

NOTICE

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2015 IL App (4th) 140604-U

NO. 4-14-0604

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

April 17, 2015
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from
Plaintiff-Appellee,)	Circuit Court of
v.)	Champaign County
PHILIP L. SELLERS,)	No. 13DT472
Defendant-Appellant.)	
)	Honorable
)	Richard P. Klaus,
)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Justices Holder White and Appleton concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed defendant's convictions and sentence for the offenses of driving under the influence of alcohol and driving with an alcohol concentration of 0.08 or more.

¶ 2 In September 2013, defendant, Philip L. Sellers, received two traffic citations for the offenses of driving under the influence of alcohol (DUI) and driving with an alcohol concentration of 0.08 or more. In May 2014, a jury found defendant guilty. In June 2014, the trial court sentenced him to 24 months' probation.

¶ 3 On appeal, defendant raises issues regarding (1) subject-matter jurisdiction, (2) party identification, (3) pretrial motions, (4), subpoenas, and (5) "the constitution." We affirm.

¶ 4 I. BACKGROUND

¶ 5 On September 15, 2013, defendant was charged by way of two traffic tickets for DUI (625 ILCS 5/11-501(a)(2) (West 2012)) and driving with an alcohol concentration of 0.08

or more (625 ILCS 5/11-501(a)(1) (West 2012)). In October 2013, the Illinois Secretary of State informed defendant that his driver's license was suspended for six months. Defendant appeared *pro se* in these proceedings, as he does now on appeal.

¶ 6 In December 2013, defendant filed a petition for judicial review, arguing he had been unlawfully placed under arrest. Thereafter, he filed an "objection to defects in arraignment and process," arguing *inter alia*, that "a 'peace officer's' sworn complaint to a transportation code violation does not present a justiciable issue; does not give standing to a third party prosecutor; and does not establish subject matter jurisdiction for the court." In a docket entry, the trial court agreed with the State that defendant's petition was "intended to stand as a Petition to Rescind Statutory Summary Suspension."

¶ 7 On January 9, 2014, defendant filed a "request for records and agreement of the parties," requesting the video and audio recordings of the traffic stop and arrest, the booking procedures, and the submission to chemical testing. On January 10, 2014, the trial court held a hearing on defendant's petitions and denied them. On January 21, 2014, defendant filed a motion to reconsider. On January 23, 2014, the court denied the motion to reconsider.

¶ 8 On February 10, 2014, defendant filed an entry of appearance "to enter his appearance as a soul endowed living man, *imago dei*, injured party, and third party of interest." Defendant claimed "the correct identification of the presumed Person PHILLIP [*sic*] L. SELLERS is now a question of law before this court." On February 19, 2014, defendant filed an "affidavit of non-driver status," wherein he claimed he "is not a driver of a motor vehicle; nor was he a driver of a motor vehicle when he was mistaken for one, arrested, and unjustly dragged before this court." On February 25, 2014, defendant filed a notice of default, arguing the prosecutor failed to rebut his affidavit of nondriver status.

¶ 9 In March 2014, defendant sent a subpoena to the Illinois Attorney General's office, commanding the Attorney General to identify and forward relevant sections of acts of Congress and state law that grant "the department of transportation, and the Secretary of State, exclusive and total control of the common ways (streets and highways)," grant "law enforcement the right to arrest and courts to prosecute the general population under transportation codes even when those people are not employed in the business of transportation," and "overturns the Constitutionally secured liberty of movement, by private automobile, not-for-hire, and mandates a 'driver's license.' "

¶ 10 The April 21, 2014, docket entry indicates subpoenas to the Illinois Attorney General and the court administrator, Roger Holland, had been issued without leave of court. The trial court ordered those subpoenas be quashed.

¶ 11 On April 22, 2014, the Attorney General filed a motion to quash the subpoena, stating the subpoena purports to require the Attorney General to conduct legal research for defendant. The Attorney General noted defendant did not supply any legal support for the proposition that the Attorney General may be compelled to provide laws and statutes that are a matter of public record to a criminal defendant.

