

Appendix A. Order in conjunction
with judgment sought to be
reviewed.

JAN 25 2024

IN THE UTAH COURT OF APPEALS

AMERICAN FORK CITY, Appellee, v. SETH STEWART, Appellant.	ORDER OF AFFIRMANCE Case No. 20230223-CA
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Before Judges Mortensen, Tenney, and Oliver.

Seth Stewart appeals his convictions of three different infractions. We affirm.

Stewart initially argues that he was entitled to a jury trial to determine whether he was guilty of the infractions. The United States Supreme Court has concluded that a right to a trial by jury does not extend to petty offenses, i.e., those offenses which carry a maximum sentence of six months or less. *See Lewis v. United States*, 518 US 322, 325 (1996). Similarly, the Utah Supreme Court has determined that “the Utah Constitution’s guarantee of a jury trial does not extend to prosecutions where the maximum sanction is thirty or fewer days incarceration and/or a minor financial penalty.” *South Salt Lake City v. Maese*, 2019 UT 58, ¶ 84, 450 P.3d 1092. These cases definitively resolve the issue raised by Stewart. Despite this, Stewart asks us to overrule such precedent arguing the precedent does not equal constitutionality. However, both this court and the district courts are “bound by vertical stare decisis to ‘follow strictly’ the decisions rendered by the Utah Supreme Court.” *Ortega v. Ridgewood Estates LLC*, 2016 UT App 131, ¶ 30, 379 P.3d 18. Accordingly, the district court correctly concluded that Stewart was not entitled to a jury trial for the infractions.

Next, Stewart contends that the district court improperly denied three motions made during trial on the basis that the motions were made orally instead of in writing. The record does not support Stewart’s argument. The district court denied each of the motions Stewart made during trial on the merits. Specifically, the district court denied Stewart’s motion for a jury trial because infractions “are not eligible for a jury trial.” It denied Stewart’s motion to dismiss the information after stating that the State had the right to amend the information to change two of the charges from misdemeanors to infractions. Finally, the district court denied Stewart’s motion asking that the statute


requiring each driver to maintain insurance be found unconstitutional because "the insurance provisions of the Utah Code have been repeatedly upheld to be appropriate." Thus, Stewart's argument that the district court denied his motions because they were made orally before the court is not well-taken.

Finally, Stewart contends that the statute requiring him to obtain automobile insurance violates Utah's constitution. However, Stewart has failed to adequately brief the issue. "An issue is inadequately briefed if the argument merely contains bald citations to authority without development of that authority and reasoned analysis based on that authority." *State v. Timmerman*, 2009 UT 58, ¶ 25 n.5, 218 P.3d 590 (cleaned up). The briefing requirement is important because an appellant who fails to adequately brief an issue "will almost certainly fail to carry its burden of persuasion on appeal." *Bank of America v. Adamson*, 2017 UT 2, ¶ 12, 391 P.3d 196. Here, Stewart argues that the mandatory insurance provision is unconstitutional because it constitutes a "conspiracy in restraint of trade." However, Stewart's argument consists of only one paragraph and fails to cite to any authority or reasoned analysis that supports his argument.¹ Accordingly, Stewart has failed to carry his burden of persuasion, especially in light of case law stating that "our legislature has the power and duty to promote the public health, safety, and general welfare of all citizens. In furtherance of that power and duty, conditions and regulations for the operation of motor vehicles on our public roads and highways are a proper subject for legislative action." *State v. Stevens*, 718 P.2d 398, 399 (Utah 1986) (per curiam) (concluding that statutes requiring a driver to register a vehicle and maintain a driver's license did not violate the Utah Constitution).

IT IS HEREBY ORDERED that Stewart's convictions for the three infractions are affirmed.

Dated this 25th day of January, 2024.

FOR THE COURT:



Amy J. Oliver, Judge

¹ Stewart demonstrated that he understood this requirement in his extensive briefing of the right to a jury trial issue.

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2024, a true and correct copy of the foregoing ORDER was deposited in the United States mail or was sent by electronic mail to be delivered to:

SETH ANDREW STEWART
stewart.seth.a@gmail.com

JAMES HANSEN
HANSEN WRIGHT EDDY & HAWS
THANSEN@CENTRALUT AHLAW.COM

FOURTH DISTRICT, AMERICAN FORK
ATTN: NORMA VALAVALA-BALLARD
75 E 80 N STE 202 BX 460
AMERICAN FORK UT 84003-1660
normavb@utcourts.gov

By Hannah Hunter
Hannah Hunter
Judicial Assistant

Case No. 20230223
FOURTH DISTRICT, AMERICAN FORK, 225103721

Appendix B. Trial court record

4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY,
Plaintiff,

vs.

SETH ANDREW STEWART,
Defendant.

NOTICE OF
ARRAIGNMENT

Case No: 225103721 TC

Judge: DENISE M PORTER

Date: October 20,2022

ARRAIGNMENT is scheduled.

Date: 01/03/2023

Time: 08:30 a.m.

Location: Courtrm 2, 3rd Floor

FOURTH DISTRICT COURT

75 EAST 80 NORTH

AMERICAN FORK, UT 84003-0986

Before Judge: DENISE M PORTER

This hearing will be conducted remotely via webex.

The webex link for Judge Porter is <https://utcourts.webex.com/meet/Porter> or 1-408-418-9388
Access code: 146 273 7716

You may also access the webex link on the courts website at www.utcourts.gov or you can call the court at 801-756-9654.

If you do not have access to a phone or electronic device to appear remotely, you may appear at the court address listed above where a computer will be accessible for you to use.

If the Defendant fails to appear as directed above, a WARRANT OF ARREST will be issued.

For up-to-date information on court operations during the COVID-19 pandemic, please visit:
<https://www.utcourts.gov/alerts/>

* The court will provide an interpreter upon request. If you need an interpreter, please notify the court at 801-756-9654 five days before the hearing.

* El tribunal proveerá un intérprete si lo solicita. Si usted necesita un intérprete, por favor notifique al tribunal llamando al número 801-756-9654 cinco días antes de la audiencia.

Individuals needing special accommodations (including auxiliary communicative aids and services) should call Norma Valavala-Ballard at 801-756-9654 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225103721 by the method and on the date specified.

MAIL: SETH ANDREW STEWART 47 LINCOLN AVE AMERICAN FORK, UT 84003

MANUAL EMAIL: J AMES HANSEN prosecutionadmin@centralutahlaw.com

EMAIL: SETH ANDREW STEWART pygosceles@yahoo.com

10/20/2022

/s/ ROGELIO GARCIA

Date: _____

Signature

4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY,
Plaintiff,

vs.
SETH ANDREW STEWART,
Defendant.

MINUTES
ARRAIGNMENT

Case No: 225103721 TC
Judge: DENISE M PORTER
Date: January 3, 2023

PRESENT

Clerk: rogeliog
Prosecutor: HANSEN, J AMES
Defendant Present
The defendant is not in custody
Defendant pro se

DEFENDANT INFORMATION

Date of birth: October 28, 1987
Audio
Tape Number: Courtroom 2 Tape Count: 9:45-9:49

CHARGES

1. OPERATING VEHICLE WITHOUT INSURANCE (amended) - Infraction Plea: Not Guilty
2. DRIVE ON SUSPENDED OR REVOKE LICENSE - Infraction Plea: Not Guilty
3. FAILURE TO REGISTER OR EXPIRED VEHICLE REGISTRATION - Infraction Plea: Not Guilty

HEARING

1.12-1.17 WBX -

This matter comes before the court for an Arraignment.
This hearing is conducted remotely by Webex video conferencing.
Discussion ensues.
Charges 1 and 2 are amended to Infractions.
Defendant pleads Not Guilty.
Bench Trial is scheduled for February 22, 2023 at 1:30 pm.

(WBX) BENCH TRIAL is scheduled.

Date: 02/22/2023

Time: 01:30 p.m.

Before Judge: DENISE M PORTER

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

For up-to-date information on court operations during the COVID-19 pandemic, please visit
<https://www.utcourts.gov/alerts/>

Individuals needing special accommodations (including auxiliary communicative aids and services) should call Norma Valavala-Ballard at 801-756-9654 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128. The general information phone number is 801-756-9654.

James "Tucker" Hansen, Bar No. 5711
Cherylyn M. Egner, Bar No. 15129
Melissa K. Mellor, Bar No. 10437
HANSEN LAW, P.C.
Attorneys for Plaintiff
233 S. Pleasant Grove Blvd., Suite 202
Pleasant Grove, Utah 84062
Telephone: (801) 443-2380
Facsimile: (801) 796-0984

**IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH
UTAH COUNTY, AMERICAN FORK DEPARTMENT**

**THE STATE OF UTAH by and through
the American Fork City Prosecutor,**

Plaintiff,

vs.

**SETH ANDREW STEWART
47 Lincoln Avenue
American Fork, Utah 84003**

DOB: 10/28/1987
Defendant.

INFORMATION

Citation No. C179700380

Case No. 225103721

The undersigned, states on information and belief, that the Defendant committed the following crimes in American Fork City, Utah County, on or about October 2, 2022:

COUNT I:

In that the Defendant committed the following crime **DRIVING WITHOUT A VALID REGISTRATION**, an Infraction, in American Fork City, Utah County, in violation of Section 41-1A-201 of the Utah State Code.

