

Sovereign Citizen Letter

City of \_\_\_\_\_

V.

\_\_\_\_\_ Sovereign Citizen

I have received your motion(s) and have reviewed your pleadings and I am now ready to rule on your case. Because I have had the opportunity to rule on several previous cases involving Sovereign Citizens, I will summarize my ruling as follows:

- 1) The United States Supreme Court has ruled that states may regulate the use of automobiles within their borders. See, *Hendrick v. Maryland*, 235 U.S. 610, 622 (1915), a **“The movement of motor vehicles over highways, being attended by constant and serious dangers to the public and also being abnormally destructive to the highways, is a proper subject of the police regulation by the state.”** ;
- 2) The Supreme Court has inferentially applied the same power to states regulating the issuing and or suspension of driving privileges. See *Mackey v. Motrym* 443 U.S. 1 (1979), wherein the Supreme Court ruled that the State of Massachusetts had the authority to summarily suspend a driver’s license for refusal to take an evidentiary breath test. See also *Dixon v. Love* 435 U.S. 105 (1977) and *Bell v. Burson* 402 U.S. 535 (1971);
- 3) The right to drive is a privilege. See *State v. Mertz* 258 Kan. 745 (1995) **“Finally Popp v. Motor Vehicle Department, 211 Kan. At 766, and Schowengerdt v. Kansas Dept. of Revenue, 14 Kan. App. 2d at 149, found that driving is not a natural right, but a privilege. If a driver does not abide by the conditions of the privilege, the license is subject to suspension in order to protect public safety and welfare.”**
- 4) K.S.A. 8-2001 authorizes cities to enact traffic regulation within their borders. **“The provisions of this act shall be applicable and uniform throughout this state and in all cities and other political subdivisions therein, and no local authority shall enact or enforce any ordinance in conflict with the provisions of this act unless expressly authorized; however, local authorities may adopt additional traffic regulations which are not in conflict with the provisions of this act.”** [Emphasis added];
- 5) The City of \_\_\_\_\_ validly passed Ordinance \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_. (Insert the passage date only if desired);
- 6) The municipal courts of Kansas are authorized by Article 3 §1 of the Kansas Constitution. **“The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, district courts and such other courts as provided by law;...”** Municipal court’s predecessors were

“police courts” authorized by K.S.A. 12-1101 et seq. These courts were later called “municipal courts” and their authorization and powers are described in K.S.A. 12-4101 et seq. the act creating city courts was determined to be constitutional in *State ex rel. v. Smith* 130 Kan. 228 (1930) The City of \_\_\_\_\_ established a municipal court and the current authorization is found at City Ordinance \_\_\_\_\_.

- 7) The undersigned was appointed by the City Council on \_\_\_\_\_, 20\_\_ and the oath of office can be located in the city clerk’s office.
- 8) You are not entitled to a jury trial. K.S.A. 12-4502 states, **“All trials in municipal court shall be to the municipal judge or municipal judge pro-tem.”** You are charged with \_\_\_\_\_ (describe violation). Under this ordinance, if convicted you are subject to a maximum fine of \$\_\_\_\_\_ (or if applicable, a maximum sentence of \_\_\_\_\_.) The constitutional right to a jury is applicable to offenses where imprisonment for more than six months is authorized. *Duncan v. Louisiana*, 391 U.S. 145, 161 (1968) See also *State v. Irving*, 216 Kan. 588, 589 (1975) In *State v Johnson*, 24 Kan. App. 2d 387 (2011), the court held, **“The Sixth and Fourteenth amendments to the United States Constitution, as well as §§ 5 and 10 of the Kansas Constitution Bill of Rights, guarantee a criminal defendant the right to a jury trial. The constitutional right to a jury trial is triggered when the defendant is facing a potential imprisonment for the offense exceeding 6 months.”**
- 9) Finally, as a judge of the municipal court, I am required, by law, to follow the previous rulings made by the United States Supreme Court, Kansas Supreme Court and the Kansas Court of Appeals. This is called “stare decisis”. **“It is recognized under the doctrine of stare decisis that, once a point of law has been established by a court, that point of law will generally be followed by the same court and all courts of lower rank in subsequent cases where the same legal issue is raised. Stare decisis operates to promote system-wide stability and continuity by ensuring the survival of decisions that have been previously approved by this court.... The application of stare decisis ensures stability and continuity demonstrating a continuing legitimacy of judicial review. Judicial adherence to constitutional precedent ensures that all branches of government, including the judicial branch, are bound by law.”** *Samsel v. Wheeler Transport Services, Inc.*, 246 Kan. 336, 356 (1990)

Therefore, In light of the above, I find I have the jurisdiction, authority and duty to rule on your case as presented.

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Municipal Court Judge