

IN THE SUPREME COURT
STATE OF NORTH DAKOTA
SUPREME COURT NO. 990305

State of North Dakota)
)
Plaintiff-Appellee,)
)
vs.)
)
Larry Soum,)
)
Defendant-Appellant.)

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

JAN 27 2000

STATE OF NORTH DAKOTA

APPELLANT'S BRIEF

Appeal from the Ward County District Court
Northwest Judicial District
Honorable Glenn Dill

Rozanna Larson #05294
Assistant States Attorney
Attorney for State of North Dakota
Ward County Courthouse
Minot, North Dakota 58701
(701) 857-6480

Richard B. Thomas #02475
THOMAS & THOMAS
Attorney for Defendant-Appellee
13 1st Avenue SW Suite 500
P.O. Box 2298
Minot, North Dakota 58702
(701) 852-1602

THOMAS & THOMAS

13 1ST AVENUE SW, SUITE 500
P.O. BOX 2298
MINOT, NORTH DAKOTA 58702
PHONE (701) 852-1602
FAX (701) 852-1661

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STATEMENT OF ISSUES

Whether there was sufficient evidence to support a jury verdict.

(iii)

THOMAS & THOMAS

13 1ST AVENUE SW, SUITE 500
P.O. BOX 2298
MINOT, NORTH DAKOTA 58702
PHONE: (701) 852-1602
FAX: (701) 852-1661

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STATEMENT OF THE CASE

Larry Soum was convicted by jury on October 1, 1999, of driving while his license or privilege to drive a motor vehicle in the State of North Dakota was suspended.

The Defendant was sentenced to one year in the Ward County Jail with all but 6 months suspended.

The Defendant appeals from the criminal judgment entered on October 5, 1999.

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STATEMENT OF FACTS

On July 17, 1999, Deputy Sheriff Todd Palumbo of the Ward County Sheriff's Department was on routine patrol duty. He observed Larry Soum driving near the North Dakota State Fairgrounds in the City of Minot, North Dakota. He had prior knowledge that Soum was under suspension, ran a license number check on the vehicle, observed and confirmed that the vehicle was registered to the defendant. He ran a check on Soum's drivers license status and found it was suspended. The Defendant was arrested and charged with driving under suspension.

A jury trial was held in the Ward County Courthouse on October 1, 1999 and after the jury deliberated for approximately twenty minutes, a verdict of guilty was rendered. The Defendant was sentenced to one year in the Ward County Jail with all but 6 months suspended.

At trial, the State introduced two exhibits. Exhibit 1 North Dakota Drivers License and Traffic Safety Division Driving Record Abstract, dated July 17, 1999 (App 4-5) and Exhibit 2 North Dakota Drivers License and Traffic Safety Division Driving Record Abstract, as of September 7, 1999 (App 6-10), certified on September 7, 1999.

1 The Defendant Larry Soum testified on his own behalf and stated that he had
2 a valid Missouri drivers license and was entitled to drive with that license. The
3 license was not introduced in evidence.
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6 LAW AND ARGUMENT
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8 The Defendant has been advised of the opinions in City of Bismarck v. Ronald
9 E. Stuart, 546 N.W.2d 366 (N.D. 1996); State of North Dakota v. Kevin Eugene
10 Rohde, 1998 ND App 13, 595 N.W.2d 603; State of North Dakota v. Ronald E. Stuart,
11 544 N.W.2d 158 (N.D. 1996); and State of North Dakota v. Robbie D. Roberson, 1998
12 ND App 15, 586 N.W.2d 687. He insists that the Supreme Court revisit these
13 decisions and determine that he has a constitutional right to drive his vehicle on the
14 highways of North Dakota.
15

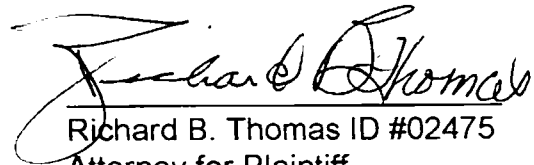
16 The court appointed counsel representing the Defendant at the jury trial
17 determined there was no issue to present on appeal and was granted leave to
18 withdraw as Defendant's attorney. The present counsel who was recently appointed
19 by the court is required to go forth with an appeal even though he is unable to find
20 any viable issues to appeal.
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CONCLUSION

The Defendant requests the Court reverse the judgment of conviction and remand the matter to the District Court for dismissal.

Dated this 26th day of January, 2000.

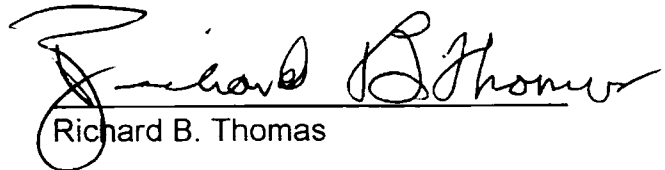
THOMAS & THOMAS



Richard B. Thomas ID #02475
Attorney for Plaintiff
13 1st Avenue SW Suite 500
P.O. Box 2298
Minot, North Dakota 58702

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the APPELLANT'S BRIEF and APPENDIX were on the 27th day of January, 2000, hand delivered to: Rozanna Larson, Assistant States Attorney, Ward County Courthouse, Minot, North Dakota 58701.



Richard B. Thomas