The act of the Defendant constituting the crime was that the Defendant did operate or did give another permission to operate a motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, off highway vehicle, or vessel within the State of Utah when it had not been registered in accordance with the laws of the State of Utah.

COUNT II:

In that the Defendant committed the following crime **DRIVING ON A SUSPENDED OR REVOKED REGISTRATION**, an Infraction, in American Fork City, Utah County, in violation of Section 41-12a-603 of the Utah State Code.

The act of the Defendant constituting the crime was that the Defendant drove a motor vehicle in the city of American Fork at a time when the registration for that vehicle had been suspended or revoked

COUNT III:

In that the Defendant committed the following crime **OPERATING A VEHICLE WITHOUT INSURANCE**, an Infraction, in American Fork City, Utah County, in violation of Section 41-12a-301 and 41-12a-302 of the Utah State Code.

The act of Defendant constituting the crime was that the Defendant did operate or permit to be operated, a motor vehicle which required owner's security upon the streets of American Fork City without owner's security being in effect on said vehicle.

This information is based on evidence obtained from the following witness: Trooper B. Alfonso.


AMERICAN FORK CITY PROSECUTOR

NOTICE OF RIGHT TO DISCOVERY: Under Rule 16 of the Utah Rules of Criminal Procedure, the defendant in this matter has the right to inspect, test, and copy material and information directly related to the case of which the prosecutor team has knowledge and control. If you would like to exercise that right, you can contact the Prosecutor's office to arrange delivery or inspection.

You may either call the prosecutor at the number listed at the top of this pleading or email the Prosecutor for a copy of your discovery at: info@centralutahlaw.com. Be sure to include the court's case number in the subject line of your email along with your request.

CERTIFICATE OF MAILING

I hereby certify that I caused to be mailed a true and correct copy of the foregoing
INFORMATION, on this 2 February 2023, to the following address:

Seth Andrew Stewart
47 Lincoln Avenue
American Fork, Utah 84003


Secretary

February 8, 2023
Case # 225103721

FILED
FEB 08 2023 VM
41st DISTRICT
STATE OF UTAH
UTAH COUNTY

In the matter of the above case. AMERICAN FORK CITY vs. SETH ANDREW STEWART:

This writing is to inform the court that I, the undersigned defendant, do not waive my right to a jury trial, and that, pursuant to the US Constitution, I require a jury for my upcoming trial on 22 February, 2023 at 1:30 p.m. at 75 East 80 North, Suite 202 in American Fork, Utah with judge Denise M. Porter. I enjoin it upon the court as a matter of individual right guaranteed and required by the United States Constitution that a jury be present to hear the matter and to determine the verdict.

The public docket for the case as accessed on February 8, 2023 at the referenced utcourts.gov URI [1] enumerates the charges against the defendant as follows:

Class C Misdemeanor:
OPERATE VEH W/O LICENSE OR REGIST (SUSPENDED OR REVOKED)
10/2/2022
Class C Misdemeanor
OPERATING VEHICLE WITHOUT INSURANCE
10/2/2022
Infraction
DRIVING WITHOUT REGISTRATION
10/2/2022

Citation #C179700380

A printed copy of the contents of the page has been attached.

1. <https://legacy.utcourts.gov/cal/details.php?ref=12632530&d=2023-02-22&loc=2502&tl=01:30%20PM&ct=D&rp=search&ret=l.101c.010loc.101all.010d.101al1.010c.101225103721>

Respectfully,

Seth Stewart

Seth Stewart

I am also sending a copy to the prosecutor today, 2/8/23.

0008

Utah Courts

Court Calendar Detail

Under Rule 4-401.02 of the Utah Rules of Judicial Administration court proceedings, including electronic proceedings, may not be recorded, photographed, or transmitted to other devices. A failure to comply with this prohibition may be treated as contempt of court, punishable by a fine or time in jail.

 Information about attending a remote hearing

[Go Back to Calendar Results](#) | [Print Page](#)

4TH DISTRICT CT - AF

[Click here to find out how COVID-19 affects this courthouse location](#)

Virtual Hearing

 [Video link to join the hearing](#)

 [Add to Google Calendar](#)

 [Download Calendar .ics](#)

AMERICAN FORK CITY

Attorneys:
HANSEN, JAMES

VS.

SETH ANDREW STEWART

Attorneys:

Case # 225103721

1:30 PM - 2/22/2023

COURTRM 2, 3RD FLOOR

[View courthouse address](#)

AMERICAN FORK

75 EAST 80 NORTH, SUITE 202

AMERICAN FORK

[View on Google Maps](#)

0009

Class C Misdemeanor

Class C Misdemeanor

Infraction

OTN:

LEA: U10 #

Prosecuting Agency: AME #

Sheriff: #

0010

James "Tucker" Hansen, Bar No. 5711
Cherylyn M. Egner, Bar No. 15129
Melissa K. Mellor, Bar No. 10437
HANSEN LAW, P.C.
Attorneys for Plaintiff
233 S. Pleasant Grove Blvd., Suite 202
Pleasant Grove, Utah 84062
Telephone: (801) 443-2380
Facsimile: (801) 796-0984

**IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH
UTAH COUNTY, AMERICAN FORK DEPARTMENT**

THE STATE OF UTAH by and through
the American Fork City Prosecutor,

Plaintiff,

vs.

SETH ANDREW STEWART,
Defendant.

**RESPONSE TO REQUEST FOR
DISCOVERY**

Case No. 225103721

American Fork City, by and through the undersigned prosecutor, has produced herewith copies of pertinent documents reflecting only what is contained in the prosecution file. If the defendant wishes to inspect the prosecution files, we maintain an open file policy and will arrange for review during regular business hours. All recorded materials in our possession, such as video tapes and audio tapes, are available for you to review at our offices during regular business hours. To the extent the defendant's discovery request seeks documents, testimony or other evidence beyond what is in the possession of the prosecution, that general request for discovery is denied pursuant to State v. Knight, 734 P.2d 913 (Utah 1987).

Other documents or recorded evidence may or may not exist in government agency records or private security files, and the Defendant may contact those agencies directly for such information. Documents or evidentiary items in the possession of other agencies may be obtained by requesting them from that agency pursuant to the Utah Government Records Access and Management Act set forth in U.C.A. § 63-2-101 *et. seq.* In *State v. Spry*, 2001 UT App 75, ¶¶ 8, 21 P.3d 675, the Utah Court of Appeals held that "the prosecution does not have a duty to disclose records to which it may have access to under GRAMA but which it does not possess nor intend to use." That case cited a Utah Supreme Court ruling in *State v. Pliego*, 1999 UT 8, 974 P.2d 279, addressing "the issue of 'whether [R]ule 16(a) requires a prosecutor to disclose to the defense records which he does not possess and of which he has no knowledge.' *Id.* at ¶¶ 8." It held that prosecutors do not have the burden

to search through [the] records of every state agency looking for exculpatory evidence on behalf of the defendant ... [R]ule 16(a) of the Utah Rules of Criminal Procedure does not require as much. *Rather, the prosecutor's disclosure duty arises only when he, his staff, or the investigating officers come across exculpatory materials during their investigation.*

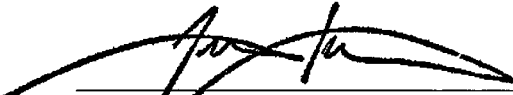
Except as authorized by the Utah Bureau of Criminal Identification (BCI) in response to State v. Mickelson, 848 P.2d 677, criminal history records of witnesses cannot be provided without a court order. Defense counsel requesting criminal history information pursuant to Mickelson are required to complete a Criminal Justice Non-Disclosure Agreement in the BCI-approved form before the prosecution may provide such criminal history information. Defense attorneys requesting protected information are subject to the state and federal regulations governing dissemination and use of any records being requested. *NOTE: State and*

federal law prohibits a criminal defense attorney from providing a client with a copy of his or her Record of Arrest and Prosecution (RAP) sheet. Pursuant to federal law, the prosecution cannot provide federal criminal history information that has not been previously obtained by the prosecution for a given case. To obtain such information, the defense must obtain a court order requiring disclosure of specifically described information and serve that order directly on the Federal Bureau of Investigation.

The American Fork City Prosecutor will strictly comply with the mandates of Rule 16 of the Utah Rules of Criminal Procedure. If you feel discovery has been improperly denied, please specifically identify in writing the discovery to which you believe you are entitled, the person or agency in possession of the desired documents or evidence, and any supporting laws permitting or requiring our office to obtain and provide the same. We do, however, reserve the right to seek and obtain protective relief from the court if a discovery request is overly broad, insufficiently related to the pending criminal action, unduly burdensome, or not authorized under current law.

DATED this 9 February 2023.

HANSEN LAW, P.C.



JAMES "TUCKER" HANSEN
American Fork City Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that I caused to be emailed a true and correct copy of the foregoing
PLAINTIFF'S REPLY TO DEFENDANT'S REQUEST FOR DISCOVERY, on this 9
February 2023, to the following address:

Seth Andrew Stewart
47 Lincoln Avenue
American Fork, Utah 84003
VIA EMAIL ONLY: stewart.seth.a@gmail.com



Secretary

The Order of the Court is stated below:

Dated: February 16, 2023
10:35:54 AM

At the direction of:

/s/ DENISE M PORTER
District Court Judge

by

/s/ HOLLY HOGGARD
District Court Clerk

4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY,
Plaintiff,

vs.

