deputy Prosecuting Attorney,
for plaintiff-appellee
State of Hawai'i