STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS

PROVIDENCE, Sc. **DISTRICT COURT**
SIXTH DIVISION

William-Martin Hannon	:	
	:	
v.	:	**A.A. No. 14 - 122**
	:	
Town of Hopkinton	:	
(RITT Appeals Panel)	:	

O R D E R

This matter is before the Court pursuant to § 8-8-8.1 of the General Laws for review of the Findings and Recommendations of the Magistrate.

After a de novo review of the record, the Court finds that the Findings and Recommendations of the Magistrate are supported by the record, and are an appropriate disposition of the facts and the law applicable thereto. It is, therefore,

ORDERED, ADJUDGED AND DECREED

that the Findings and Recommendations of the Magistrate are adopted by reference as the decision of the Court and the decision of the Appeals Panel is AFFIRMED.

Entered as an Order of this Court at Providence on this 18th day of March, 2015.

By Order:

__/s/_____
Stephen C. Waluk
Chief Clerk

Enter:

___/s/_____
Jeanne E. LaFazia
Chief Judge

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
PROVIDENCE, Sc. **DISTRICT COURT**
SIXTH DIVISION

William-Martin Hannon	:	
	:	**A.A. No. 2014 – 122**
v.	:	**(C.A. No. M13-019)**
	:	**(07-506-0008001)**
Town of Hopkinton	:	
(RITT Appeals Panel)	:	

F I N D I N G S & R E C O M M E N D A T I O N S

Ippolito, M. In this appeal, Mr. William-Martin Hannon urges that an appeals panel of the Rhode Island Traffic Tribunal (RITT) erred when it affirmed a municipal court judge's verdict adjudicating him guilty of an equipment violation: "Safety belt use" in violation of Gen. Laws 1956 § 31-22-22. Jurisdiction for the instant appeal is vested in the District Court by Gen. Laws 1956 § 31-41.1-9 and the applicable standard of review is found in subsection 31-41.1-9(d). This matter has been referred to me for the making of findings and recommendations pursuant to Gen. Laws 1956 § 8-8-8.1.

On November 5, 2013, a briefing schedule was issued by the Court, in response to which both the Appellant and the Town of Hopkinton have submitted memoranda for our review. And, after a review of the entire record I find that — for the reasons explained below — the decision of the appeals panel should be affirmed.

I
FACTS AND TRAVEL OF THE CASE

At the outset, we should note that Mr. Hannon's defense at trial and his appeal issues are based neither on the facts of the case nor the substantive law of seat belt use. Instead, he argues that the Municipal Court did not have subject-matter jurisdiction over him because he is a "non-corporate person" not involved in commerce and not a United States citizen.[1] As a result, the following succinct synopsis of the events leading to the issuance of the instant citation will suffice for our purposes —

On April 26, 2013 at approximately 10:39 a.m., Officer Jason Eastwood of the Hopkinton Police Department observed that the operator of a silver Pontiac traveling south on Main Street was not wearing a seat belt.[2] He stopped

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1 See Decision of Appeals Panel, at 2.

2 See Decision of Appeals Panel, at 1 citing Trial Transcript, at 8.

the vehicle at the intersection of Bank Street and Main Street and issued him a citation for failure to use a seat belt.[3]

Mr. Hannon entered a plea of not guilty at his arraignment on July 12, 2013; the matter proceeded to trial before Judge Margaret Steele of the Hopkinton Municipal Court on November 1, 2013.

At Mr. Hannon's trial, Officer Eastwood testified as to the underlying facts of the traffic stop.[4] Mr. Hannon admitted he did not have his seat-belt engaged.[5] Mr. Hannon's defense — first stated at the outset of the trial — was that the court did not have subject-matter jurisdiction to hear his case.[6] The presiding judge disagreed, referencing the court's enabling statute; she found the Appellant guilty of the seat-belt violation.[7]

Aggrieved by this decision, Mr. Hannon filed a timely appeal. On March 19, 2014, his appeal was heard by an RITT appellate panel composed of: Magistrate Alan Goulart (Chair), Magistrate Domenic DiSandro, and Magistrate Joseph Abbate. In a decision dated August 25, 2014, the appeals panel affirmed

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3 See Decision of Appeals Panel, at 1-2 citing Trial Transcript, at 8-9.