SETH ANDREW STEWART,
Defendant.

RULING

RULING RE: REQUEST FOR JURY TRIAL

Case No: 225103721

Judge: DENISE M PORTER

Date: February 16, 2023

. The Court is in receipt of a communication from the defendant, received February 8, 2023; with regard to the above-mentioned case.

. Upon review of the case, the Court orders that pursuant to Utah Rule of Criminal Procedure 17(d), no jury trial shall be allowed in the trial of an infraction. Mr. Stewart currently stands charged with infractions pursuant to the criminal information filed February 2, 2023 and is thus not eligible for a jury trial. The docket in this case has been corrected to reflect the correct degree of offense. The bench trial in this matter will be held as scheduled on February 22, 2023.

End Of Order - Signature at the Top of the First Page

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225103721 by the method and on the date specified.

EMAIL: J AMES HANSEN PROSECUTIONADMIN@CENTRALUT AHLAW.COM

EMAIL: SETH ANDREW STEWART pygosceles@yahoo.com

02/16/23

/s/ HOLLY HOGGARD

Date: _____

Signature

4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY, Plaintiff,	MINUTES SENTENCE, J UDGMENT, COMMITMENT
vs. SETH ANDREW STEWART, Defendant.	Case No: 225103721 TC J udge: DENISE M PORTER Date: February 22, 2023

PRESENT

Clerk: hollymh
Prosecutor: EGNER, CHERYLYN
Defendant Present
Defendant pro se

DEFENDANT INFORMATION

Date of birth: October 28, 1987
Video
Tape Number: Courtroom 2

CHARGES

1. DRIVING WITHOUT REGISTRATION - Infraction Plea: Not Guilty - Disposition: 02/22/23 Guilty - Bench
2. OPERATE VEH W/O LICENSE OR REGIST (SUSPENDED OR REVOKED) - Infraction Plea: Not Guilty - Disposition: 02/22/23 Guilty - Bench
3. OPERATING VEHICLE WITHOUT INSURANCE - Infraction Plea: Not Guilty - Disposition: 02/22/23 Guilty - Bench

TRIAL

Webex 00:24-1:08
Time 1:58-2:42 p.m.

- . This matter comes before the court for a bench trial.
- . This matter is being held and recorded via Webex.
- . The defendant is present via Webex and appears pro se.
- . Ms. Egner notes the defendant has submitted a communication to the Court requesting a jury trial.
- . Discussion ensues regarding the defendant's communication to the Court.

- . Mr. Stewart moves to dismiss the Information amending the charges to infractions.
- . The Court denies the motion.
- . Ms. Egner calls Trooper Rafael Alfonso, of the Utah Highway Patrol, who is sworn in and responds to questions.
- . The witness, Trooper Alfonso, identifies the defendant. There is no objection.
- . Ms. Egner submits plaintiff's exhibit one, the defendant's Certified Driving Record. The exhibit is identified, offered and received.
- . No cross. The witness, Trooper Alfonso, is excused.
- . The defendant is sworn in and testifies on his own behalf.
- . The defendant makes an oral motion on the unconstitutionality of the insurance statute.
- . Ms. Egner responds.
- . The Court denies the motion.
- . Mr. Stewart steps down as a witness.
- . Ms. Egner presents closing arguments.
- . Mr. Stewart presents closing arguments.
- . The Court enters its ruling on the record: the defendant is found guilty on all counts.
- . Sentence is imposed.
- . The defendant is advised he will have 30 days to appeal the sentence, if he so chooses.

Charge #1

Charge #2 Fine: \$90.00

Suspended: \$0.00

Due: \$90.00

Charge #3 Fine: \$400.00

Suspended: \$0.00

Due: \$400.00

Total Fine: \$490.00

Total Suspended: \$0

Total Surcharge: \$0

Total Principal Due: \$490.00

Plus Interest

Defendant is to pay a fine of 490.00 which includes the surcharge. Interest may increase the final amount due.

Fine payments are to be made to The Court. This can be paid online at:
www.utcourts.gov/epayments.

The fine is to be paid in full by 05/22/2023.

SENTENCE FINE PAYMENT NOTE

The defendant will receive a credit of \$200 with proof of valid, current insurance; provided to the Court within 90 days.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225103721 by the method and on the date specified.

EMAIL: SETH ANDREW STEWART pygosceles@yahoo.com

02/23/23

/s/ HOLLY HOGGARD

Date: _____

Signature

Notice of Constitutional Challenge Under URCrP 12(i)

The following motions were issued at trial today, dated February 22, 2023, in the American Fork 4th District Court, in the case of American Fork City v. Seth Andrew Stewart, Case No. 225103721, by myself, the defendant, Seth Andrew Stewart:

1. Utah State Code 41-12a-301 and 41-12a-302 requiring "owner's or operator's security ... at any time that [a] motor vehicle is operated on a highway or on a quasi-public road or parking area within the state" is unconstitutional per Utah's State Constitution Article XII Section 20 and other Constitutional provisions.
2. All Utah State codes limiting the right to a jury trial in criminal cases, notably Utah Code section 77-1-6(2)(e) and Utah Rule of Criminal Procedure 17(d), which claim that a jury is not available in a trial for an infraction, are unconstitutional per Article I, section 12 of the Utah Constitution.

I move to challenge the constitutionality of USC 41-12a-301 and USC 41-12a-302, which state in part "every ... owner of a motor vehicle shall maintain owner's or operator's security in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or parking area within the state", and provide for punishment, including fines and a Class C misdemeanor status for violation.

However, Article XII, Section 20 of the Utah State Constitution reads in part:

"It is the policy of the state of Utah that a **free market system** shall govern trade and commerce in this state... Each contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce is prohibited."

The requirements of USC 41-12a-301 through 302 are therefore unconstitutional. A statute that **mandates the purchase of a product or service** by private parties directly interferes with the free market, making the Constitutional prohibition null and void. If we suppose otherwise, the government could compel the purchase of any number of arbitrary products and services, and regulate which products qualify in such a way as to create a condition of protectionism, thereby favoring a select subset of businesses and sectors by the threat of force against citizens in order to compel a purchase of an "approved" kind, and weakening property rights, eating out the substance of the people without limit by forced expenditures and confiscation.

This precise condition exists in the automobile insurance industry today. Rather than being offered a competitive and elective service, everyone who wishes to exercise the right to efficient conveyance using his own means on public or quasi-public roads already paid for by his own taxes is solicited to by a select subset of surviving businesses that meet the nominal government qualifications but whose customers *and* prospective customers are under threat of force and confiscation of property if they do not oblige with a recurring purchase, in perpetuity. *Even a one-time purchase coerced by government would qualify as "conspiracy in restraint of trade or commerce"*. The global auto insurance industry, thus protected, brings in revenues on the order of a trillion dollars annually. A comparable amount of purchasing power, representing a sizeable proportion of a typical American's gross pay, is thus **erased from the free market**, being already committed in a needless, wasteful, and unlawful forced expenditure.

Compulsory purchases and insurance mandates are unconstitutional for additional reasons. They particularly violate both state and federal guarantees of due process, their respective "no private property taken for public use" clauses, and the universal protection of property rights. A requirement to purchase liability insurance violates due process because it constitutes a presumptive judgment, whereby guilt is assigned preemptively and prospectively, and without evidence particular to the case. "No person shall be deprived of life, liberty or property **without due process**". At the time mandatory insurance premiums are collected, no injury, fault or crime has occurred, but those subject to liability insurance mandates are presumed guilty of causing harm in advance and are forced to pay into a socialized fund despite never having caused any actual harm nor being convicted of fault through due process.

The statutes in question must be suspended and repealed.

I move to challenge the constitutionality of Utah Code section 77-1-6(2)(e) and Utah Rule of Criminal Procedure 17(d), which employ language to limit the right to a jury trial in cases of infractions. However, the State and Federal Constitutions require a jury trial in **all** criminal cases. **"The trial of ALL crimes... shall be by jury"**. Article III, Section 2, Clause 3, US Constitution. "In criminal prosecutions the accused shall have the right ... to have a **speedy public trial by an impartial jury**" Article I, Section 12, Utah Constitution.

While the State and Federal Constitutions make provision for limited exceptions in civil cases (for example, the value in controversy being twenty dollars or less in the Federal Constitution, or waiving jury trial unless demanded, per the state Constitution), no provision in either Constitution exists for exceptions to the requirement that **all** criminal cases must be tried by a jury. If it had been the intent of the Founding Fathers to issue or permit such exceptions, we must unavoidably expect them to be written as such, since that is precisely what they did with civil trials. All apparent ambiguity on the subject is therefore invented, not inherent.

The Founding Fathers were express beyond all possibility of dissembling on the subject. The Constitution leaves no room for opining that "small" crimes may be excluded from the protection of a jury trial. The federal Constitution says, **"all crimes"**. The state Constitution leaves the term unqualified, leaving the right universally applicable as in the federal case.