¶ 12 On April 23, 2014, defendant filed an "apology to the court." Therein, defendant indicated he did not understand what a subpoena was and wished to thank the Attorney General for explaining the subpoena to him. Defendant also indicated two other subpoenas were sent and needed to be quashed.

¶ 13 In May 2014, defendant's jury trial commenced. No transcript of the trial appears in the record. The jury found defendant guilty of both offenses. Thereafter, defendant filed a motion for judgment of acquittal and a motion for a new trial.

¶ 14 In June 2014, the trial court conducted the sentencing hearing. Prior to sentencing, the court denied defendant's posttrial motion. Thereafter, the court sentenced defendant to 24 months' probation, ordered him to serve 30 days in jail, and imposed various fines and fees. This appeal followed.

¶ 15 II. ANALYSIS

¶ 16 A. Subject-Matter Jurisdiction

¶ 17 Defendant argues the trial court erred in failing to establish subject-matter jurisdiction. We disagree.

¶ 18 " '[S]ubject matter jurisdiction' refers to the power of a court to hear and determine cases of the general class to which the proceeding in question belongs." *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 334, 770 N.E.2d 177, 184 (2002). The Illinois Constitution confers original jurisdiction on the circuit courts over "all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office." Ill. Const. 1970, art. VI, § 9.

"Generally speaking, a 'justiciable matter' is 'a controversy appropriate for review by the court, in that it is definite and concrete, as opposed to hypothetical or moot, touching upon the legal relations of parties having adverse legal interests.' [Citation.] To invoke a circuit court's subject matter jurisdiction, a petition or complaint need only 'alleg[e] the existence of a justiciable matter.' [Citation.] Indeed, even a defectively stated claim is sufficient to invoke the court's subject matter jurisdiction, as '[s]ubject matter

jurisdiction does not depend upon the legal sufficiency of the pleadings.' [Citation.] In other words, the *only* consideration is whether the alleged claim falls within the general class of cases that the court has the inherent power to hear and determine. If it does, then subject matter jurisdiction is present." (Emphasis in original.) *In re Luis R.*, 239 Ill. 2d 295, 301, 941 N.E.2d 136, 140 (2010).

"Generally, a person is subject to prosecution in this State if an offense is committed either wholly or partly within the State." *People v. Sims*, 244 Ill. App. 3d 966, 1004, 612 N.E.2d 1011, 1039 (1993); see also *People v. Jones*, 219 Ill. 2d 1, 33, 845 N.E.2d 598, 616 (2006) (noting "[v]enue is proper in any county where any element of the offense occurred").

¶ 19 Defendant's claim that the trial court lacked subject-matter jurisdiction in his case is without merit. Defendant was charged under the Illinois Vehicle Code with driving with an alcohol concentration of 0.08 or more and DUI in Champaign County (625 ILCS 5/11-501(a)(1), (2) (West 2012)), matters that are appropriate for review by the trial court. Thus, the court had subject-matter jurisdiction to decide whether defendant committed the charged offenses.

¶ 20 Defendant's second challenge to subject-matter jurisdiction involved his claim that the State had no standing because the uniform traffic citation did "not meet the requirements of a proper accusatory instrument." However, when a citation is issued on a uniform traffic ticket, the copy of ticket filed with the trial court "constitutes a complaint to which the defendant may plead, unless he specifically requests that a verified complaint be filed." 725 ILCS 5/111-3(b) (West 2012). Moreover, "[i]nasmuch as the Uniform Traffic Ticket is only used for misdemeanors, is written by an arresting officer rather than a State's Attorney and is generally

written at the time the offense is committed, we believe that naming the offense and citing it is sufficient and will generally be understood by the person charged." *People v. Tammen*, 40 Ill. 2d 76, 78-79, 237 N.E.2d 517, 518 (1968). Here, the traffic citations sufficiently set forth the offenses upon which defendant was being charged.

¶ 21 Defendant makes other arguments that are either without merit or fail to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013). "A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research." *People v. Hood*, 210 Ill. App. 3d 743, 746, 569 N.E.2d 228, 230 (1991). By failing to put forth an argument in compliance with the Supreme Court Rules, we need not address them.

