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**IN THE SUPREME COURT**

**STATE OF NORTH DAKOTA**

The State of North Dakota, Plaintiff and Appellee

v.

Reuben Ray Larson, Defendant and Appellant

Criminal No. 870330

Appeal from the County Court of Cass County, East Central Judicial District, the Honorable Cynthia A. Rothe, Judge.

**AFFIRMED.**

Opinion of the Court by Gierke, Justice.

Reuben Ray Larson, 927 South 17th Street, Grand Forks, ND 58201. Pro se. Submitted on brief.

Keith William Reisenauer, Assistant States Attorney, Courthouse, P.O. Box 2806, Fargo, ND 58108, for plaintiff and appellee. Submitted on brief.

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**State v. Larson**

**Criminal No. 870330**

**Gierke, Justice.**

The defendant, Reuben Larson (Larson), appeals from a county court judgment of conviction of driving with a license under suspension in violation of Section 39-06-42, N.D.C.C.

Larson argued on appeal that Section 39-06-42, N.D.C.C., is an unconstitutional "grant of a title of nobility." Recently, in State v. Larson, 419 N.W.2d 897 (N.D.1988), we held that a driver's license was not a grant of a title of nobility.

Larson also argued that he has a right to a jury trial wherein the jury determines both the issues of fact and the issues of law. "Questions of law are to be decided by the court and not by the jury." State v. Saavedra, 396 N.W.2d 304, 306 (N.D.1986) (citing Section 29-21-03, N.D.C.C.).

Accordingly, the judgment of conviction is affirmed under Rule 35.1(a)(7), N.D.R.App.P.

H.F. Gierke III

Herbert L. Meschke

Beryl J. Levine

Gerald W. VandeWalle

Ralph J. Erickstad, C.J.