Some have alleged that only members of the legal profession may treat or interpret matters of law, and this has been used as an excuse to deny and disparage the right and role of jury trials.

"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge **the law as well as the fact** ... when they suspect partiality in the judges" --Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283

"If the question before [the magistrates] be a question of law only, they decide on it themselves: but if it be of fact, or of fact and law combined, *it must be referred to a jury*. In the latter case of a combination of law and fact, it is usual for the jurors to decide the fact and to refer the law arising on it to the decision of the judges. But this division of the subject lies **with their discretion only**. And if the question relate to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertake to **decide both law and fact**." --Thomas Jefferson: Notes on Virginia Q.XIV, 1782. ME 2:179

Juries cannot choose to judge the law if they have been prevented from hearing a controversy of the law to begin with. Therefore, no judge may deny a defendant the right to a jury trial in any controversy touching upon the law. Only the jury is authorized to make the decision of whether they will or will not decide a matter of the law. **This can only make sense if the trial of all crimes is by jury, as the Constitution requires.**

"A power to constitute courts is a power to prescribe the mode of trial; and consequently, if nothing was said in the Constitution on the subject of juries, the legislature would be at liberty either to adopt that institution or to let it alone. *This discretion, in regard to criminal causes, is abridged by the express injunction of trial by jury in **all** such cases;*" -Alexander Hamilton

The codes in question must therefore be suspended and repealed.

The Order of the Court is stated below:

Dated: February 23, 2023
03:15:19 PM

/s/ DENISE M PORTER
District Court Judge



4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY,
Plaintiff,

vs.

SETH ANDREW STEWART,
Defendant.

MINUTES

SENTENCE, JUDGMENT, COMMITMENT

Case No: 225103721 TC

Judge: DENISE M PORTER

Date: February 22, 2023

PRESENT

Clerk: hollymh

Prosecutor: EGNER, CHERYLYN

Defendant Present

Defendant pro se

DEFENDANT INFORMATION

Date of birth: October 28, 1987

Video

Tape Number: Courtroom 2

CHARGES

1. DRIVING WITHOUT REGISTRATION - Infraction Plea: Not Guilty - Disposition: 02/22/23 Guilty - Bench
2. OPERATE VEH W/O LICENSE OR REGIST (SUSPENDED OR REVOKED) - Infraction Plea: Not Guilty - Disposition: 02/22/23 Guilty - Bench
3. OPERATING VEHICLE WITHOUT INSURANCE - Infraction Plea: Not Guilty - Disposition: 02/22/23 Guilty - Bench

TRIAL

Webex 00:24-1:08

Time 1:58-2:42 p.m.

- . This matter comes before the court for a bench trial.
- . This matter is being held and recorded via Webex.
- . The defendant is present via Webex and appears pro se.
- . Ms. Egner notes the defendant has submitted a communication to the Court requesting a jury trial.
- . Discussion ensues regarding the defendant's communication to the Court.

0022

- . Mr. Stewart moves to dismiss the Information amending the charges to infractions.
- . The Court denies the motion.
- . Ms. Egner calls Trooper Rafael Alfonso, of the Utah Highway Patrol, who is sworn in and responds to questions.
- . The witness, Trooper Alfonso, identifies the defendant. There is no objection.
- . Ms. Egner submits plaintiff's exhibit one, the defendant's Certified Driving Record. The exhibit is identified, offered and received.
- . No cross. The witness, Trooper Alfonso, is excused.
- . The defendant is sworn in and testifies on his own behalf.
- . The defendant makes an oral motion on the unconstitutionality of the insurance statute.
- . Ms. Egner responds.
- . The Court denies the motion.
- . Mr. Stewart steps down as a witness.
- . Ms. Egner presents closing arguments.
- . Mr. Stewart presents closing arguments.
- . The Court enters its ruling on the record: the defendant is found guilty on all counts.
- . Sentence is imposed.
- . The defendant is advised he will have 30 days to appeal the sentence, if he so chooses.

Charge #1

Charge #2 Fine: \$90.00

Suspended: \$0.00

Due: \$90.00

Charge #3 Fine: \$400.00

Suspended: \$0.00

Due: \$400.00

Total Fine: \$490.00

Total Suspended: \$0

Total Surcharge: \$0

Total Principal Due: \$490.00

Plus Interest

Defendant is to pay a fine of 490.00 which includes the surcharge. Interest may increase the final amount due.

Fine payments are to be made to The Court. This can be paid online at:
www.utcourts.gov/epayments.

The fine is to be paid in full by 05/22/2023.

SENTENCE FINE PAYMENT NOTE

The defendant will receive a credit of \$200 with proof of valid, current insurance; provided to the Court within 90 days.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225103721 by the method and on the date specified.

EMAIL: SETH ANDREW STEWART pygosceles@yahoo.com

02/23/23

/s/ HOLLY HOGGARD

Date: _____

Signature

4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY	:	EXHIBIT LIST
Plaintiff	:	
vs.	:	
	:	Case No: 225103721
SETH ANDREW STEWART	:	JUDGE: DENISE M PORTER
Defendant	:	Date: February 22, 2023

JAMES HANSEN Attorney for the Plaintiff
NO. PARTY DESCRIPTION

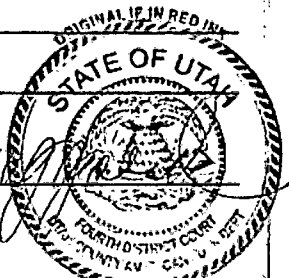
OFF REC REF WDN ADV SUB REL

1 PLA Certified Driving Record

Y Y

Date: Feb 22, 2023

Signature



OFF = Offered REF = Refused ADV = Under Advisement REL = Released
REC = Received WDN = Withdrawn SUB = Original Substituted

The Order of the Court is stated below:

Dated: February 23, 2023
04:59:56 PM

At the direction of:

/s/ DENISE M PORTER
District Court Judge

by

/s/ UILANI MAAE
District Court Clerk

4TH DISTRICT CT - AF
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY,
Plaintiff,

vs.

SETH ANDREW STEWART,
Defendant.

RULING

NOTICE OF EX PARTE COMMUNICATION

Case No: 225103721

Judge: DENISE M PORTER

Date: February 23, 2023

THE COURT notes to the litigants in the above-entitled matter that it has directly received the attached letter from the defendant. A copy of the letter which was received on February 23, 2023, is attached. Not meeting the requirements of the law under the Utah Rules of Civil Procedure, the letter may not be considered as a petition or a motion; and as an ex parte communication with the Court, may not be considered by the Court unless resubmitted in compliance to the rules. Further, the Court is prohibited under the law from giving legal advice to the defendant. Requests such as this must be made through counsel, if there is counsel of record, and, in any event, in connection with a motion for review properly filed with notice to the prosecution to allow an opportunity to respond.

End Of Order - Signature at the Top of the First Page

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225103721 by the method and on the date specified.

EMAIL: JAMES HANSEN THANSEN@CENTRALUTAHLAW.COM

EMAIL: SETH ANDREW STEWART pygosceles@yahoo.com

02/23/23

/s/ UILANI MAAE

Date: _____

Signature

Seth Stewart

Name

47 Lincoln Ave

Address

American Fork, UT, 84003

City, State, Zip

385-208-5958

Phone

stewart.seth.a@gmail.com

Email

I am the ☒ Appellant

☐ Attorney for the Appellant and my Utah Bar number is _____

In the ☒ District ☐ Juvenile Court of Utah

4th Judicial District Utah County

Court Address 75 EAST 80 NORTH, SUITE 202, American Fork

American Fork City

Plaintiff

v.

Seth Andrew Stewart

Defendant

Notice of Appeal

225103721

District Court Case Number

Denise M Porter

Judge

Commissioner

1. Seth Stewart (name) appeals the final order or judgment in this case to the:

☐ Utah Supreme Court, which has authority for this type of case under Utah Code Section 78A-3-102.

☒ Utah Court of Appeals, which has authority for this type of case under Utah Code Section 78A-4-103.

2. The appeal is taken from (choose one):

☒ The entire order or judgment, which was entered on 2023/02/22 (date).

[] The part of the order or judgment entered on _____ (date),
which states:

2023/03/21

Date

Signature ►

Seth Stewart

Printed Name

Seth Stewart

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Appeal on the following people.

Person's Name	Service Method	Service Address	Service Date
Prosecuting Attorney James Hansen	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	THansen@centralutahlaw.com	2023/03/21
Trial Judge Denise M Porter	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	affiling@utcourts.gov	2023/03/21
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

2023/03/21

Date

Signature ► Seth Stewart

Printed Name Seth Stewart

Certificate of Service

I certify that I filed with the court and am serving a copy of this Transcript Request on the following people.

Person's Name	Service Method	Service Address	Service Date
Prosecuting Attorney James Hansen	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	Thansen@centralutahlaw.com	04/03/2023
Trial Judge Denise M Porter	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input checked="" type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	affiling@utcourts.gov	04/03/2023
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

2023/04/03
Date

Signature ► Seth Stewart

Printed Name Seth Stewart

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IN THE FOURTH DISTRICT COURT - AMERICAN FORK
UTAH COUNTY, STATE OF UTAH

AMERICAN FORK CITY,)	
)	
Plaintiff,)	Case No. 225103721
)	
vs.)	Transcript of:
)	
SETH ANDREW STEWART,)	BENCH TRIAL & SENTENCING
)	
Defendant.)	