¶ 22 B. Party Identification

¶ 23 Defendant argues the trial court erred in failing to properly identify the parties, claiming it is "a substantive failure of the proceedings." Defendant states he filed an entry of appearance "not as a 'pro se defendant' but as a third party of interest and injured party, and demand[ed] the State establish what kind of person PHILLIP [*sic*] L SELLERS is alleged to be." Defendant cites to section 1-159 of the Illinois Vehicle Code, which defines "person" as "[e]very natural person, firm, copartnership, association or corporation." 625 ILCS 5/1-159 (West 2012). Defendant states he is "not knowingly a firm, co-partnership, association or corporation," and asserts the State must be alleging he is a "natural person." Defendant cites federal law defining "person" and states "none of those options apply to Philip L. Sellers as an unenfranchised one, singular instance of the people, flesh and blood *imago dei*."

¶ 24 In its brief, the State agrees with defendant's claim that it was alleging he is a "natural person." Moreover, the State contends the trial court could take judicial notice of this

fact. Our supreme court has noted "courts may take judicial notice of matters which are commonly known or, if not commonly known, are readily verifiable from sources of indisputable accuracy." *People v. Henderson*, 171 Ill. 2d 124, 134, 662 N.E.2d 1287, 1293 (1996). Here, the court, as well as the jury, as trier of fact, could reasonably conclude defendant is a person, as he appeared in the courtroom throughout the proceedings. Moreover, as the trial transcripts do not appear in the record, we must assume defendant is a person and was the person alleged to have committed the charged offenses. See *People v. Patterson*, 2013 IL App (4th) 120287, ¶ 65, 2 N.E.3d 642 (stating "any doubts arising from the incompleteness of the record will be resolved against" the defendant).

¶ 25 Defendant makes other arguments that are either without merit or fail to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013). By failing to put forth an argument in compliance with the Supreme Court Rules, we need not address them. See *Hood*, 210 Ill. App. 3d at 746, 569 N.E.2d at 230.

¶ 26 C. Pretrial Motions

¶ 27 Defendant argues the trial court erred in failing to rule on his pretrial motions. Defendant makes arguments regarding the "knowing use of false documents," the rules of evidence, the power of the sheriff, posttrial motions, and "law prohibited in the courtroom." However, defendant cites only a handful of federal cases that are not controlling authority. Moreover, defendant's arguments fail to adequately present his claim of error. "Mere contentions, without argument or citation [to] authority, do not merit consideration on appeal." *Elder v. Bryant*, 324 Ill. App. 3d 526, 533, 755 N.E.2d 515, 521-22 (2001). We note defendant's *pro se* status does not relieve him of the duty to put forth clear argument on a relevant question that is capable of decision. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825, 932 N.E.2d 184,

187 (2010). Accordingly, we need not consider these other arguments. See *People v. Snow*, 2012 IL App (4th) 110415, ¶ 11, 964 N.E.2d 1139 (noting the failure to comply with Rule 341(h)(7) results in forfeiture of the argument).

¶ 28

D. Subpoenas

¶ 29

Defendant argues the trial court erred in quashing his subpoenas for records. Defendant cites only "Rule 17(c) of the FRCrP" and argues a hearing was required to determine the merits of a motion to quash. Again, defendant fails to cite pertinent authority in support of his claim. See Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013) (requiring an appellant's arguments to contain "citation of the authorities and the pages of the record relied on"). Thus, the argument is forfeited. See *Snow*, 2012 IL App (4th) 110415, ¶ 11, 964 N.E.2d 1139.

¶ 30

E. The Constitution

¶ 31

Defendant argues the trial court erred in failing to uphold the Constitution. In his argument, defendant claims, *inter alia*, the court erred in saying the State met its burden of proof, refused his jury instructions, and "sidestepped" the question of diversity of citizenship. However, defendant cites no authority to support his argument. By failing to cite legal authority in support, defendant has forfeited review of these issues. See *Snow*, 2012 IL App (4th) 110415, ¶ 11, 964 N.E.2d 1139.

¶ 32

III. CONCLUSION

¶ 33

For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal.

¶ 34

Affirmed.