STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1435

State of Minnesota,
Respondent,

vs.

James Alfred Paatalo,
Appellant.

Filed September 18, 2023
Affirmed
Smith, Tracy M., Judge

Otter Tail County District Court
File No. 56-VB-21-1564

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

Michelle Eldien, Otter Tail County Attorney, Fergus Falls, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Smith, Tracy M., Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant James Alfred Paatalo appeals from judgments of conviction for three driving-related counts: driving with a suspended license, driving without insurance, and driving with expired registration. Paatalo argues that his convictions should be reversed

and vacated because the statutes under which he was charged violate his constitutional right to travel. In a pro se supplemental brief, Paatalo makes additional arguments challenging his convictions. Because the statutes are not unconstitutional and the arguments in his supplemental brief lack merit, we affirm.

FACTS

In May 2021, a sergeant with the county sheriff's office observed a vehicle being driven with what appeared to be expired tabs. The sergeant ran the license-plate number through his system to verify that the registration was expired and conducted a traffic stop. The driver, Paatalo, did not produce a driver's license and instead provided the sergeant with a letter with his name on it. Paatalo admitted that he did not have a driver's license, and the sergeant confirmed that his license was suspended. Paatalo also acknowledged that he did not have proof of insurance for the vehicle.

The sergeant issued Paatalo a citation for driving with a suspended license in violation of Minnesota Statutes section 171.24, subdivision 1 (2020), driving without insurance in violation of Minnesota Statutes section 169.797, subdivision 2 (2020), and driving an unregistered vehicle in violation of Minnesota Statutes section 168.09, subdivision 4 (2020).

Paatalo appeared for arraignment, waived his right to an attorney, and proceeded as self-represented. Paatalo filed several pretrial motions challenging the charges, asserting that the district court lacked subject-matter jurisdiction and that the statutes violated his right to travel, among other arguments. The district court determined that it had personal and subject-matter jurisdiction over Paatalo's case, that the charges were supported by

probable cause, and that Paatalo's other motions—including to compel mediation, to certify right of subrogation, to recuperate costs, and for declaratory judgment finding the state in default for lack of answer—were not applicable to criminal matters.

In August 2022, Paatalo proceeded to a jury trial and represented himself. He asserted that he was entitled to constitutional protections that require the prosecution to "bring forth how [he is] subject to [the] state statutes" underlying the charges. He also asserted his right to travel. Paatalo testified on his own behalf:

> [M]y license had expired and I did not renew it. I did not have a license at the time this happened. I'm freely admitting that. That also means that there's no contract between the state and I where I surrender rights for privileges, so there was no contract in force when they pulled me over.

Paatalo also admitted that he drove a vehicle that was not "actively registered" and that he did not carry proof of insurance. But Paatalo asserted that he could not be found guilty because "exercising a right is not a crime."

The jury returned guilty verdicts on all three counts. After entering convictions on all three counts, the district court imposed a 90-day jail sentence for one count—driving with a suspended license. The district court stayed execution of the sentence and placed Paatalo on unsupervised probation for one year.

Paatalo appeals.

DECISION

In his counseled brief, Paatalo challenges the constitutionality of the three vehicle-related statutes under which he was charged and convicted on the ground that they violate

his constitutional right to travel. Paatalo also submitted a pro se supplemental brief raising several issues. We address his arguments in turn.

I. The statutes do not violate a constitutional right to travel.

Paatalo asserts that, because his driving conduct did not cause any damage or violate the property or rights of others, "the state's charges were an unconstitutional infringement on [Paatalo's] proper exercise of a lawful right"—specifically, his right to travel. Paatalo candidly states that he "recognizes the authoritative federal, Minnesota Supreme Court, and Court of Appeals' decisions in this area" and states that he "raises this issue to preserve it for potential further review." He asserts that cases from this court, the Minnesota Supreme Court, and the United States Supreme Court "do not justly recognize the broad rights afforded citizens under the federal constitution and were wrongly decided."

In a constitutional challenge, the interpretation of a statute is a question of law reviewed de novo. *See In re Blilie*, 494 N.W.2d 877, 881 (Minn. 1993). Reviewing courts "presume that Minnesota statutes are constitutional and will only strike down statutes as unconstitutional when absolutely necessary." *Schatz v. Interfaith Care Ctr.*, 811 N.W.2d 643, 653-54 (Minn. 2012). The party challenging the constitutionality of a statute has the burden of demonstrating beyond a reasonable doubt that the statute is unconstitutional. *In re Haggerty*, 448 N.W.2d 363, 364 (Minn. 1989).