BEFORE THE HONORABLE DENISE M. PORTER

UTAH COUNTY AMERICAN FORK DISTRICT COURT

CHURCH ST. AND E MAIN ST.

AMERICAN FORK, UT 84003-0986

FEBRUARY 22, 2023

TRANSCRIBED BY: ZACHARY WAY, CCR, CCT
Certified Court Transcriber
(801) 706-9635

A P P E A R A N C E S

FOR THE PLAINTIFF:

Cherylyn
Middle Name
M

Last Name
Egner

Bar Number
15129

Type
Active Attorney
Status
Paid

Date Admitted
10/16/2014

Law School
University of New Hampshire
Business Contact Information
For more information visit:

Organization
Hansen Law, P.C.
Mailing Address
233 South Pleasant Grove Blvd. Suite 202
City
Pleasant Grove
State/Province
UT
Zip/Postal Code
84062
Country
United States
Work Phone
8014432380

FOR THE DEFENDANT:

SETH ANDREW STEWART
Pro Se

1 P R O C E E D I N G S

2 (February 22, 2023, 1:58 p.m.)

3 THE COURT: Ms. Egner, is the City ready
4 to proceed in American Fork versus Seth Stewart?

5 MS. EGNER: I believe we are, Your Honor.
6 I believe we're going forward with the
7 bench trial.

8 I haven't had an opportunity to speak with
9 Mr. Stewart, though. I'm not sure if he wants to
10 speak with me before we proceed.

11 And also if Mr. Gailen (phonetic) and
12 Mr. Hafen (phonetic) wanted to do an entry of plea
13 before we do a bench trial.

14 THE COURT: Okay. Mr. Stewart, you have
15 the opportunity, although you are absolutely not
16 required to, to be put in a breakout session. That's
17 a separate little computer room where you can speak to
18 Ms. Egner, see if you can get this resolved. You have
19 no obligation to, but if you'd like, I'm happy to give
20 you all a few moments to do that. Would you like to
21 have a conversation with her?

22 THE DEFENDANT: Could you inform me what's
23 the nature of Ms. Egner's role?

24 THE COURT: I'm sorry. Say that again?

25 THE DEFENDANT: Ms. Egner's role.

1 THE COURT: Ms. Egner is the City
2 prosecutor. She's the person prosecuting you.

3 THE DEFENDANT: Okay. Yeah, I guess I'm
4 not sure other than just orienting myself within the
5 court (Inaudible).

6 THE COURT: Okay. How about I help you a
7 little bit with that? Obviously my job is to decide
8 at a bench trial whether or not the law has been
9 broken. You have three infractions. You are at no
10 risk of jail no matter what happens today. That's
11 just the legal potential. So that's part of what you
12 need to be aware of. In any case, civil or criminal,
13 you can speak with the opposing party outside of my
14 presence, and you can see if you can get it resolved.
15 That is not information that I'm ever given. It is
16 not admissible in the court of law. You can have a
17 conversation and say "that works for me," or "no, I'm
18 sorry, that does not work for me," and we don't reach
19 an agreement. And then you come back in and you can
20 have your trial. When I say "come back in," it's
21 because we separate you out into a different digital
22 space. It's called a breakout room. And you can have
23 that conversation privately. It is not recorded. It
24 is not admissible.

25 THE DEFENDANT: Okay. That makes sense.

1 Thank you.

2 THE COURT: Would you like to have that
3 conversation, or would you like to decline?

4 THE DEFENDANT: I'll decline.

5 THE COURT: You'll decline?

6 THE DEFENDANT: Yeah.

7 THE COURT: Okay. Great. Then if --
8 Mr. Gaily, if you're ready on Mr. Boyd's plea, we'll
9 go ahead with that. Otherwise, we'll start
10 Mr. Stewart's trial.

11 MR. GAILY: Judge, we are ready.

12 THE COURT: Okay. Mr. Stewart, give me a
13 few minutes. I'm going to do a summary matter, and
14 then we'll be ready on your trial.

15 (Another case is called.)

16 THE COURT: All right. Mr. Stewart, thank
17 you for your patience as well. Let's get your bench
18 trial started, okay, Sir?

19 THE DEFENDANT: Sure thing. Thank you.
20 May I be informed in advance what time (Inaudible) how
21 the case will proceed?

22 THE COURT: Absolutely. Happy to do that.
23 Sir, you are charged in case ending in 3721 with three
24 infractions. So the infractions are a driving without
25 registration, operating a vehicle without license or

1 registration based on suspension or revocation, and
2 operating a vehicle without insurance. Those are
3 alleged from October 2 of 2022 in American Fork City.
4 The way that we will move forward is that Ms. Egner
5 will call her witness and then you will be given the
6 opportunity to cross-examine. You can ask any
7 questions of that witness that has to do with their
8 testimony. That is not your opportunity to tell your
9 side of the story. That comes later. At the end of
10 Ms. Egner's case, after she's called all of the
11 witnesses that she would like to call, and you've had
12 a chance to cross-examine, then you will be allowed to
13 do one of two things. You are Defendant. You have
14 absolutely no legal obligation to tell me a thing. It
15 is the City's obligation to prove guilt beyond a
16 reasonable doubt. If you choose to testify -- if you
17 choose to put on evidence, I will be happy to hear
18 from you, and then you would tell me what you would
19 like to -- me to know, and that you would be subject
20 to cross-exam yourself. At the end of that process,
21 then we would have you both have what are called
22 closing arguments, where very simply, that is where
23 you both tell me why you should win. And then I will
24 make a decision based on the evidence that's been
25 presented to me this afternoon. Is that -- do you

1 have any questions based on that outline?

2 THE DEFENDANT: Yes. Do you have an idea
3 of the time that will be allocated for the
4 presentation of evidence (Inaudible)?

5 THE COURT: We have this afternoon. I
6 can't imagine it will take longer than about an hour.
7 Do you anticipate significant evidence on your side?

8 THE DEFENDANT: I don't unless the
9 cross-examination wishes to pursue a point, but
10 (Inaudible)

11 THE COURT: No, but these usually take a
12 little bit. I mean to give you the best ballpark,
13 they usually take about an hour. I think that would
14 be pretty safe.

15 THE DEFENDANT: Okay. My one other
16 question about the proceedings is if this is a public
17 trial --

18 THE COURT: Absolutely.

19 THE DEFENDANT: -- will a recording of
20 this be made available?

21 THE COURT: You are welcome to request not
22 only a recording, you can also request a transcript.
23 These are open and public proceedings, and they are
24 being recorded. As is -- if you look at the top right
25 hand corner of your screen, you'll see a little red

1 dot. And that is it -- that being recorded. All of
2 my proceedings, as well as any state court proceedings
3 are recorded and open and public. Just like if we
4 were to have had twenty people here this afternoon in
5 person, or logged in today, they're all welcome. It's
6 not closed in any way. And of course you can request
7 a copy, either of just the audio, or you can request a
8 transcript, and that will be every word that's said
9 today, including all of this.

10 THE DEFENDANT: Okay. Thank you.

11 THE COURT: You're very welcome. Is the
12 City prepared to move forward?

13 MS. EGNER: Your Honor, I would just ask
14 if -- procedurally if the Court wants to address --
15 the Defendant did file a jury trial demand. As the
16 Court's aware, we amended everything to infractions,
17 but I don't know if the Court wanted to address that
18 procedurally.

19 THE COURT: I'm happy to do that.
20 Mr. Stewart, you had requested both in my courtroom,
21 as well as via written request -- and I appreciate the
22 written request because it brought up an error in my
23 system -- so I appreciate that being clarified, and me
24 being able to rectify it in that what had happened is
25 you very politely and appropriately gave me a copy of

1 the docket. And the docket showed that you were still
2 charged with class C misdemeanors, that, you
3 absolutely have a right to jury trial if that were the
4 case. And so your request was absolutely appropriate,
5 and it could have been very confusing given what I had
6 told you in court when I saw you previously. Under
7 rule -- I believe it was 17 -- that infractions do not
8 get a jury trial. And what had happened is there was
9 an amended information that was filed -- and I -- if
10 you'd like, I can pull that up for you -- and I can
11 show you that that docket has been corrected. That
12 was our procedural error. And you are charged with
13 three infractions. And three -- and infractions are
14 not eligible for a jury trial pursuant to the rule
15 that I cited in the minute entry ruling that I issued
16 after I received your request. Is there anything that
17 you'd like me to clarify as that is -- have I
18 addressed all of those concerns? I know you may not
19 agree with me, but have I addressed the concerns about
20 why I did what I did?

21 THE DEFENDANT: No, it appears to be
22 substantiated in the rules of procedure, however; I
23 would move that that information be dismissed. That
24 the amended --

25 THE COURT: That the -- I'm sorry. Say

1 that again?

