

NO. 23562

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.
CHARLENE GREENE, Defendant-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 00-01-0100(3))

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe and Foley, JJ.)

Upon a review of the record, we summarily affirm the circuit court's June 2, 2000 Judgment convicting Defendant-Appellant Charlene Greene (Greene) of two petty misdemeanor counts of Criminal Contempt of Court, Hawaii Revised Statutes (HRS) 710-1077(1)(g) (1993), and sentencing her to pay a fine of \$100.00 for each count.¹

A complaint filed in the District Court of the Second Circuit (district court) on August 18, 1999, alleged, in relevant part, as follows:

That on or about the 20th day of May, 1998, in the Division of Wailuku, County of Maui, State of Hawaii, CHARLENE GREENE did knowingly disobey or resist the process, injunction, or other mandate of a Court, to wit, did fail to bring [her son], a juvenile, to appear before the Honorable Yoshio Shigezawa, Judge of the District Court of the Second Circuit, State of Hawaii, for his proof of compliance hearing in Juvenile Traffic Court for the offense of Driving Without a License, thereby committing the offense of Criminal Contempt of Court in violation of Section 710-1077(1)(g) of the Hawaii Revised Statutes.

¹ Except where indicated otherwise, Circuit Court Judge Joseph E. Cardoza was the judge in this case.

A complaint filed in the district court on August 18, 1999, alleged that Greene committed a similar offense on October 26, 1998.

A complaint filed in the district court on February 28, 2000, alleged that, on February 17, 2000, Greene was ordered to appear in court on February 17, 2000, and she did not appear as ordered.

At the arraignment in district court on February 28, 2000, Greene demanded a jury trial.

A complaint alleging the three counts was filed in the Circuit Court of the Second Circuit on March 10, 2000. At the arraignment and plea hearing on March 14, 2000, Greene's initial response was that

I have never pleaded -- I am challenging the jurisdiction. I have always challenged jurisdiction. I do not admit. I do not deny. I never admitted. I have never denied. I challenge the jurisdiction as an America citizen. I do not consent. I do not submit. And I do not confer jurisdiction to the Courts.

This is an administrative Court of the United States. This Court of the United States does not have jurisdiction over me, a sovereign American citizen of the America.

In subsequent hearings, Greene waived her right to counsel, the court granted Plaintiff-Appellee State of Hawai'i's (the State) motion to reduce the charges from misdemeanors to petty misdemeanors, the court denied the State's motion for a remand of the case to the district court, and Greene expressly did not object when the court, at the request of the State, dismissed one of the three counts.

At the conclusion of the bench trial held on June 2, 2000, in her closing argument, Greene stated, in relevant part, as follows:

I am a sovereign American Citizen and sovereign inhabitant in the sovereign state of Hawaii and am appearing specially, and not generally, for the purpose of challenging jurisdiction and venue in this matter while conferring no jurisdiction or venue by any such appearance, whatsoever. No jurisdiction has been proven and the allegations and testimony presented was pursuant to jurisdiction within the State of Hawaii.

None of the allegations and testimony is relevant to me. I am not a U.S. citizen of the United States, and I am not a resident of the State of Hawaii. I am not within its jurisdiction.

. . . .

This is an administrative court of the United States. This court of the United States does not have any jurisdiction over me, a sover[e]ign American citizen of America. I do not waive my constitutional rights, and further, this court has no jurisdiction because there is no trial by jury."

Although there is no evidence that Greene has any Hawaiian blood and no argument made by Greene that her native Hawaiian blood deprived the court of jurisdiction over her, the prosecutor, in his closing argument, responded by arguing that the courts of the State of Hawai'i have jurisdiction over persons with native Hawaiian blood.

In her appeal, Greene contends that the Second Circuit Court lacked jurisdiction, she was intimidated and harassed by the court to use the services of the public defender, her constitutional right to a trial by jury was violated, the rules were violated when the case was not remanded to the district court, she did not enter a plea of not guilty, and she did not accept a plea bargain.

Upon a review of the record, we summarily conclude that none of Greene's points on appeal have any merit. Therefore, in accordance with Hawai'i Rules of Appellate Procedure Rule 35, and after carefully reviewing the record and the briefs submitted by the parties, and duly considering and analyzing the law relevant to the arguments and issues raised by the parties,

IT IS HEREBY ORDERED that the judgment from which the appeal is taken, filed on June 2, 2000, is affirmed.

DATED: Honolulu, Hawai'i, April 4, 2002.

On the briefs:

Charlene Greene,
Defendant-Appellant, *pro se.*

Chief Judge

Arleen Y. Watanabe,
Deputy Prosecuting Attorney,
County of Maui,
for Plaintiff-Appellee.

Associate Judge

Associate Judge