4 See Trial Transcript, at 7-14.

5 See Trial Transcript, at 15-17.

6 See Decision of Appeals Panel, at 2 citing Trial Transcript, at 2.

7 See Decision of Appeals Panel, at 2-3 citing Trial Transcript, at 5, 28.

the decision of the trial judge. The appeals panel rejected each of his arguments and affirmed the appellant's conviction for a seat-belt violation. On September 2, 2014, Mr. Hannon filed a further appeal to the Sixth Division District Court pursuant to Gen. Laws 1956 § 31-41.1-9.

II
STANDARD OF REVIEW

The standard of review which this Court must employ is enumerated in Gen. Laws 1956 § 31-41.1.-9(d), which provides as follows:

> (d) Standard of review. The judge of the district court shall not substitute his or her judgment for that of the appeals panel as to the weight of the evidence on questions of fact. The district court judge may affirm the decision of the appeals panel, or may remand the case for further proceedings or reverse or modify the decision if the substantial rights of the appellant have been prejudicial because the appeals panel's findings, inferences, conclusions or decisions are:
> (1) In violation of constitutional or statutory provisions;
> (2) In excess of the statutory authority of the appeals panel;
> (3) Made upon unlawful procedure;
> (4) Affected by other error of law;
> (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
> (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

This standard is akin to the standard of review found in Gen. Laws 1956 § 42-35-15(g), the State Administrative Procedures Act (APA).

Under the APA standard, the District Court "* * * may not substitute its judgment for that of the agency and must affirm the decision of the agency unless its findings are 'clearly erroneous.' "[8] Thus, the Court will not substitute its judgment for that of the appeals panel as to the weight of the evidence on questions of fact.[9] And so, except in the case where the panel's decision is affected by error of law, the decision of the panel must be affirmed as long as it is supported by legally competent evidence.[10]

III
APPLICABLE LAW

In the instant matter the Appellant was charged with violating section 31-22-22(g) of the Rhode Island General Laws which states in pertinent part:

> **31-22-22 Safety belt use – child restraint. —** (a) …
> **…**
> (g)(1) Any person who is an operator of a motor vehicle shall be properly wearing a safety belt and/or shoulder harness system as defined by Federal Motor Safety Standard 208 while the vehicle is

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8 Guarino v. Department of Social Welfare, 122 R.I. 583, 584, 410 A.2d 425 (1980) citing Gen. Laws 1956 § 42-35-15(g)(5).

9 See Link v. State, 633 A.2d 1345, 1348 (R.I. 1993) citing Liberty Mutual Insurance Company v. Janes, 586 A.2d 536, 537 (R.I. 1991)(decision rendered during previous incarnation of the appeals panel during existence of Administrative Adjudication Division[AAD]).

10 Link, 633 A.2d at 1348 citing Environmental Scientific Corporation v. Durfee, 621 A.2d 200, 208 (R.I. 1993).

> in operation on any of the roadways, streets, or highways of this state.
>
> (2) The provisions of this subsection shall apply only to those motor vehicles required by federal law to have safety belts.
>
> (h) …

The charge is a civil violation.[11]

IV

ANALYSIS

A

The Record Pertinent to Mr. Hannon's Legal Defense

In upholding Mr. Hannon's conviction on the seat-belt charge the appeals panel relied on the findings made by the trial judge based on the testimony of Officer Jason Eastwood, who described the events in his testimony.[12] Moreover, Mr. Hannon admitted he was the person who was stopped and that he did not have his seat belt engaged while he was operating.[13] Therefore, there can be no question that the police officer proved (to the standard of clear and convincing evidence) that Mr. Hannon failed to use his seat belt while driving in Hopkinton during the morning of April 26, 2013. However, Mr. Hannon has also raised a variety of legal challenges to his

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11 See Gen. Laws 1956 § 31-27-13.