The right to interstate travel is a fundamental right under the federal constitution. *United States v. Guest*, 383 U.S. 745, 759 (1966); *Mitchell v. Steffen*, 504 N.W.2d 198, 200 (Minn. 1993). Minnesota has also recognized the right to intrastate travel. *State v. Stallman*, 519 N.W.2d 903, 906-07 (Minn. App. 1994). The right to travel "is implicated when a

statute actually deters such travel, when impeding travel is [a statute's] primary objective, or when [a statute] uses any classification which serves to penalize the exercise of that right." *Mitchell*, 504 N.W.2d at 200 (emphasis omitted); *Stallman*, 519 N.W.2d at 906-07.

But an individual's ability to operate a motor vehicle upon a public highway is a privilege granted by the state. *Anderson v. Comm'r of Highways*, 126 N.W.2d 778, 784 (Minn. 1964). The enjoyment of this privilege "depends upon [an individual's] compliance with conditions prescribed by law." *Id.* The privilege is always subject to regulation by public authority under the police power in the interest of public safety and welfare. *Id.* Therefore, permission to drive a vehicle on a public road is a privilege that the state may regulate with constitutional provisions. *See id.*

All three regulations at issue here are constitutional. As to Minnesota Statutes section 171.24, subdivision 1, making it a misdemeanor to drive with a suspended driver's license, and Minnesota Statutes section 168.09, requiring drivers to register their vehicles to operate them on public streets or highways, both statutes are constitutional under binding precedent that allows states to impose licensing and registration requirements to preserve the health, safety, and comfort of persons on roadways. *See Reitz v. Mealey*, 314 U.S. 33, 36 (1941) (states are free to license drivers in order to "insure competence and care on the part of its licensees and to protect others using the highway"), *overruled in part by Perez v. Campbell*, 402 U.S. 637, 650-52 (1971) (holding that states may regulate automobile travel where the state regulations do not conflict with the supremacy clause); *Hendrick v. Maryland*, 235 U.S. 610, 622 (1915) ("[A] state may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its

highways of all motor vehicles. . . . And to this end it may require the registration of such vehicles and the licensing of their drivers . . . .").

As to Minnesota Statutes section 169.797, making it a misdemeanor to operate a vehicle without insurance, that statute is constitutional under binding precedent holding that a mandatory insurance obligation under Minnesota's No-Fault Automobile Insurance Act is not unconstitutional. *See State v. Cuypers*, 559 N.W.2d 435, 437 (Minn. App. 1997) (concluding that mandatory insurance under the Minnesota No-Fault Automobile Insurance Act, Minnesota Statutes sections 65B.41-.71 (1996), did not burden an individual's right to travel because an individual "still may travel by bicycle, bus, train, or air"). In *Cuypers*, we concluded that although requiring drivers to maintain insurance coverage may limit a person's ability to drive a motor vehicle, that limitation does not amount to an actual deterrent to travel because driving a motor vehicle is only one of many possible ways to travel within the state. *Id.*

Paatalo acknowledges that provisions of Minnesota's motor vehicle code are continually held to be constitutional. Nevertheless, Paatalo asks this court to recognize a broad right to travel, requiring his convictions to be reversed and vacated. And yet, as Paatalo correctly acknowledges, "only the [United States] Supreme Court may overrule one of its own decisions." *State v. Brist*, 812 N.W.2d 51, 56 (Minn. 2012). And, as an error-correcting court, this court is not authorized to change or extend the law. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988).

As the party bringing this constitutionality claim, Paatalo has the burden of demonstrating to this court, beyond a reasonable doubt, that the statutes are

unconstitutional. *See Haggerty*, 448 N.W.2d at 364. He has not done so. Therefore, we conclude that the district court did not err when it convicted Paatalo of driving with a suspended license, driving without insurance, and driving an unregistered vehicle.[1]

II. Paatalo's pro se arguments fail.

Paatalo asserts nine arguments in his pro se supplemental brief. We address each in turn.