2 THE DEFENDANT: I would move that the
3 information be dismissed, amending the charges to
4 infractions.

5 THE COURT: You would like the charges
6 moved back up?

7 THE DEFENDANT: If it would lead to -- if
8 it would result in a jury trial -- I mean I have a
9 case to make today as to why that should be honored
10 irrespective of whether or not the charges are leveled
11 as infractions. But I would still like to have a jury
12 trial.

13 THE COURT: Okay. Mr. Stewart, the
14 prosecutor has -- and I will respectfully deny your
15 motion. The prosecutor -- it's their ability to
16 charge as they see fit. And the statute allow them to
17 do that. They have chosen to charge you with
18 infractions through an amended information. And the
19 rules of criminal procedure are very clear that even
20 if I wanted to give you a jury trial (Inaudible) the
21 language is what is called "shall language." There
22 shall be no jury trials for infractions. And so that
23 issue is -- has been resolved. You are charged with
24 infractions. You will not receive a jury trial. If
25 you would -- and I have made that record clear, both

1 today and as well as in the minute entry ruling; you
2 have noted your objection and you are welcome at the
3 end of this case, if for any reason you are held
4 responsible, you are welcome to certify that issue for
5 appeal. But that issue is now resolved for purposes
6 of today's hearing. It's not going to be addressed
7 again, okay?

8 THE DEFENDANT: Understood. Thank you.

9 THE COURT: You're very welcome. Anything
10 else procedurally before we get started?

11 THE DEFENDANT: I don't think so. If I
12 have a question during the process, how would I make
13 that known?

14 THE COURT: What you will do is when you
15 have the opportunity for cross-exam, I will be happy
16 to answer any procedural questions I can. Please
17 understand that because I'm the fact finder in this
18 case, I am the neutral arbiter. I can't give you
19 legal advice. And I actually spoke with someone
20 earlier while you've been logged in, saying that same
21 thing. It's very clear. I'm happy to give a little
22 bit of help in terms of the procedure, and I will
23 continue to do that, all right?

24 THE DEFENDANT: Great. Thank you.

25 THE COURT: You're very welcome, Sir.

1 Ms. Egner, if you'll call your first witness.

2 MS. EGNER: Trooper Alfonso.

3 THE COURT: All right. Trooper, if you'd
4 turn on your camera, raise your right hand, so you can
5 be sworn?

6 (Witness is sworn in.)

7 THE COURT: Thank you very much.

8 Ms. Egner, your witness.

9 MS. EGNER: Trooper, can you state your
10 full name for the record?

11 A. Yes, my name is Buen Rafael (phonetic)
12 Alfonso.

13 Q. And where are you currently employed?

14 A. With Utah Highway Patrol.

15 Q. How long have you been with Utah Highway
16 Patrol?

17 A. About a year and a half now.

18 Q. And were you on duty on October 2 of 2022?

19 A. Yes.

20 Q. And do you recall conducting a traffic
21 stop on a vehicle driven by a Seth Stewart?

22 A. Yes.

23 Q. Where did you -- well, let me take a step
24 back. What was the purpose of that traffic stop?

25 A. I found three '22 stickers on a license

1 plate, which I ran and it turned out to be expired.

2 Q. Okay. So you said three '22 stickers; can
3 you elaborate on that a little bit?

4 A. Yeah. So the registration stickers on the
5 license plate is (Inaudible) which is March
6 (Inaudible) 2022 on those stickers, which (Inaudible)
7 plate.

8 Q. And -- and that would indicate that the
9 registration was valid through March of 2022, is that
10 correct?

11 A. Correct, yes, after I ran it and verified.

12 Q. Okay. And the date in which you observed
13 that was actually October 2 of 2022, correct?

14 A. Correct.

15 Q. And where did you observe the vehicle?

16 A. This was northbound on I-15 near mile
17 marker 276 in American Fork.

18 Q. And you said you ran the registration --
19 or you ran the license plate when you made that
20 observation?

21 A. Correct.

22 Q. What information did you receive when you
23 ran the license plate?

24 A. I found that the registration was expired
25 March of '22. It was also revoked, October I believe,

1 of 2021, and that it did not have insurance with a
2 letter number (Inaudible) September of 2021.

3 Q. And when you conducted the traffic stop;
4 when you approached the vehicle, did you speak with
5 Mr. Stewart?

6 A. I did. He was the driver.

7 Q. And do you see Mr. Stewart on your screen
8 today?

9 A. Yes.

10 Q. And can you describe that -- can you
11 describe what Mr. Stewart is wearing for purpose of
12 identification?

13 A. He is wearing a black suit with a red tie
14 and a white shirt.

15 MS. EGNER: Your Honor, I would just ask
16 that the record reflect that the trooper has
17 identified the Defendant, Seth Stewart.

18 THE COURT: Mr. Stewart, do you have any
19 objection to that identification at this time? I will
20 note for your benefit for the record that because this
21 is a WebEx hearing, there are inherent difficulties
22 given that you are the only other person logged in,
23 and that your name is visible on the screen here. And
24 so I will note those objections, and those are a
25 little bit of some difficulties we have in this

1 process, so I will note those for the record. Apart
2 from those, do you have any other objections to that
3 identification?

4 THE DEFENDANT: No objection to the
5 identification, Your Honor.

6 THE COURT: Thank you, Mr. Stewart. Those
7 are all noted for the record other than what's been
8 already stated by me. Ms. Egner, please continue.

9 MS. EGNER: Trooper, when you had the
10 opportunity to speak with Mr. Stewart, did you discuss
11 with him the registration on the vehicle?

12 A. I did. Yeah, I asked him why it was
13 registered, and I don't think he gave me a reason as
14 to why it was, or how it became expired that is. And
15 furthermore, he also did seem honestly aware that we
16 needed -- that insurance was required when driving
17 vehicles. I had to explain that to him.

18 Q. So you talked to him about whether or not
19 he had insurance?

20 A. I asked him about it as well, and he was
21 not able to provide any proof of insurance. He did
22 not have any.

23 Q. Okay. And you said that he seems honestly
24 unaware, I think is the words that you used --

25 A. Yeah.

1 Q. Can you describe that a little bit?

2 A. Yes. He was -- he asked me questions
3 about why we needed insurance, why it was required
4 he -- I think I remember him saying "I don't
5 understand why we need insurance when driving a
6 vehicle."

7 Q. Okay. So you found that he did not have
8 insurance, but he was operating a motor vehicle on a
9 public roadway, correct?

10 A. Correct.

11 Q. And you indicated that you found that
12 his -- he did not have valid registration, but it had
13 expired in March of 2022, but was also revoked in
14 October of 2021, is that correct?

15 A. Correct.

16 Q. And Your Honor, if I could get a screen
17 share on the prosecution document --

18 THE COURT: Give us just one moment.
19 Ms. Hoggard will authorize that for you. Should be
20 okay?

21 MS. EGNER: Oh, I'm sorry. Can I get it
22 on the prosecution docket (Inaudible)? And just for
23 the record, I'd previously provided these documents.
24 I sent these to the Court clerk, Ms. Hoggard; and I
25 CC'd Mr. Stewart on that e-mail. Trooper, can you --

1 THE COURT: Mr.

2 MS. EGNER: Oh, I'm sorry.

3 THE COURT: Just one second, Ms. Egner.

4 Mr. Stewart, have you received that e-mail and have
5 those copies?

6 THE DEFENDANT: I believe so, Your Honor.

7 MS. EGNER: Trooper, can you identify the
8 title of this document?

9 THE WITNESS: Utah Motor Vehicle Correct
10 Information.

11 Q. And are you aware of what information is
12 provided in this document?

13 A. Looks like the vehicle registration and
14 such, and as of January 6, of '23, that's what the
15 correct status of the vehicle is, I believe.

16 MS. EGNER: And Your Honor, I would just
17 ask that the Court take judicial notice that this is a
18 certified registration document, and the City would
19 ask to submit this as Plaintiff's Exhibit 1.

20 THE COURT: Any objections, Mr. Stewart?

21 THE DEFENDANT: I'm just trying to
22 ascertain what exact information this contains here.

23 THE COURT: You're welcome to take a
24 moment and scroll through that e-mail that has those
25 attachments. What I see is two vehicle registration

1 certificates, and then a certified copy that as of
2 January 6 of 2023 -- 2003 Chevy Venture with a VIN
3 ending in 195046 appears and that is the current state
4 of its registration, which is title issue from March 1
5 of 2021. And I'm looking for anything additional on
6 that page, and it doesn't -- there doesn't seem to be
7 anything else other than owner and address
8 information. And then the two registration
9 certificates. Is that your understanding,
10 Mr. Stewart?

11 THE DEFENDANT: I was looking -- did it
12 note information about the insurance being paid?

13 THE COURT: This hasn't -- there's no
14 information about insurance on this at all. This is
15 about registration at all.

16 THE DEFENDANT: Okay, just help me locate
17 this e-mail. Could you identify the date it was sent?

18 MS. EGNER: It was sent over just prior to
19 Court today. I sent it over to the Court so they had
20 a copy of it for this hearing.

21 THE DEFENDANT: Okay. Sorry.

22 MS. EGNER: And Mr. Stewart, I think you
23 would have received it -- well, you would have
24 received it as part of the discovery that was provided
25 by our office as well.

