

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation  
District Use Application (CDUA) HA-3568  
for the Thirty Meter Telescope at the Mauna  
Kea Science Reserve, Ka'ohē Mauka,  
Hāmākua, Hawai'i, TMK (3) 4-4-015:009  
BLNR Contested Case HA-16-02  
Document title:

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Document title:  
KAMAHANA KEALOHA- ESSENTIAL  
EXTENSION OF TIME FOR FILING OF  
MOTIONS WITNESS AND EXHIBIT LISTS AND  
DIRECT TESTIMONIES AND PRE-HEARING  
STATEMENT AND REQUEST/DEMAND FOR  
RECONCILIATION ON FOLLOWING ITEMS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

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2016 Oct 06 4:05 pm  
Department of Land and Natural Resources  
State of Hawaii

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**STATE OF HAWAII**

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Thirty Meter Telescope at the Mauna Kea Science )  
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CASE NO. BLNR-CC-16-002  
  
KAMAHANA KEALOHA-  
ESSENTIAL EXTENSION OF  
TIME FOR FILING OF  
MOTIONS WITNESS AND  
EXHIBIT LISTS AND DIRECT  
TESTIMONIES AND PRE-  
HEARING STATEMENT AND  
REQUEST/DEMAND FOR  
RECONCILIATION ON  
FOLLOWING ITEMS

Name of Party: Brannon Kamahana Kealoha

DATED: \_\_\_\_\_

\_\_\_\_\_  
(signature of Party or Lawyer)

**KAMAHANA KEALOHA- ESSENTIAL EXTENSION OF TIME FOR FILING OF  
MOTIONS WITNESS AND EXHIBIT LISTS AND DIRECT TESTIMONIES AND PRE-  
HEARING STATEMENT AND REQUEST/DEMAND FOR RECONCILIATION ON  
FOLLOWING ITEMS**

If any part of my motion is inappropriate or does not fit a format or requirement of the mysterious user-friendly system parties promoting the desecration of my burial grounds, who erroneously and unprofessionally claim I have no right to, I reserve what rights I know and do not know about and reserve the right to refashion this given the information I need to navigate this system. To date no such user-friendliness is apparent or accessible. Am I to assume, and maybe all looking in as well, that when the term user-friendly is touted it may relate to the developer not the citizen. Because the outcome and results show this to be true no matter the disingenuous claimed intent. I move on with my motion forced under duress as pro se, forced under duress by the purposely dictated schedule and unnecessarily inflated costs that I, not being a 1.4 billion dollar foreign investor, nor a prestigious judge or lawyer am forced to appear as- let me be frank THE SYSTEM IS BROKEN AND DISANFRANCHIZES ALL JUSTICE AND PEOPLE. Onward with my motion:

I, Kamahana Kealoha through this instrument move the Hearing Officer Amano to adhere to The Fifth Amendment which states that no one shall be "deprived of life, liberty or property without **due process** of law." and I although not being a lawyer agree with, understand, and interpret the same as the following precedence upheld by the 9<sup>th</sup> circuit court in 1988, namely that "The hallmarks of the protection afforded by the due process clause are notice and an opportunity to be heard at a meaningful time and in a meaningful way." *Brady v. Gebbie*, 859 F.2d 1543, 1554

(9th Cir.1988). The evidence as exhibited through verbal testimony of the gross majority of parties on 10/03/2016 explicitly exhibit that this right has not been afforded we parties. The hearing recorders record should indeed reflect that no resolution nor reasoned decision based on the testimonies and claims to outstanding and supremely essential pre-hearing decisions on 10/03/2016 was given a meaningful time to be heard in a meaningful way. In fact the Hearing Officer refused to allow the large majority of parties to argue our case in meaningful time and meaningful ways by ending the hearings without confirmation of must pertinent and dictated scheduling which every single party not intent on permitting the Telescope stood in solidarity on. Everyone requested the date be pushed back and I suggest the hearings begin in November and gave good quality reason and evidence as to why including not only by own motion on Quo Warranto awaiting decision (required by the Hearing Officer for the due process opportunity of a motion of consideration can be made).

