STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1252

State of Minnesota,
Respondent,

vs.

David Terrance Sigler,
Appellant.

Filed June 29, 2020
Affirmed; motion denied
Larkin, Judge

Clay County District Court
File No. 14-VB-19-2206

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Brian J. Melton, Clay County Attorney, Elisabeth Mary Kirchner, Assistant County Attorney, Moorhead, Minnesota (for respondent)

David Terrance Sigler, Moorhead, Minnesota (self-represented appellant)

Considered and decided by Larkin, Presiding Judge; Connolly, Judge; and Rodenberg, Judge.

U N P U B L I S H E D O P I N I O N

LARKIN, Judge

Appellant, a self-represented litigant, challenges his conviction for petty-misdemeanor speeding. We affirm appellant's conviction and deny as moot the state's motion to strike one of appellant's submissions to this court.

FACTS

In 2019, an officer stopped and cited appellant David Terrance Sigler for driving 65 miles per hour in a 55 mile-per-hour zone, a petty-misdemeanor offense. Sigler contested his citation, and the district court scheduled a court trial.

Before trial, Sigler filed a demand for a jury trial, a "reservation of rights," a plea of "Nul Tiel Record," and a "statement of facts" containing several legal claims, including that he is not "subject to any entity anywhere." He also filed a memorandum seeking to dismiss the case for lack of jurisdiction.

Sigler represented himself at his court trial. He again asked for a jury trial, and the district court informed him that he did not have that right in a petty-misdemeanor case. The district court also denied Sigler's request to dismiss for lack of jurisdiction. Sigler asked that any witnesses be sequestered. Because there was only one witness and the trial was about to begin, the district court denied that request.

The officer who issued Sigler the citation testified that he was on patrol when he observed a vehicle that "appeared to be traveling over the posted speed limit of 55 miles an hour." The officer used his squad car's radar equipment to determine that the vehicle

was traveling 74 miles per hour. The officer stopped the vehicle and identified Sigler as the driver. Sigler admitted to driving 65 miles per hour.

The district court found Sigler guilty of driving 65 miles per hour in a 55 mile-per-hour zone. This appeal followed.

After filing his appellate brief, Sigler filed a letter from his bank with this court, which described the garnishment of funds from his bank account. He also filed a "motion to accept amended briefs" and requested that we consider "a new claim" concerning the aforementioned garnishment. The state moved to strike the bank's letter from the record on appeal.

D E C I S I O N

I.

Sigler contends that the district court deprived him of the right to a jury trial. This presents an issue of constitutional law subject to de novo review. *State v. Barker*, 705 N.W.2d 768, 771 (Minn. 2005).

Although the Sixth Amendment of the U.S. Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury," the amendment has been construed to apply only to "serious" offenses, and not to "petty offenses." U.S. Const. amend. VI; *see Duncan v. Louisiana*, 391 U.S. 145, 159, 88 S. Ct. 1444, 1453 (1968) ("It is doubtless true that there is a category of petty crimes or offenses which is not subject to the Sixth Amendment jury trial provision and should not be subject to the Fourteenth Amendment jury trial requirement here applied to the States." (footnote omitted)).

Sigler relies on article I, section 4 of the Minnesota Constitution, which provides that "[t]he right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy." Sigler's reliance on that provision is unavailing because the Minnesota Supreme Court has indicated that it "is limited to civil cases." *State v. Lessley*, 779 N.W.2d 825, 840 (Minn. 2010).

In Minnesota, "[a] person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury." Minn. Stat. § 169.89, subd. 2 (2018); *Zimmerman v. Lasky*, 374 N.W.2d 212, 214 (Minn. App. 1985), *review denied* (Minn. Nov. 26, 1985). The district court did not err by refusing to provide Sigler with a jury trial on his petty-misdemeanor charge.

II.

Sigler contends that the district court erred by denying his motion to dismiss for lack of jurisdiction. Jurisdiction "is the power to hear and decide disputes." *State v. Smith*, 421 N.W.2d 315, 318 (Minn. 1988). We review jurisdictional questions de novo. *State v. Manypenny*, 682 N.W.2d 143, 149 (Minn. 2004).

