

## **Cain, Michael**

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**From:** Akulele <akulele@yahoo.com>  
**Sent:** Tuesday, January 24, 2017 10:37 AM  
**To:** Cain, Michael; michaelcain@hawaii.gov  
**Subject:** ATTENTION MICHAEL CAIN FOR WRITTEN DIRECT TESTIMONY OF WIREMU CARROLL

Ali'i Sir Wiremu Carroll KCK  
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E-mail [Akulele@yahoo.com](mailto:akulele@yahoo.com)  
October 21, 2016

BOARD OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

### **WRITTEN DIRECT TESTIMONY OF ALI'I SIR WIREMU CARROLL, SPECIAL WITNESS FOR KALI KO KANAELE SR.**

#### **COMES NOW:**

I, Wiremu Carroll, appearing as a special witness for Kaliko Kanaele Sr., a native customary practitioner on Mauna Kea for over 20 years who has participated in the sacred rituals and rites as a customary practitioner and is commissioned by the Royal Order of Kamehameha I, Heiau o Mamalahoa Helu-elua, representing myself, and hereby submit my sworn statement in opposition to applicant TIO/TMT's Conservation District Use Application Permit.

I, Wiremu Carroll, do swear and affirm that the foregoing is true and correct to the best of my knowledge:

Whereas,

it shall be befitting to take into account the commentary made by Ali'i Noeau Loa Paul Kevin Kea Neves Quote: "Education by desecration is not education, it is simply a desecration.

And Whereas,

The State of Hawaii Supreme Court concluded in its findings that the TMT project on Mauna Kea did not have a valid permit, which resolves any and all speculation that a desecration occurred, as defined in H.R.S. §711-1107 Desecration, when the physical grading operations were commenced by Goodfellow Construction Company, Prime Contractor,

And Whereas,

the jurisdiction of the customary chiefs are for the districts of Ka'u, Puna, Hilo, and Hāmākua:

Therefore,

Be it known that the physical grading operations on Mauna Kea commissioned by TIO/TMT and executed by Goodfellow Construction, the prime contractor, were done under Color of Law as defined in 18 U.S. Code § 242 – Deprivation of rights under Color of Law,

And Therefore,

Be it known that the physical grading operations on Mauna Kea commissioned by TIO/TMT and executed by Goodfellow Construction, the prime contractor, were done in violation of H.R.S. §711-1077 Desecration,

And Therefore,

Be it known that, among other violations, the arrest and prosecution of citizens preventing the desecration of protected conservation land was done in violation of 18 U.S. Code § 241 – Conspiracy against rights of citizens and 18 U.S. Code § 242 – Deprivation of rights under Color of Law.

### **Water Pollution Prevention and Control**

Posted Federal Standards:

Citizens suits awards to litigation cost to include attorney and expert witness fees 33§1365, P567 1985 US Code Annotated

Revised laws of Hawai'i Vol I, II, and III customary rites, and rights.

State of Hawai'i Judiciary shall pay contested case 'John Does' at the same rate as hearings officer Riki May Amano – equal rights amendment injured parties et. al. John Does customary practice Religious Land Use Institutional Persons Act Deprivation of Rights. It is fact that the person injuring them was an official then and there exercising his official powers outside the bounds of lawful authority. 42 U.S.C.A. 1983.

Hawaii Rules of Civil Procedure IV Parties Rule 17 states that "Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in its own name without joining with it the party for whose benefit the action is brought. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

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