Although some accommodations may be made for pro se litigants, they are generally held to the same standards as attorneys. *Liptak v. State*, 340 N.W.2d 366, 367 (Minn. App. 1983). "Claims in a pro se supplemental brief that are unsupported by either arguments or citation to legal authority are forfeited," and "will not be considered unless prejudicial error is obvious on mere inspection." *State v. Montano*, 956 N.W.2d 643, 650-51 (Minn. 2021) (quotation omitted).

Six of Paatalo's arguments raised in his pro se supplemental brief are forfeited under this standard—specifically, his arguments that the district court erred by (1) ignoring his "affidavit of status" and the state's failure to answer the affidavit; (2) allowing the state to

[1] This conclusion is in line with our nonprecedential caselaw reviewing related provisions of the motor vehicle code. *State v. Weisman*, No. CO-88-811, 1988 WL 113752, at *3 (Minn. App. Nov. 1, 1988) ("[A]ppellant confuses the concept of right to travel with the privilege of operating a motor vehicle upon the public highways."), *rev. denied* (Minn. Dec. 16, 1988); *State v. Hunt*, No. A19-0193, 2020 WL 132754, at *1 (Minn. App. Jan. 13, 2020) ("[Appellant] has failed to meet his burden of establishing beyond a reasonable doubt that [Minnesota Statutes section 171.24, subdivision 5,] impermissibly burdens his constitutional right to travel."), *rev. denied* (Minn. Apr. 14, 2020).

ignore "all motions and questions" from Paatalo and by acting as the prosecutor;[2] (3) proceeding with Paatalo's case though it "lacked a corpus delecti, broken contract, or identifiable failure to perform a duty"; (4) allowing the state "to ignore an affidavit of fact" that established his affirmative defense; (5) not granting "a trial by jury," which, he contends, required a jury-nullification instruction at his request;[3] and (6) "not allowing [Paatalo] to make jurisdictional arguments at the trial."[4] *See id.*

As for Paatalo's remaining three arguments, we find them unconvincing.

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[2] To the extent that Paatalo here is making an argument of partiality on the part of the district court, the argument also fails because, on this record, he has not proved actual bias and there was no reasonable question of the judge's partiality. *See State v. Lopez*, 988 N.W.2d 107, 117 (Minn. 2023) ("The challenging party has the burden of proving actual bias."); *McKaskle v. Wiggins*, 465 U.S. 168, 177 n.7 (1984) ("A pro se defendant must generally accept any unsolicited help or hindrance that may come from the judge who chooses to call and question witnesses [and] from the prosecutor who faithfully exercises his duty to present evidence favorable to the defense.").

[3] We disagree that denial of a jury-nullification instruction was an abuse of discretion. "District courts have considerable latitude when choosing jury instructions" and "the instructions, viewed as a whole, must accurately state the law." *State v. Hooks*, 752 N.W.2d 79, 86 (Minn. App. 2008). Although Minnesota law recognizes the power of a jury to acquit a defendant "despite the law and the facts," that power "is not a right of juries but something which results from a number of things including the right of a criminal defendant to have a jury trial, the rule prohibiting postverdict inquiry into the thought processes of jurors, and the rules against appellate review of verdicts of acquittal." *State v. Perkins*, 353 N.W.2d 557, 561 (Minn. 1984); *see McKenzie v. State*, 754 N.W.2d 366, 370 (Minn. 2008) (quoting *Perkins* to conclude that there is no requirement to instruct a jury on its right of nullification).

[4] We considered a similar argument in *State v. Fisherman*, in which the defendant appealed his conviction partially based on a jurisdictional argument that he was a "sovereign citizen" exempt from the laws of Minnesota and that the district court thereby lacked jurisdiction over his prosecution. No. A14-1591, 2015 WL 5511390, at *2 (Minn. App. Sept. 21, 2015), *rev. denied* (Minn. Dec. 15, 2015). We concluded that "the 'sovereign citizen' jurisdictional defense has 'no conceivable validity in American law.'" *Id.* at *2 (quoting *United States v. Schneider*, 910 F.2d 1569, 1570 (7th Cir. 1990)).

Paatalo asserts that "[c]riminal procedure is a civil matter operating under commerce or contractual obligations." As a result, appellant appears to argue, the district court erred by dismissing his motions and arguments as being inapplicable to a criminal matter.