1 THE DEFENDANT: Okay. I have it now.

2 Thank you.

3 MS. EGNER: And then if I could just
4 clarify; Judge Yun (phonetic) has noted there's
5 nothing about insurance. I would just clarify that
6 the notice of revocation of vehicle registration
7 does -- that the letter that was sent out did indicate
8 that the vehicle registration was revoked for not
9 having proper insurance verification at that time.

10 THE COURT: Got it. And I apologize,
11 Mr. Stewart. That was down in the middle of the
12 registration certificate. So if you'll look at page
13 three of four?

14 THE DEFENDANT: Yep.

15 THE COURT: Okay.

16 THE DEFENDANT: (Inaudible)

17 THE COURT: Any objections to these
18 documents being admitted into evidence subject to
19 cross-exam, Mr. Stewart?

20 THE DEFENDANT: I don't believe so. Only
21 that I did have -- I do have current insurance, and
22 so --

23 THE COURT: Okay. That -- and remember
24 that --

25 THE DEFENDANT: (Inaudible)

1 THE COURT: -- your opportunity to make
2 your case comes a little bit later. If based on the
3 lack of objection to these documents as they are
4 properly presented as a certified copy, I will accept
5 them into evidence at this time.

6 MS. EGNER: Trooper, the document I have
7 on the screen currently; the notice of revocation of
8 vehicle registration indicates that the vehicle was a
9 2003 Chevy with a license plate of 0N0LG. Is that the
10 vehicle in which you conducted the traffic stop?

11 A. Yes.

12 Q. And again, looking at the vehicle
13 registration certificate, which provides an expiration
14 of March 2023, shows a receipt in which the
15 registration was paid for on October 18 of 2022. This
16 was also the Chevy Venture 2003. Again, is that the
17 vehicle that you conducted a traffic stop?

18 A. Yes.

19 THE COURT: And then Ms. Egner, I'll note
20 for the record that the transaction date was -- and
21 the reinstatement date was October 5.

22 MS. EGNER: I apologize, Your Honor.

23 THE COURT: The receipt --

24 MS. EGNER: I had --

25 THE COURT: -- no, you're correct. The

1 receipt for some reason says October 18. Transaction
2 and reinstatement is October 5. I just want that
3 clear on the record.

4 MS. EGNER: Understood. And I apologize.
5 I wasn't trying to deceive in any manner.

6 THE COURT: Not at all. We're just making
7 sure that we have everything clear. I wanted to make
8 sure that everybody's on the same page. Thank you.

9 MS. EGNER: No further questions,
10 Your Honor.

11 THE COURT: Mr. Stewart, this is your
12 opportunity to cross-exam the Trooper. Do you have
13 any questions for him in relation to his testimony?

14 THE DEFENDANT: No, I don't believe so.

15 THE COURT: All right. Do you have any
16 objection to the trooper being excused?

17 THE DEFENDANT: No, just to say thank you
18 for your service.

19 THE COURT: All right. Trooper, thank you
20 for your time. You are welcome to disconnect. You're
21 welcome to remain if you'd like.

22 THE WITNESS: Thank you.

23 THE COURT: Any other witnesses,
24 Ms. Egner?

25 MS. EGNER: No, Your Honor.

1 THE COURT: Mr. Stewart, like I indicated,
2 the City has now presented the information that they
3 have. You have no obligation to put on any case
4 whatsoever, but you are welcome to. If you would like
5 to testify, I will be happy to swear you in. And
6 generally speaking, we have people ask questions in
7 exam. That would be pretty silly for you to do to
8 yourself, and so I will invite you to testify in
9 what's called the narrative fashion. You can simply
10 tell me what you want me to know after I swear you in.
11 Would you like to testify today?

12 THE DEFENDANT: I would.

13 (Witness is sworn in.)

14 THE COURT: Thank you very much,
15 Mr. Stewart. What would you like me to know, Sir?

16 THE WITNESS: First, I may have missed the
17 opportunity, but I would like to thank the officer for
18 his compassion (Inaudible) in dealing with what must
19 have been a frustrating situation. I do wish to
20 present the following information for the
21 consideration of the Court. So the Prosecutor's
22 office did provide me with documentation, which I have
23 the printed copy of. In response to request for
24 discovery in which -- stating that I was charged with
25 the following crimes: Operating a vehicle without

1 insurance, driving without a valid registration, and
2 driving on a suspended revoked registration. I'd like
3 to submit for the consideration of the Court a letter
4 to (Inaudible) redundant with the first alleged
5 offense since to my knowledge it is impossible to
6 renew a vehicle registration without proof of
7 insurance. Therefore, this case is really only about
8 the first alleged offense, and only incidentally
9 involves the letter too. I will demonstrate to the
10 Court that my Defendant rights have been denied in
11 this case under an interpretation of precedence that
12 ignores the facts of what the constitution requires,
13 and secondly that insurance mandates -- as well as any
14 other government mandates on the people for purchase
15 of (Inaudible) violate the Utah State Constitution as
16 well as the National Constitution, and should be
17 properly suspended in their operation and admitted to
18 the legislature for repeal. First with respect to
19 insurance mandates, Utah State Code, the code cited
20 for (Inaudible) operators security states. Every
21 owner of a motor vehicle shall maintain owners or
22 operate a security in effect (Inaudible) and I'm
23 reading from my notes here if that's permissible, "the
24 owners or operators security in effect at any time
25 that the motor is operated on a highway or a

1 quasi-public road where parking (Inaudible)" I believe
2 I understand this in layman's terms to mean that every
3 owner of a motor vehicle is required by statute to
4 purchase a specific product, the qualities of which
5 are constructed by law, that is to be current and
6 enforced at any time the vehicle is used, parked, or
7 driven on anything except private property. The
8 following (Inaudible) the one that follows
9 describes -- financial penalties and class-D
10 misdemeanor status (Inaudible) insurance. This is in
11 contrast to the Utah State Constitution, wherein
12 Article 12, Section 20, it reads in part, "It is the
13 policy of the State of Utah that a free market system
14 shall govern trade and commerce in this state. Each
15 contract, combination in the form of trust or
16 otherwise or conspiracy in restraint with trade or
17 commerce is prohibited. I'll ask questions for the
18 Prosecutor to address in the cross-examination. But I
19 do ask is it your position that this provision is
20 invalid or somehow inapplicable?

21 THE COURT: And Mr. Stewart, let's just
22 have a -- let's have a brief pause in your comments.
23 You address the Court. You aren't asking Ms. Egner
24 questions. So if what you're -- and quite frankly,
25 Sir, you're testifying today about the facts of the

1 case. If you are arguing unconstitutionality, that
2 should have been done well before trial. I'm giving
3 you some latitude because I understand that you're
4 representing yourself, and I'm going to continue to
5 give you some of that latitude, but Ms. Egner's not
6 going to -- she's not a witness in this case, Sir.
7 And so if you'd like to make your record, and if you
8 believe that these things are unconstitutional, I'm
9 going to give you that latitude, and I'm happy to hear
10 your motion, and I'll be happy to let Ms. Egner
11 respond, but technically, Sir, you're testifying as to
12 the facts on October 2. That's what a trial is.
13 Motion practice is what happens when you attack the
14 constitutionality of something.

15 THE WITNESS: Well, I appreciate the
16 latitude and your forbearance. I -- it is my
17 understanding that the Prosecutor is acting as
18 Plaintiff in this case.

19 THE COURT: They certainly are.
20 Absolutely. But they are not a witness.

21 THE WITNESS: Moreover, I would note to
22 the Court this is a trial we're in, that is where both
23 law and fact are concerned.

24 THE COURT: I -- absolutely, Sir. But I
25 will always refer you to Rule 7 of the Utah Rules of

1 Civil Procedure that govern motion practice. And like
2 I said, I'm giving you the latitude to make any
3 arguments that you'd like right now, but I wanted to
4 keep -- I wanted to keep us on track as to what the
5 actual purpose of your testimony is. You're under
6 oath and testifying about fact, and I'm extending you
7 a certain amount of latitude. Please go ahead with
8 your comments. I'm happy to continue to do that.

9 THE WITNESS: Yes, and I will continue to
10 endeavor to testify of facts as they pertain to law
11 relevant to this case. So given these provisions --
12 given this constitutional provision, it is clear that
13 the requirements of the law with which I am alleged --
14 I am charged are unconstitutional. I did contest on
15 earlier grounds of constitutionality, pleading for a
16 jury trial to hear the case, specifically because
17 juries are capacitated(Inaudible) to hear matters of
18 fact, but also of law, as the case requires, within
19 their discretion. And seeing as there are challenges
20 pertaining to law, I had hoped we would have a jury
21 present to hear them. But to proceed, so the statute
22 that mandates the purchase of a product or a service
23 by private parties does directly interfere with the
24 free market. If we suppose otherwise, the government
25 could compel the purchase of any number of arbitrary

1 products and services and regulate which products
2 qualify in such a way as to create a condition of
3 protectionism, thereby favoring a select subset of
4 businesses and sectors by the threat of force against
5 citizens in order to compel a purchase (Inaudible).
6 Thus, weakening property rights and (Inaudible)
7 substance of the people without limit by forced
8 expenditures and confiscation. (Inaudible) condition,
9 which exists in the automobile insurance industry
10 today rather than being offered a competitive and
11 elective service. Everyone who wishes to exercise
12 their right to an efficient conveyance within his own
13 means on public or quasi-public roads already paid for
14 by his own taxes is solicited to or by a select subset
15 of surviving businesses that meet the nominal
16 government qualifications.