12 See Trial Transcript, at 7-14.

13 See Trial Transcript, at 16-17. He not only admitted it in Court; he admitted it to the officer when he was stopped. Id.

prosecution on this citation.

Indeed, Mr. Hannon testified that he first raised these jurisdictional issues with Officer Eastwood at the scene of the stop; for instance, he said that when the officer told him he had been stopped for a seat belt violation he told him —

> Officer, I'm not involved in commerce. I was not driving my vehicle, I was traveling in my car.[14]

Then, when the officer asked for his license, registration, and proof of insurance, Mr. Hannon responded —

> Well, I can't give that to you under these circumstances because you're going to perceive that I'm an agent for the state -- I -- I didn't say agent for the state. You're going to perceive that I am liable.[15]

And when the officer said he was going to call his supervisor, he answered that "I will not comply because I do not stand under your authority."[16] The officer replied that he did stand under his authority because he was driving the vehicle; Mr. Hannon answered by stating that he was not driving the vehicle.[17]

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[14] See Trial Transcript, at 16.

[15] See Trial Transcript, at 18.

[16] See Trial Transcript, at 18.

[17] See Trial Transcript, at 18.

But when Officer Eastwood said he was going to call his supervisor and have back-up sent, he advised the officer — because he is "not a person of conflict or controversy" — that he would accede to his request for documents.[18] But Mr. Hannon set out the following caveat to the officer —

> But I want you to understand that I do not voluntarily avail myself to your authority.[19]

With this, he handed over his paperwork.[20] Officer Eastwood expressed general agreement with his narrative.[21]

Mr. Hannon took advantage of the opportunity the Court afforded him to make a final argument.[22] He used it to inform the Court that he does regard himself as being "under the authority of any statutory."[23] He then stated —

> … I am basically a free American. I am not a U.S. citizen. I have gone through many loops, basically – I have UCC-1 filings. I have UCC-1 filings stating that I have control of my name. My name is copyrighted and trademarked, both all capital letters. And not --

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18 See Trial Transcript, at 19.

19 See Trial Transcript, at 19.

20 See Trial Transcript, at 19. As they were about to part, Mr. Hannon advised Officer Eastwood that it was a federal offense to use emergency lights in a non-emergency situation. Id.

21 See Trial Transcript, at 23.

22 See Trial Transcript, at 23-24.

23 See Trial Transcript, at 23-24. It is not clear what noun the adjective "statutory" modified.

> these are not only in the federal, state department, but also in the state department, and it's on file at the town hall. It's all -- you know, it's cured. It's been over 30 days.
> The Court: Okay
> Mr. Hannon: So you know, I was just trying to make him aware that I am not a statutory person because I am not a U.S. citizen. U.S. citizens are the ones, more or less, playing the game of being in this scheme, basically.[24]

With this, Mr. Hannon concluded his presentation.

The trial judge then reviewed the testimony of the case.[25] She then rendered her verdict, finding it uncontroverted that Mr. Hannon drove without his seat belt engaged.[26] She imposed a fine of $85.00 plus $35.00 in court costs.[27]

B

The Treatment of Mr. Hannon's Legal Defense by the Municipal Court

Before the Municipal Court, Mr. Hannon filed a Motion to Dismiss with an accompanying affidavit for non-corporation status.[28] The Court initially responded that it lacked jurisdiction to decide whether he had sovereign immunity status; the Court stated that it only had jurisdiction to decide the

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[24] See Trial Transcript, at 24.

[25] See Trial Transcript, at 24-28.

[26] See Trial Transcript, at 28-29.

[27] See Trial Transcript, at 30.

