

NO. 25273

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

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
KENNETH OKI, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT,  
LIHUE DIVISION  
(CASE NO. 262374MK)

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Kenneth Oki (Oki) appeals the Judgment filed on February 24, 2004 in the District Court of the Fifth Circuit, Lihue Division (district court).<sup>1</sup>

On appeal, Oki contends (1) he was not arraigned, not formally charged, not advised of his rights before trial, and not asked to enter a plea; (2) the district court erred by denying his "Motion to Dismiss Contempt of Court Charge as It Was Based upon an Insufficient Charging Instrument"; (3) Hawaii Revised Statutes (HRS) § 431:10C-104 (Supp. 2003) does not require that every person operating a motor vehicle obtain insurance; and (4) he is a "Sovereign" who is immune from prosecution for violating HRS § 431:10C-104.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to

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<sup>1</sup> The Honorable Frank Rothschild presided.

the arguments advanced and the issues raised by the parties, we resolve Oki's points of error as follows:

(1) Oki contends he was not arraigned, not formally charged, not advised of his rights before trial, and not asked to enter a plea. The record before this court shows that on June 14, 2002, Oki entered a plea of not guilty. However, Oki fails to provide this court with transcripts of any proceedings, other than trial and sentencing, to support his contentions. "Without the relevant transcript[s], there is insufficient evidence to review the alleged error, and [Oki] carries the burden of demonstrating the alleged error *in the record*." State v. Hoang, 93 Hawai'i 333, 336, 3 P.3d 499, 502 (2000) (emphasis in original). "Where the record is insufficient to show that the alleged error occurred, the presumption that the arraignment was valid as required by law must prevail." Id.

(2) Oki contends the district court erred by denying his motion to dismiss the contempt charge. However, the contempt charge was dismissed with prejudice; therefore, this point is moot.

(3) Oki contends that obtaining no-fault insurance under HRS § 431:10C-104 is voluntary for certain persons or, in the alternative, that he is not subject to prosecution under HRS § 431:10C-104 because he is a "Sovereign." The plain language of HRS § 431:10C-104 states that every person operating a motor

vehicle in the State of Hawai'i is required to obtain no-fault insurance. Oki is a person under the plain meaning of HRS § 431:10C-103 (Supp. 2003) (Definitions).

Therefore,

IT IS HEREBY ORDERED that the Judgment filed on February 24, 2004 in the District Court of the Fifth Circuit, Lihue Division, is affirmed.

DATED: Honolulu, Hawai'i, May 11, 2004.

On the briefs:

Kenneth Oki,  
defendant-appellant pro se.

Chief Judge

Roland J. Talon,  
Deputy Prosecuting Attorney,  
County of Kaua'i,  
for plaintiff-appellee.

Associate Judge

Associate Judge