

NO. 28575

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee,  
v.  
ROBIN CANTIBEROS, Defendant-Appellant

K. HAMAKADO  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

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FILED

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(TRAFFIC CITATION NO. 3DTC-06-038359)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Presiding Judge, Foley, and Nakamura, JJ.)

Defendant-Appellant Robin Cantiberos (Cantiberos or Defendant) appeals pro se from the Judgment filed on April 17, 2007, in the District Court of the Third Circuit (district court).<sup>1</sup> Cantiberos was found guilty of driving without a license, in violation of Hawaii Revised Statutes (HRS) § 286-102 (2007). He was sentenced, among other things, to three days of imprisonment.

Cantiberos's opening brief states in part as follows:

III. Question for Review

Whether the trial court erred in granting the County officer of a criminal offense on behalf of the State and denied Defendant motion where clearly established state/federal law under Article XII Sec. 3, was present.

IV. Argument

The trial court's painstaking characterization of Defendant's claims and the controlling law cannot properly support the County officers complaint of this case.

This case and this appeal concern the state/federal question of whether the County officer criminal offense, upon Defendant (as homesteaded of the HHCA) under the authority of the attorney general of the state, is in conformity with the governing compact between the Hawaii and the United States.

<sup>1</sup> The Honorable Joseph P. Florendo, Jr. presided.

Cantiberos's argument is difficult to understand. It appears that Cantiberos is arguing that Article XII of the Hawai'i Constitution precludes his prosecution for the offense of driving without a license because he is a native Hawaiian and a homesteader under the provisions of the Hawaiian Homes Commission Act. We disagree with this argument and affirm the district court's Judgment. We can find nothing in Article XII of the Hawai'i Constitution that exempts Cantiberos from being subject to the criminal and traffic laws of the State of Hawai'i that pertain to the offense of driving without a license. See State v. Jim, 80 Hawai'i 168, 170-72, 907 P.2d 754, 756-58 (1995); State v. Jim, 105 Hawai'i 319, 329-31, 97 P.3d 395, 405-07 (App. 2004).

Accordingly, we affirm the April 17, 2007, Judgment entered by the district court.

DATED: Honolulu, Hawai'i, June 12, 2008.

On the briefs:

Robin Cantiberos  
Defendant-Appellant  
Pro Se

Frederick D. Giannini  
Deputy Prosecuting Attorney  
County of Hawai'i  
for Plaintiff-Appellee

*Cornie K. A. Watanabe*  
Presiding Judge

*Daniel R. Foley*  
Associate Judge

*Craig W. Nakamura*  
Associate Judge