My Quo Warrantor motion considered and verbally ruled on, and other motions made by other parties that are pertinent to our witness testimony and our own preparation of written testimony and evidence and jurisdiction, have been knowingly and purposely denied the due process provided by §13-1-39 of HRS Title 13, namely reconsideration.

The confirmation of hearing commencement notice DICTATED also deprives me and my fellow parties of due process and to somehow allude that speculation of the date

means that we need to go through the duress of clearing a whole month before confirmation is ludicrous. I don't need a reference to exhibit that. MUST BE SEEN AS JUST!

I want to expand on the bad behavior of the hearing officer and parties pushing for re-permitting.

The minority of parties for re-permitting and seemingly the Hearing Officer herself, continue to somehow place precedence of law with State statute. Since when does a State law supersede Constitutional law? I am unaware of this clause or stipulation if it exists. Does not the Hearing Officer still hold an Oath of Office? Do not the hired lawyers have an obligation to ethics that would jeopardize their license to practice by blatant distortion and deception of law? Please reconcile this because I am accusing the Hearing Officer of misprision of felony, which I will bring up if these answers are not justifiably reconciled with law. State law is not above that of the supreme law of this land, the U.S. Constitution and to state so and then support so is blatant and preposterous. Did not the court case that brings us here state that for something to be just IT MUST BE SEEN AT JUST? And if so I feel no need to quote or reference the blatant reason we are here in the first place- DUE PROCESS has already been found to be deprived. If needed, and the good will of the Hearing Officer and these licensed so-called professionals calling them selves lawyers (I have not seen their certifications) I will be happy to add a memo to this if such duress is

going to be enforced. Seen to be just. Key words.

The lack of due process in my motion, the deprivation would be more accurate, and the deprivation of due process regarding meaningful time and meaningful place in the setting of the schedule ONLY BENEFITS A PREDETERMINED OUTCOME AND THE PARTIES ASSOCIATED WITH THAT PREDETERMINED OUTCOME.

I, WITH ALL THE RIGHTS VESTED IN ME AS A CITIZEN BY FORCE OR NOT, DEMAND YOU UPHOLD YOUR OFFICE OATH AS HEARING OFFICER AND THAT THESE SO-CALLED LAWYERS BE HELD ACCOUNTABLE FOR EVER ATTEMPTING, IN FRONT A SWORN, UNDER OATH HEARING'S OFFICER, THAT THE STATE LAW SUPERSEDED THE U.S. CONSTITUTION AND THAT DEPRIVAL OF DUE PROCESS IS NOT APPARENT AND EVIDENT AND BLATANT.

Again that due process includes the dictating of the deplorably unjust and untimely hearing date PUSH IT BACK TO NOVEMBER KINDLY.

Have some respect for your professions. I want to have that same respect but a misprision of felony is all the evidence I need personally to take un-deserved respect and jurisdiction away from this process. And I believe such charge should be pursued by all and will do everything in my little power to see to it that this is the case. Now what evidence can anyone provide to show me U.S. Constitutionally protected due process is not being deprived NOR misprision of felony is being

committed, through declaring and upholding state constitution somehow supersedes the U.S. CONSTITUTION.

I implore you to take more pride in your offices, positions and professions. Please do not take my assertiveness as aggression. This process and the circumstance above is clearly evidence of lack of good intent, predetermined outcome, and organized, premeditated ethnocide and genocide. Why genocide? Because unlike the superiority-centric culture that is trivializing and rendering mine dead, our iwi, bones, remains LIVE and I contend and am here to assert that my lineal ascendants and my own iwi are and will have our jurisdiction and rights supersede those of International corporation and business people parading as cultural practitioners, licensed lawyers and sworn to oath retired Judge. I pray for you and aloha you, because pitiful is a form of aloha too and I hope I am wrong with all DUE respect. Please educate me.