Sigler's central "jurisdictional" argument is that there is an important legal distinction between driving and traveling. According to Sigler, "driving is a commercial activity that is able to be regulated by the state," but "traveling is a fundamental [r]ight that is not able to be infringed upon without a damaged party," and no law can "turn a fundamental right into a privilege." Although Sigler purports to challenge the district court's power to hear and decide his case, he actually challenges the constitutionality of

the statute under which he was charged, Minn. Stat. § 169.14, subd. 2(a)(3) (2018), arguing that it infringes on his fundamental right to travel.

The constitutionality of a statute is a question of law that this court reviews de novo. *Schatz v. Interfaith Care Ctr.*, 811 N.W.2d 643, 653 (Minn. 2012). "Minnesota statutes are presumed constitutional, and [a court's] power to declare a statute unconstitutional should be exercised with extreme caution and only when absolutely necessary." *In re Haggerty*, 448 N.W.2d 363, 364 (Minn. 1989). "The challenger of the constitutional validity of a statute must meet the very heavy burden of demonstrating beyond a reasonable doubt that the statute is unconstitutional." *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293, 299 (Minn. 2000).

"The United States Supreme Court has not addressed the issue of whether the fundamental right to interstate travel includes the right to intrastate travel," but this court has held that the "right to intrastate travel need only receive an intermediate level of scrutiny." *State v. Stallman*, 519 N.W.2d 903, 906-07 (Minn. App. 1994). Regardless of the level of scrutiny applicable, "not every law which makes a right more difficult to exercise is, *ipso facto*, an infringement of that right." *Planned Parenthood v. Casey*, 505 U.S. 833, 873, 112 S. Ct. 2791, 2818 (1992). There must be some appreciable infringement on the right. *See Zablocki v. Redhail*, 434 U.S. 374, 388, 98 S. Ct. 673, 682 (1978) (indicating that a fundamental right will only be implicated by government action that "significantly interferes with the exercise of [that] fundamental right").

Section 169.14, subdivision 2(a)(3), generally prohibits driving over 55 miles per hour in certain locations. Sigler has not met his burden to establish that this speed

limitation significantly interferes with his right to intrastate travel or rises to a level that would implicate his fundamental right to travel. Because Sigler's constitutional argument fails, so too does his related jurisdictional challenge.

Sigler also asserts that the district court lacked personal jurisdiction, but he fails to offer any legal argument or citation to legal authority in support of that assertion. We will not consider pro se claims that are unsupported by argument or citation to legal authority unless prejudicial error is obvious. *State v. Bartylla*, 755 N.W.2d 8, 22-23 (Minn. 2008). We discern no obvious prejudicial error.

III.

Sigler contends that the district court erred by denying his request to sequester witnesses. Although a request for witness sequestration should rarely be denied, the decision is ultimately discretionary, and we review such decisions for an abuse of discretion. *State v. Jones*, 347 N.W.2d 796, 802 (Minn. 1984).

In *Jones*, the supreme court concluded that the district court did not abuse its discretion by denying a sequestration request because a large number of witnesses had already testified and sequestration therefore would have "served no purpose." *Id.* Likewise, in this case, sequestration would have served no purpose. The state presented a single witness, so there was no one to sequester. The district court did not abuse its discretion.

IV.

Sigler contends that the state and the district court erred by failing to consider his "plea of Nul Teil Record." A plea of nul tiel record is a plea alleging that the record on

which the action is founded does not exist. 26 C.J.S. *Debt, Action of* § 22 (2020). Sigler does not cite any law discussing such a plea. Minnesota's civil caselaw refers to such pleas, but none more recently than 1864. Again, we will not consider pro se claims that are unsupported by argument or citation to legal authority, unless prejudicial error is obvious. *Bartylla*, 755 N.W.2d at 22-23. We discern no obvious prejudicial error.

V.

Sigler contends that several procedural errors occurred during the district court proceedings and seeks reversal on those grounds. First, Sigler argues that the district court failed to provide him a formal complaint and to inform him of the charges against him. "A citation must be issued for petty misdemeanors and misdemeanors not punishable by incarceration." Minn. R. Crim. P. 6.01, subd. 1(c). In the case of a release on a citation instead of arrest, a citation "must contain the summons and complaint." *Id.*, subd. 4(a); *see* Minn. R. Crim. P. 2.01, subd. 1 (setting forth the contents of a complaint "except as modified" by rule 6.01, subdivision 4). Here, the officer released Sigler with a citation, which contained the date, time, location, and nature of the offense (including the applicable statute), as well as information regarding how to pay or contest the fine. Sigler does not persuade us that the district court erred by failing to provide a more formal complaint such that he is entitled to relief on appeal. *See* Minn. R. Crim. P. 31.01 ("Any error that does not affect substantial rights must be disregarded.").