Paatalo provides one legal authority as the source for this argument. He states, "Criminal procedure is a civil matter operating under commerce or contractual obligations as defined by 27 C.F.R. 72.11." 27 C.F.R. § 72.11 is contained within the federal regulations pertaining to the taxing of alcohol and tobacco and provides definitions for the words contained in part 72, which is entitled "Disposition of Seized Personal Property." We cannot discern why the definitions contained in part 72 are relevant to Paatalo's argument. Moreover, the district court did not plainly deny Paatalo's motion to compel the state to answer Paatalo's "bill of particulars" and for a more particular statement; instead, the district court liberally construed the motion and inferred that Paatalo requested a formal complaint, as allowed under Minnesota Rule of Criminal Procedure 4.02, subdivision 5(3), and ordered the state to file a formal complaint. Because we do not assume error on appeal and Paatalo has not met his burden to show error, the district court did not err by dismissing civil arguments raised in a criminal proceeding. *See State v. Fleming*, 869 N.W.2d 319, 329 (Minn. App. 2015), *aff'd*, 883 N.W.2d 790 (Minn. 2016); *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944).

Paatalo's next argument asserts that, by failing to compel the state to establish jurisdiction, the district court denied Paatalo due process and inappropriately shifted the

burden to Paatalo to "prove a negative." We construe this as a challenge to the district court's denial of his motion to dismiss based on lack of subject-matter jurisdiction.

Subject matter jurisdiction refers to a court's "authority to hear the type of dispute and to grant the type of relief sought." *Williams v. Smith*, 820 N.W.2d 807, 812-13 (Minn. 2012). "The district court has original jurisdiction in all civil and criminal cases." Minn. Const. art. VI, § 3. Minnesota Statutes section 609.025(1) (2020), provides that "[a] person may be convicted and sentenced under the law of this state if the person . . . commits an offense in whole or in part within this state." *See also* Minn. R. Crim. P. 24.01.

The district court had subject-matter jurisdiction to try Paatalo because his criminal act occurred in Otter Tail County within Minnesota. *See* Minn. Stat. § 609.025(1). At no point did Paatalo dispute the underlying facts regarding the location of his criminal act—not following the citation or the filing of the formal complaint, and not during trial when the sergeant testified about the stop. Therefore, the state established subject-matter jurisdiction.[5]

Paatalo's last argument asserts that his right to confront his accuser was violated because the lieutenant who was identified as the complainant on the charging documents

[5] Paatalo relies on three cases to assert that the burden to prove jurisdiction was unlawfully shifted to him. Because those cases involve factual disputes impacting jurisdiction, we are not persuaded. *See Mullaney v. Wilbur*, 421 U.S. 684, 684 (1975) (holding that requiring a defendant charged with murder to prove that they acted in the heat of passion on sudden provocation to reduce homicide to manslaughter "does not comport with the requirement of the Due Process Clause of the Fourteenth Amendment that the prosecution must prove beyond a reasonable doubt every fact necessary to constitute the crime charged"); *Hankerson v. North Carolina*, 432 U.S. 233, 240 (1977) (applying *Mullaney*); *Miller v. United States*, 294 U.S. 435, 440 (1935) (indicating that conclusive presumptions cannot be used to avoid the need to present proof regarding a factual dispute).

given to Paatalo was not present during the trial and the district court denied Paatalo's subpoena to make the lieutenant appear.

"In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him . . . ." U.S. Const. amend. VI; *see also* Minn. Const. art. I, § 6. Neither the U.S. Constitution nor the Minnesota Constitution indicate that the *complainant* must be present as a witness against the accused. Paatalo did have the opportunity to be confronted with the only witness against him: the patrol sergeant who stopped him. The sergeant was present at the trial and testified about the traffic stop, and appellant had the opportunity to cross-examine him.

Further, the district court appropriately denied appellant's subpoena to make the lieutenant appear. Minnesota Rule of Evidence 602 states, "A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter." Paatalo and the state agreed that the lieutenant did not have firsthand knowledge of this matter. The sergeant was the only officer to have firsthand knowledge of the incident, so it was appropriate to call him as a witness instead of the lieutenant.

For these reasons, the district court did not err by violating Paatalo's right to confront his accuser.

In sum, Paatalo's arguments asserted in his pro se supplemental brief fail.

Affirmed.