[28] See Trial Transcript, at 2-3.

motor vehicle violation.[29] But, in the next moment, the Court stated that it did have subject matter jurisdiction over the case "based upon the authority vested in this Court by the legislature when this Court was established."[30] The Court further found that it had personal jurisdiction over Mr. Hannon because he appeared at his arraignment without making a special appearance at that event.[31]

C

The Treatment of Appellant's Legal Defense by the Appeals Panel

The appeals panel began its analysis of Mr. Hannon's defense by reviewing some fundamental principles of traffic enforcement.

The appeals panel first noted that the operation of a motor vehicle on the highways of Rhode Island is a privilege, not a right.[32] Moreover, it is a privilege subject to reasonable regulation.[33] And this power to regulate traffic

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29 See Trial Transcript, at 5.

30 See Trial Transcript, at 5.

31 See Trial Transcript, at 5-6.

32 See Decision of Appeals Panel, at 4 citing Allard v. Department of Transportation, 609 A.2d 930, 937 (R.I. 1992) citing Berberian v. Petit, 118 R.I. 448, 455 n. 9, 374 A.2d 791, 794 n. 9 (1977). See also State v. Garvin, 945 A.2d 821, 823 (R.I. 2008).

33 See Decision of Appeals Panel, at 4 citing 60 CORPUS JURIS SECUNDUM, Motor Vehicles § 19. See also Garvin, ante n. 32, 945 A.2d at 823-24.

on our highways emanates from the state's police power.[34] In support of this point, the panel referenced State v. Locke (R.I.1980), in which the statute criminalizing drunk driving was held to be a valid exercise of the police power.[35]

Secondly, the panel cited State v. Garvin (R.I. 2008),[36] in which our Supreme Court held that the law requiring a license to operate a motor vehicle on Rhode Island's highways was constitutional because it bore a "rational relationship" to the goal of highway safety.[37] The Court rejected Mr. Garvin's plea that because he was a "sovereign state citizen" the more burdensome "strict scrutiny" test was applicable.[38]

Thirdly, the appeals panel decided that the mandatory seat belt law, § 31-22-22, also satisfies the "rational relationship test" because it was rationally

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[34] See Decision of Appeals Panel, at 5 citing Berberian v. Lussier, 87 R.I. 226, 232, 139 A.2d 869, 873 (1958). See also Garvin, 945 A.2d at 823-24.

[35] See Decision of Appeals Panel, at 5 citing State v. Locke, 418 A.2d 843, 849 (R.I. 1980).

[36] See Decision of Appeals Panel, at 5 citing State v. Garvin, 945 A.2d 821, 822 (R.I. 2008).

[37] See Decision of Appeals Panel, at 5-6 citing Garvin, 945 A.2d at 824.

[38] See Decision of Appeals Panel, at 5-6 citing Garvin, 945 A.2d at 824.

related to the legitimate state interest of reducing highway fatalities.[39]

Fourthly, the appeals panel noted the civil violation of failing to use a seat belt is within the jurisdiction of the Traffic Tribunal.[40]

After acknowledging that Mr. Hannon did not dispute the truth of the citation, the appeals panel made its final finding — that the Court's authority over this citation was not dependent on Mr. Hannon's citizenship, whatever it might be; in this regard it cited Gen. Laws 1956 §§ 31-7-6 and 31-7-7 which, taken together, provide that any non-resident who operates a motor vehicle in Rhode Island agrees that service of process — for any civil action arising out of a collision occurring here — may be served upon the administrator of motor vehicles.[41]

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[39] See Decision of Appeals Panel, at 5 citing Swajian v. General Motors Corp., 559 A.2d 1041, 1047 (R.I. 1980) and Garvin, Allard, Berberian v. Lussier, and Locke. In Swajian our Supreme Court ruled, in answer to a question posed by the United States District Court, that Rhode Island does not permit a plaintiff's failure to use seat belts as a defense, under a theory of comparative negligence; at the time of the events in Swajian, seat belt use was only mandated for children. 559 A.2d at 1046-47.

