

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)

CASE NO. BLNR-CC-16-002

Contested Case Hearing Re Conservation District)
Use Application (CDUA) HA-3568 For the)
Thirty Meter Telescope at the Mauna Kea Science)
Reserve, Ka' ohe Mauka, Hamakua, Hawai'i)
TMK (3) 4-4-015:009)
_____)

Document title:
Kamahana Kealoha: Invoking American
law; Motion demanding inventory of the
so-called ceded lands containing the
specific land and parcel the TIO plans
to be sub-leased by UH who leases
said lands from the BLNR, a survey of
these lands also

Name of Party: Brannon Kamahana Kealoha

DATED: 8/10/16 _____



(signature of Party or Lawyer)

Kamahana Kealoha: Invoking American law; Motion demanding **inventory** of the so-called ceded lands containing the specific land and parcel the TIO plans to sub-leased from UH who leases said lands from the BLNR, a **survey** of these lands also containing the specific land and parcel the TIO plans to sub-lease from UH who in turn leases said lands from the BLNR and an **official delegation of authority** to this convening hearing and its presiding officer containing the **specific land and parcel** the TIO is planning on sub-leasing from UH

Asserting the law enforced, American law, shows these proceedings are invalid and lack ownership, title, authority of said property, as no inventory nor survey is available delineating exactly the said lands. In order to preside over the property intended, the TMT the BLNR and the State itself must have jurisdiction over these lands. Moreover, you have the **burden** of proving that these lands are within your jurisdiction. Your jurisdiction is the territory of the so-called State of Hawaii. Below you will find proof from the State Constitution, the Act Admitting Hawaii as a so-called State in 1959, and the Organic Act of 1900 demonstrating that the Island of Hawaii is not within the so-called State of Hawaii.

In the so-called State of Hawaii v Kaulia, 128 Hawai'i 479 (2014) the Hawaii Supreme Court held that the criminal jurisdiction of the so-called State of Hawaii consists of "all areas within the territorial boundaries of the State of Hawaii". The Hawaii Supreme Court stated:

"Pursuant to HRS § 701-106 (1993),¹² "the State's criminal jurisdiction encompasses all areas within the territorial boundaries of the State of Hawai'i." State v. Jim, 105 Hawai'i 319, 330, 97 P.3d 395, 406 (App.2004). The State charged Kaulia based on his conduct in Kona, County and State of Hawai'i. Thus Kaulia is subject to the State's criminal jurisdiction in this case".

The official territorial boundaries of the so-called State of Hawaii are found in Article XV of the State Constitution and Section 2 of the Act of Admission. Neither law names the Island of "Hawaii" as within the territorial boundaries of the so-called State of Hawaii:

Article XV. Constitution of the so-called State of Hawaii: State Boundaries

The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial and archipelagic waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include Johnston

Island, Sand Island (offshore from Johnston Island) or Kingman Reef, together with their appurtenant reefs and territorial waters.

Section Two: Act of Admission, so-called State of Hawaii 73 Stat 4

The State of Hawaii shall consist of all the islands (together with their appurtenant reefs and territorial waters) now included in the Territory of Hawaii, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include Johnston Island, Sand Island (offshore from Johnston Island) or Kingman Reef, together with their appurtenant reefs and territorial waters.

In order to prove that the Island of “Hawaii” is within the so-called State of Hawaii you must prove that the Island of Hawaii is included in the “Territory of Hawaii.” Thus, you must look to Section 2 of the Organic Act to determine whether the island of Hawaii is within the Territory of Hawaii. The Organic Act states in its Section Two that only the islands acquired by the Joint Resolution ... annexing the Hawaiian Islands,” are within the Territory of Hawaii;

§2. Territory of Hawaii. That the islands acquired by the United States of America under an Act of Congress entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

The Joint Resolution did not acquire any of the Hawaiian Islands; it had no power to acquire the territory of a foreign sovereign nation such as the Kingdom of Hawaii. If that were the case, then the Kingdom of Hawaii could, by an act of its own legislature acquire the United States. THIS IS NOT AN INVOKING OF KINGDOM LAW BUT AMERICAN LAW.

The Joint Resolution did not acquire the island of “Hawaii.” Thus, the island of Hawaii is not within the so-called State of Hawaii. **This is the law according to the State Constitution and the laws of the United States that admitted Hawaii as a State. You are bound to follow these laws.**

Therefore, you have no jurisdiction according to American law over Mauna Kea-- as it is outside of the State of Hawaii and outside your jurisdiction.

Hawaii courts, under section 202(b) of the Hawaii Revised Statutes must take judicial notice of Sections 2 of the Organic Act and the Act of Admission Such is

mandatory. The Court has no discretion. The Court must follow the clear and plain meaning of those laws of the United States.

The burden is on the hearing body asserting to have jurisdiction over these lands to prove the existence of jurisdiction. This is state law and law of the United States. See *C.A.B. v. Island Airlines*, 352 F.2d 735, 741 (9th Cir. 1965) [“. . . the burden of proof is thus logically an emphatically placed upon the claimant state.”]. Police or officers acting outside of their jurisdiction are possibly liable for false arrest.