Moreover, Sigler's argument that he was not informed of the nature of the charges is refuted by the record, which shows that his citation contained that information. In addition, Sigler made filings prior to trial indicating that he understood the charge. And

on the day of trial, the district court informed Sigler of the charge on the record. Sigler did not indicate that he was unprepared to proceed with trial. Indeed, he made legal arguments regarding the charged offense in his closing argument. We discern no reversible error. *See id.*

Sigler next argues that he was denied pretrial hearings and a jurisdictional hearing. Sigler does not offer any legal authority or argument in support of that assertion. We discern no obvious prejudicial error. *See Bartylla*, 755 N.W.2d at 22-23.

Lastly, Sigler argues that he was denied the opportunity to provide an opening statement at trial, even though he did not object to the form of the proceedings. District courts have broad discretion in deciding matters of courtroom procedure. *State v. Mems*, 708 N.W.2d 526, 533 (Minn. 2006). This case involved a petty-misdemeanor court trial with a single witness, neither party requested an opening statement, and Sigler provided a closing argument. Under the circumstances, we discern no structural error justifying reversal. *See State v. Everson*, 749 N.W.2d 340, 347 (Minn. 2008) (stating that structural errors "call into question the very accuracy and reliability of the trial process" (quotations omitted)). Assuming without deciding that a procedural error occurred, we discern no basis to reverse because Sigler made numerous statements setting forth his legal defense during the course of the trial, he reiterated those statements in his closing argument, and the evidence of his guilt was strong. *See id.* at 349 (stating that we may review unobjected-to procedural errors under a plain-error standard of review, which requires that the error affect the defendant's substantial rights).

In sum, Sigler has not established that he is entitled to relief based on procedural error.

VI.

Sigler complains that the district court judge refused to answer when he asked if the district court was a "court of common law" or if the matter constituted an "administrative proceeding." Sigler provides no legal authority or argument to support his assertion that the district court was obligated to answer that question. Nonetheless, the district court succinctly answered Sigler's question, informing him that it was a district court in Minnesota. We discern no obvious prejudicial error in the district court's response. *See Bartylla*, 755 N.W.2d at 22-23.

Sigler also asserts that the district court judge violated his oath by failing to follow appellate precedent, but he does not allege any specific misapplication of the law or support his assertion with legal argument or citation to authority. Again, we discern no obvious prejudicial error and, therefore, no basis for relief. *See id*.

VII.

Sigler contends that the prosecutor incorrectly characterized him as a sovereign citizen during closing arguments. The record indicates that the prosecutor was referring to Sigler's "sovereign citizen argument," and not to Sigler himself. Indeed, Sigler referenced sovereign citizenship in his pretrial filings.

Sigler objected to the prosecutor's statement. We review objected-to prosecutorial misconduct to determine whether the conduct was harmless beyond a reasonable doubt. *State v. Dobbins*, 725 N.W.2d 492, 506 (Minn. 2006). We are not persuaded that the

prosecutor's statement constitutes error. Moreover, even if it did, there is no ground for reversal. The state presented overwhelming evidence that Sigler drove ten miles over the speed limit. The prosecutor's brief characterization of Sigler's defense during closing argument surely did not affect the verdict. The prosecutor's statement was harmless beyond a reasonable doubt.

VIII.

Lastly, Sigler asks this court to consider a claim regarding the garnishment of funds from his bank account. The state moved to strike one of Sigler's submissions related to that claim. Sigler did not raise his garnishment claim in the district court. We generally will not consider issues raised for the first time on appeal, *State v. Anderson*, 733 N.W.2d 128, 134 (Minn. 2007), and we decline to do so here.

In his reply brief, Sigler asks this court to consider his claim because forcing him to file "another appeal" would cause him financial hardship. The lack of a separate appeal is not a mere technicality. Sigler's garnishment claim relies on facts not in the record. For example, he claims that the Minnesota Department of Revenue took money from his account, but we cannot decide the truth of that assertion. We are not a fact-finding court. *Michaels v. First USA Title, LLC*, 844 N.W.2d 528, 532 (Minn. App. 2014).

Because we decline to consider Sigler's garnishment claim, we deny as moot the state's motion to strike. *See Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2007) (denying as moot motion to strike because challenged material was not relied upon).

Affirmed; motion denied.