[40] See Decision of Appeals Panel, at 6 citing Gen. Laws 1956 § 8-8.2-1 and Gen. Laws 1956 § 8-18-3. See also § 8-8.2-2.

[41] See Decision of Appeals Panel, at 6-8.

D
Discussion

1
Jurisdiction of the Hopkinton Municipal Court in Traffic Matters

Before considering Mr. Hannon's proffered defense — that he was immune from this citation based on his status — it is fitting that we should pause, if only briefly, in order to confirm that the Hopkinton Municipal Court does in fact have jurisdiction over seat-belt charges. First, the Hopkinton Municipal Court is established by the legislature in 2007.[42] Second, under the "State and Municipal Court Compact," found in Chapter 18 of Title 8 of the General Laws, the Rhode Island Traffic Tribunal and the several municipal courts have concurrent jurisdiction over many civil traffic violations, including the one mandating seat belt use, § 31-22-22.[43] When exercising their traffic jurisdiction, the municipal courts, including the Hopkinton Municipal Court, must follow the procedures adopted by the Traffic Tribunal.[44]

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[42] See P.L. 2007, ch. 336, § 1 and P.L. 2007, ch. 474, § 1 which are codified at Gen. Laws 1956 § 45-2-56.

[43] See Gen. Laws 1956 § 8-18-3.

[44] See Gen. Laws 1956 § 8-18-11.

2

The General Assembly's Authority to Enact Traffic Offenses

In the United States, the general power to create penalties for proscribed conduct, which emanates from what is known as the "police power,"[45] is vested in the state legislatures, but not in the Congress, whose power (in theory) is limited.[46] As a result, it has written that the states hold the "primary authority for defining and enforcing criminal law."[47] And the Rhode Island Supreme Court has repeatedly and expressly acknowledged that our legislature is cloaked

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[45] 16A AM. JUR. 2d, Constitutional Law, § 313 et seq. (1998). The "police power" is said to be not at all amenable to a precise definition, but it is said to encompass a sovereign's right to legislate, to promote "the peace, security, safety, morals, health, and general welfare of the community[.]"16A American Jurisprudence 2d, Constitutional Law, §§ 315-16 at 251-52. And, in National Federation of Independent Business v. Sebelius, 567 U.S. --, 132 S.Ct. 2566, 2578, 183 L.Ed. 2d 450 (2012), Chief Justice Roberts referred to it as the "general power of governing."

[46] 21 American Jurisprudence 2d, Criminal Law, § 12 at 124 (2008). As stated in Clark & Marshall, A Treatise of the Law of Crimes, (7th ed. 1967):

> The power of the state legislatures or general assemblies is limited only by the Constitution of the United States, or of the state. Congressional power is such only as is expressly or impliedly conferred upon it by the Constitution of the United States.

Clark & Marshall, § 1.05 at 29. See also Justin Miller, Handbook of Criminal Law (1934), § 11(e) at 35. See also National Federation of Independent Business v. Sebelius, ante at n. 45, 132 S.Ct. at 2578.

[47] United States v. Lopez, 514 U.S. 549, 561, 115 S.Ct. 1624, 1631 (1995) citing Brecht v. Abrahamson, 507 U.S. 619, 635, 113 S.Ct. 1710, 1720, 123 L.Ed. 2d 353 (1993) quoting Engle v. Isaac, 456 U.S. 107, 128, 102 S.Ct. 1558, 1572, 71 L.Ed.2d 782 (1982). See also 21 AM. JUR. 2d, Criminal Law, § 14 at 125.

with the police power, particularly on issues relating to highway safety. Let us cite a few examples —

In Berberian v. Lussier,[48] (1958), the Supreme Court considered the denial of a bill in equity which sought to enjoin the registrar of motor vehicles from suspending the petitioner's operator's license based on non-compliance with the financial responsibility statutes.[49] The Court began by overruling a 1926 case which held that a license to drive was neither a contract nor a property right; the Court ruled that, whatever its status, it was not a privilege that could be terminated arbitrarily.[50] The Court then turned to the constitutionality of the financial responsibility laws. It began by declaring —

> Whatever may be its nature, the right to use the public highways for travel by motor vehicles is one which properly can be regulated by the legislature in the valid exercise of the police power of the state. …[51]

It then stated that the "… [police] power is inherent in sovereignty and permits the enactment of laws, within constitutional limits, to promote the general

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48 87 R.I. 226, 139 A.2d 869 (1958).

