

September 24, 2020

Via US regular mail

(enter court's address here)

Re: *State v.* (enter defendant's name here), (enter ticket number here)

Dear Judge:

This is to contest the ticket that I received on **April 16, 2020**. I understand that I must appear in court and will be present on **June 16, 2020** at **9:00 A.M.** Still, I submit this letter as my defense to the charge and ask the Court to dismiss this case with prejudice.

This charge should be dismissed because it is vague and ambiguous. It is not clear under the statute's language what was or was not permitted on **April 19, 2020**. The ticket that was issued states that I violated Haw. Rev. Stat. § 127A-25 but does not indicate what I did to violate that statute. Indeed, Haw. Rev. Stat. § 127A-25 itself is extremely vague and states in whole:

§127A-25 Rules and orders.

(a) For the purpose of carrying out any provision of this chapter, the governor may adopt rules for the State and the mayor may adopt rules for the county which may, if so stated in the rules, have the force and effect of law. Even though the rules are prescribed pursuant to a power conferred, or having mandatory or prohibitive effect, only in the event of a state of emergency or local state of emergency, the rules nevertheless may be prescribed prior thereto if stated therein to have the force and effect of law only in the event of a state of emergency or local state of emergency. All the rules, and likewise all other action taken under this chapter, shall be made and taken with due consideration of the orders, rules, regulations, actions, recommendations, and requests of federal authorities relevant thereto. In these rules, reasonable classifications, exceptions, and exemptions may be made and granted. Such rules shall not be subject to chapter 91.

(b) The power to adopt rules having the force and effect of law shall not be deemed in derogation of the power of the governor, or the governor's duly authorized representatives, or the mayor, or the mayor's duly authorized representatives, to make orders for the enforcement of this chapter or the rules issued thereunder. The rules may provide for the making of administrative findings by duly authorized representatives, or for the application of the rules by such representatives as the circumstances may require, and the issuance of orders therefor.

(c) Rules adopted pursuant to this chapter during a state of emergency shall be promulgated as herein provided, and may be made effective upon the promulgation. The rules shall be promulgated by posting them on the

applicable state or county government website and by publishing them in a newspaper of general circulation in the State, by means calculated to bring its contents to the attention of the general public, including by official announcement by means of television or radio broadcast, or both, or by Internet, or, where only known persons are concerned, by service upon these persons by registered or certified mail or by personal service. The rules shall remain posted on the government website while in effect. When immediate promulgation of the rules is necessary in the opinion of the governor or mayor, as applicable, who shall be the sole judge thereof, in lieu of publication, the rules may be promulgated by television or radio broadcast, or both, or by Internet, or such other means as may be available; provided that the rules shall be posted and published thereafter at the earliest practicable date.

This language does not give me enough information to understand the charge against me. As such, this charge should be dismissed with prejudice.

Sincerely,

  
(enter name here)