

NO. 28577

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellee, v.  
ERIC STEFFEY, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT  
(Report No. 3DTC-7-005561)

HONORABLE BARBARA T. TAKASE  
CLERK, APPELLATE COURT  
STATE OF HAWAII

2009 JUN 20 AM 8:55  
Joan Kimamoto

FILED

SUMMARY DISPOSITION ORDER

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

Defendant-Appellant Eric Steffey (Steffey) appeals the "Judgment and/or Order" entered on May 18, 2007 in the District Court of the Third Circuit (district court).<sup>1</sup> We affirm.

On May 18, 2007, Steffey was convicted of (1) operating a motor vehicle without a driver's license, in violation of Hawaii Revised Statutes (HRS) § 286-102 (2007)<sup>2</sup> (Count I), and (2) operating a motor vehicle without a motor vehicle insurance policy, in violation of HRS § 431:10C-104 (2005) (Count II). On Count I, Steffey was sentenced to thirty days in jail. On Count II, Steffey was sentenced to pay a fine of \$500 and a driver education assessment of \$7, and his driver's license was suspended for ninety days.

On appeal, Steffey contends that (1) the district court lacked jurisdiction over him because he is a subject of the Sovereign Nation of Hawai'i, and (2) he was improperly sentenced under HRS § 286-136 (2007) on Count I because he did not have two prior convictions for violating HRS § 286-102 within the preceding five-year period.

<sup>1</sup> The Honorable Barbara T. Takase presided.

<sup>2</sup> The current version of HRS § 286-102 is identical to the version in existence at the time Steffey was alleged to have violated the statute.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we resolve Steffey's points of error as follows:

(1) Steffey's claim that the district court lacked jurisdiction over him because he is a subject of the Sovereign Nation of Hawai'i is without merit. See State v. Lee, 90 Hawai'i 130, 976 P.2d 444 (1999); State v. Lorenzo, 77 Hawai'i 219, 883 P.2d 641 (App. 1994).

(2) Steffey's claim that he was improperly sentenced under HRS § 286-136 is also without merit.

HRS § 286-136 has not changed since Steffey allegedly committed the offense of operating a motor vehicle without a driver's license, in violation of HRS § 286-102. It provides, in relevant part, as follows:

**Penalty.** (a) Except as provided in subsection (b), any person who violates section 286-102 . . . shall be fined not more than \$1,000 or imprisoned not more than thirty days, or both. . . .

(b) Any person who is convicted of violating section 286-102 . . . shall be subject to a minimum fine of \$500 and a maximum fine of \$1,000, or imprisoned not more than one year, or both, if the person has two or more prior convictions for the same offense in the preceding five-year period.

HRS § 286-136.

Steffey maintains that the district court's sentence on Count I was incorrect because (a) he did not have two or more prior convictions for violating HRS § 286-102 within the preceding five-year period, and (b) the aggravating circumstances necessary to sentence him as a repeat offender under HRS § 286-136(b) were not set forth in the charging criminal information, as required by State v. Ruggiero, 114 Hawai'i 227, 160 P.3d 703 (2007). We disagree.

Although the district court did not specify whether its sentence on Count I was imposed pursuant to subsection (a) or (b) of HRS § 286-136, the district court did not sentence Steffey to pay a fine as to Count I. If Steffey had been sentenced as a repeat offender pursuant to HRS § 286-13(b), the district court would have been required to impose a minimum fine of \$500 as to Count I. HRS § 286-136(a) provides that a sentence of not more than thirty days' imprisonment or a fine of up to \$1,000, or both, shall be imposed for a first-time violation of HRS § 286-102. Thus, Steffey's sentence to thirty days' imprisonment on Count I was authorized pursuant to HRS § 286-136(a). Accordingly, Ruggiero is inapplicable. Steffey does not contest his sentence as to Count II.

Therefore,

IT IS HEREBY ORDERED that the "Judgment and/or Order" entered on May 18, 2007 in the District Court of the Third Circuit is affirmed.

DATED: Honolulu, Hawai'i, June 20, 2008.

On the briefs:

Ivan L. Van Leer  
for defendant-appellant.

Shaunda A. K. Liu,  
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County of Hawai'i,  
for plaintiff-appellee.

*Mum Reed*

*Corinne K. Watanabe*

*Clayton R. Foley*