49 Berberian, 87 R.I. at 229, 139 A.2d 871.

50 Berberian, 87 R.I. at 231, 139 A.2d 872.

51 Berberian, 87 R.I. at 231-32, 139 A.2d 872.

welfare of the citizens."[52] Finding that the purpose of the financial responsibility laws was to protect the motoring public from financially irresponsible persons involved in accidents, the Court found the statute not violative of due process.[53]

Twenty-two years later, in State v. Locke,[54] our Supreme Court held that the statute that criminalizes drunk driving is also a valid exercise of the police power, since it outlaws conduct that "affects the lives, conduct, and general welfare of the people of the state."[55] The goal of the legislation is to reduce the "carnage"[56] perpetrated on our highways by "drivers who in drinking become a menace to themselves and to the public."[57] In sum, like the charge of reckless driving, it proscribes dangerous conduct on the highways.

Finally, we may consider the Supreme Court's recent opinion (at least

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52 Berberian, 87 R.I. at 232, 139 A.2d 873.

53 Berberian, 87 R.I. at 232, 139 A.2d 872-73.

54 418 A.2d 843, 849 (R.I. 1980).

55 Locke, 418 A.2d at 849 citing People v. Brown, 174 Colo. 513, 522-23, 485 P.2d 500, 505 (1971).

56 Locke, 418 A.2d at 850 citing DiSalvo v. Williamson, 106 R.I. 303, 305-06, 259 A.2d 671, 673 (1963).

57 Locke, 418 A.2d at 850 citing Campbell v. Superior Court, 106 Ariz. 542, 546, 479 P.2d 685, 689 (1971).

relatively) in State v. Garvin (2008).[58] In Garvin the Court considered Mr. Grant Garvin's argument that he was not subject to the law which requires drivers to have licenses because he was a "sovereign state citizen."[59] The Supreme Court made short work of this argument. First, it cited Allard v. Department of Transportation (1992) for the principle that the right to drive on the public highways is not a fundamental right.[60] Then, citing Berberian v. Lussier, the Court stated that it had long recognized that "… the right to use the public highways for travel by motor vehicles is one which properly can be regulated by the [L]egislature in the valid exercise of the police power."[61] It rejected as "without merit" Mr. Garvin's notion that, because he was a sovereign state citizen, any infringement on his right to travel must be subjected to a "strict scrutiny" analysis.[62] Instead, it announced that it would apply the "rational relationship" test.[63] Applying this test, the Court found that

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58 945 A.2d 821 (R.I. 1980).

59 Garvin, 945 A.2d at 822-23.

60 Garvin, 945 A.2d 823 citing Allard v. Department of Transportation, 609 A.2d 930, 937 (R.I. 1992).

61 Garvin, 945 A.2d 823-24 citing Berberian v. Lussier, 87 R.I. at 232-32, 139 A.2d at 872.

62 Garvin, 945 A.2d 824.

63 Garvin, 945 A.2d 824 citing Rhode Island Department of Environmental

the state law prohibiting unlicensed drivers from operating on Rhode Island's highways was rationally related to the legitimate state interest of maintaining safety on our highways.[64]

Applying this test to the statute requiring the use of seat belts requires no profound analysis. The legislature is apparently satisfied that their use can reduce the number of fatalities on Rhode Island's highways. The benefits of seat belt use are patent. Courts from many of our sister states have upheld such statutes as a constitutional exercise of their state's inherent police power.[65] And we know that the propriety of such statutes is not diminished by the fact that the operators/defendants themselves are the primary beneficiary of seat belt mandates.[66] Therefore, § 31-22-22 must be viewed as rationally connected to

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Management, 941 A.2d 198, 206 (R.I. 2008).

64 Garvin, 945 A.2d 824.

65 Appellate courts from our sister states have found seat belt laws to be a valid exercise of the police power: Chase v. State, 243 P.3d 1014, 1016 (Alaska, 2010); State v. Folda, 267 Mont. 523, 526-27, 885 P.2d 426, 427-28 (1994); People v. Kohrig, 113 Ill.2d 384, 401-406, 498 N.E.2d 1158, 1164-66 (1986); State v. Hartog, 440 N.W.2d 852, 856-60 (Iowa, 1989); and see 7A AM. JUR. 2D Automobiles and Highway Traffic § 228.

66 See State ex rel. Colvin v. Lombardi, 104 R.I. 28, 30-31, 241 A.2d 625, 627 (1968)(On certified question from a District Court judge, the Supreme Court decides that law requiring operators of motorcycles to wear helmets is proper exercise of legislature's power to protect public health, safety, and morals even if sole purpose was to protect operators themselves,

the goal of highway safety and generally promoting the public welfare; it must therefore be determined to be a constitutional use of the police power.

3

Mr. Hannon's Claim of Immunity From Traffic Prosecution

Finally, we come to our analysis of Mr. Hannon's claim of immunity. At the outset, we must note that it is rather broad. He is not just arguing that this officer could not cite him for this charge, he is asserting that he is entirely immune from prosecution under Rhode Island's traffic laws — because he has become a non-corporate, non-U.S. citizen,[67] based on certain steps he has taken to perfect this status.[68]

However, it is clear that, whatever Mr. Hannon's status might be, by operating a vehicle in Rhode Island he became subject to the Rules of the Road enacted by the General Assembly, like any other citizen, resident alien, or foreign visitor. And despite his protestations to the contrary, there is no doubt

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given public interest in such persons becoming public charges).

[67] Curiously, while Appellant states with particularity that he is not a U.S. citizen, he does not tell us what citizenship he holds. Nor does he allege that he is "The Man Without a Country," like Philip Nolan, the title character in the short story by Edward Everett Hale, first published in the December 1863 edition of the ATLANTIC MONTHLY.

[68] If nothing else, his claim has the virtue of being entirely democratic; apparently this status is one any American can adopt.

that Mr. Hannon submitted himself to the State's traffic safety scheme. A simple review of the citation issued to him by Officer Eastwood (07-506-0008001) shows that he held a Rhode Island operator's license and the vehicle he was driving was owned by him and was duly registered here.[69]

In sum, the guidance of our Supreme Court's decision in the Garvin case is clear. The Hopkinton Municipal Court exercised the jurisdiction it was granted by the General Assembly. The offense (requiring the use of seat belts) is one which was properly created through an invocation of the police power of the State. And by operating (as authorized by his operator's license) a vehicle (registered in Rhode Island) in this state, he became subject to its rules and to prosecution for the breach of those rules.

Accordingly, applying the tenets enunciated in the Rhode Island Supreme Court's decision in Garvin, ante, I find that Mr. Hannon's argument that he is not subject to the law requiring the use of seat belts when operating must be rejected.

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[69] By employing the past tense I do not mean to suggest he is not currently licensed or that his vehicle is not now registered.

V
CONCLUSION

Upon careful review of the evidence, I recommend that this Court find that the decision of the appellate panel was made upon lawful procedure and was not affected by error of law. Gen. Laws 1956 § 31-41.1-9. Furthermore, said decision is not clearly erroneous in view of the reliable, probative and substantial evidence on the whole record. Id. Accordingly, I recommend that the decision of the appeals panel be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE

March 18, 2015