17 MS. EGNER: Your Honor, I'm going to
18 object. I understand that the Court's going to give
19 some latitude, but I am going to object on several
20 bases that primarily the Defendant's just reading.
21 And he is not testifying as to facts and knowledge of
22 his own. And so I would object to him reading in any
23 kind of statement to the Court.

24 THE COURT: Okay. Ms. Egner, I understand
25 the nature of your objection. Mr. Stewart, here's

1 what I'm going to do. Ms. Egner raises a valid point
2 in that when we testify, we're not allowed to simply
3 read. I know you indicated earlier you were reviewing
4 your notes, and these are, quite frankly; it's clear
5 you've spent a lot of time working on these. I'm
6 going to give you an additional five minutes to make
7 your unconstitutionality argument. I'm going to ask
8 for Ms. Egner's response, and then we're going to move
9 on. Because this was -- properly should have been
10 brought as a written motion, I'm going to extend you
11 the latitude to continue to read what you've prepared
12 because it is obviously very thoughtful and very
13 important to you, but it is technically improper.
14 Does that make sense? This should have been filed as
15 a written motion. You have five additional minutes to
16 make your record, and then that will conclude the
17 unconstitutionality argument at this time. That's the
18 extent of the latitude. Please go ahead.

19 THE WITNESS: Thank you. So this is my
20 own knowledge and testimony, which I am giving for
21 facts pertaining to the law, namely that compulsory
22 purchases do qualify as conspiracy in restraint of
23 trade or commerce. And thus (Inaudible) lengthy cause
24 provision for a free market, which is one of those
25 shall's. Utah shall have a free market system that's

1 been made explicit for overdue process protections,
2 property right protections, and so on. And that the
3 violation of these cumulatively or individually
4 constitute a form of socialism, which has been
5 forbidden by the Utah State Constitution, as well as
6 the federal constitutions. I will also bring to the
7 knowledge of the Court, the facts pertaining to jury
8 trial. The State --

9 THE COURT: Mr. Stewart, we -- you've
10 already made your record. Move on.

11 THE WITNESS: I don't understand what you
12 mean by made my record on this point.

13 THE COURT: I have ruled on this objection
14 multiple times. You've made your record. Move on.
15 On the jury trial issue. I'm no longer going to
16 entertain discussion on that issue.

17 THE WITNESS: I will summarize my argument
18 to the Court then by saying that the forcible
19 compulsory purchase of products or services on the
20 part of the government towards private citizens is not
21 a mundane (Inaudible) powers with either the State or
22 the federal governments. And that therefore, this is
23 a matter of human rights and civil liberties. It is a
24 matter that should be heard by a jury because juries
25 are capacitated (sic) to hear those cases, and to

1 decide in matters of law and fact, particularly, and
2 notably when the rights of the people are jeopardized.
3 And I will cite this as a premier case. I
4 understand -- you know, having done some additional
5 research, following the true (Inaudible) request
6 (Inaudible) I understand more of why we ought to abide
7 by insurance mandates, and I have found in my own
8 personal research that the global auto-insurance
9 industry occupies a market share of roughly \$1
10 trillion in revenue annually, and I understand it from
11 that perspective. I understand it from that
12 perspective as that there is a vested financial
13 interest in ensuring that the condition of protections
14 continues. However, this must be tempered by the
15 acknowledgment that it is in clear (Inaudible)
16 violation of the Utah State Constitution as well as
17 the federal. And with that I rest my case.

18 THE COURT: Mr. Stewart, I'm going to
19 break this up into two parts, okay? First thing
20 because I am choosing to treat this as I previously
21 indicated, as a motion -- an oral motion on the
22 unconstitutionality of the insurance statute. And
23 that's what I believe you to be arguing. And you've
24 very clearly articulated that. And I'm going to ask
25 Ms. Egner if she would like to respond on behalf of

1 the City. Ms. Egner?

2 MS. EGNER: I would first like to note
3 that any constitutional challenge to a State law, the
4 attorney general's office must be put on notice. That
5 has not occurred here. And so any ruling -- finding
6 that a law is unconstitutional would require notice to
7 the Attorney General's office. However, just to
8 simply respond -- pursuant to the -- well, states have
9 the ability to enact any laws so long as it does not
10 conflict with the federal laws. In this particular
11 case, Utah State has made clear -- and there are many
12 cases -- and I apologize, I don't have them in front
13 of me today as we have not done formal briefing on
14 this, but case law has repeatedly solidified the fact
15 that the Utah State legislature has the right to
16 require. Insurance is not contradictory to the US
17 Constitution, nor is it contradictory to the State
18 Constitution. And as such, the statute stands on its
19 own. The Defendant made the comment about compulsory
20 services. You do have an obligation to maintain car
21 insurance. There is no requirement of who to maintain
22 car insurance through. There is no requirement as to
23 what level insurance you have to have outside of the
24 fact that you have to have it. You have an ability to
25 drive on a public roadway. You do not have to have

1 car insurance to drive on a private roadway. We're
2 talking about a public roadway. And this case is
3 about a public roadway. I would just note that,
4 again, case law has repeatedly held that insurance is
5 a permissible requirement, and if this Court is to
6 have further briefing, the City is happy to brief it.
7 But it is a requirement that the attorney general's
8 office is put on notice of the constitutional
9 challenge as well, which the Defendant has failed to
10 do.

11 THE COURT: Understood, Ms. Egner. Any
12 final comments on this issue before I rule,
13 Mr. Stewart?

14 MR. STEWART: I would submit that I -- if
15 I had known that the attorney general must be
16 informed, then I certainly would move to file this
17 information with them.

18 THE COURT: Thank you, Mr. Stewart. And I
19 have listened very patiently to your requests. I've
20 listened to your argument that you believe the
21 insurance requirement under the Utah Code is
22 unconstitutional, and Ms. Egner is correct. Your
23 objection is noted for the record, but it is in fact
24 overruled. The insurance provisions of the Utah Code
25 have been repeatedly upheld to be appropriate, and

1 regulate health and safety in our community, and we
2 regulate health and safety in our community in any
3 number of ways. And that does not run afoul of the
4 State or Federal Constitution. Mr. Stewart, now that
5 has resolved that issue. You have indicated,
6 however -- I am going to give you one additional
7 opportunity -- I told you what fact testimony is.
8 That is about October 2, 2022. Is there anything else
9 on that date that you wanted me to know about?

10 THE WITNESS: You're asking specifically
11 only about the events that transpired on that date?

12 THE COURT: Exactly. Because what you've
13 just done, technically Sir, is argue a motion. You
14 haven't testified. And so I'm asking if you want to
15 testify about the facts that the trooper talked about.
16 You do not have to, but I am giving you that
17 opportunity.

18 THE WITNESS: Only that God gave us our
19 laws, and that all things pursuant to precedent, which
20 the Prosecutor has mentioned, are made valid and
21 binding only upon the finding to the jury, seeing that
22 this is a criminal case.

23 THE COURT: Thank you, Mr. Stewart.

24 THE WITNESS: And so to explain and
25 contextualize (sic) --

1 THE COURT: Mr. Stewart, I'm no longer
2 going to entertain the jury argument. I've told you
3 that multiple times now.

4 THE WITNESS: Well, to explain and
5 contextualize the remarks that I allegedly made to the
6 trooper that I did not understand the reasons for
7 required insurance, I still have yet to hear a
8 satisfactory argument in favor of them that has any
9 reliance on anything except for case law, which does
10 not derive its legitimacy from anything except the
11 bodies authorized to form a verdict.

12 THE COURT: Thank you, Mr. Stewart. I
13 appreciate that. Ms. Egner, any questions on
14 cross-exam?

15 MS. EGNER: Mr. Stewart, you heard the
16 testimony of Trooper Alfonso today. Is it correct
17 that you did not have insurance on October 2 of 2022?

18 A. To the best of my knowledge, that is true.

19 Q. Okay. And your registration on your
20 vehicle had expired on March of 2022, correct?

21 A. That's to the best of my understanding as
22 well.

23 MS. EGNER: Okay. Nothing further,
24 Your Honor.

25 THE COURT: Thank you. Mr. Stewart, any

1 other witnesses?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Thank you. Ms. Egner, closing
4 arguments.

5 MS. EGNER: Your Honor, the testimony was
6 clear from all parties, the Defendant was in fact
7 operating a motor vehicle in American Fork City on
8 October 2 of 2022. He did not have vehicle insurance
9 at that time. Furthermore, his registration had
10 expired on March 31 of 2022. I believe the testimony
11 was simply March of 2022, and it had also been
12 previously been revoked as of October 4 of 2021. All
13 of the registration information can be found in the
14 certified registration document submitted as
15 Plaintiff's 1 as well. Mr. Stewart, any closing
16 argument that you'd like to make, Sir?

17 THE DEFENDANT: Only that I continue to
18 plead that the case be -- the verdict be formed by the
19 only body on Earth authorized to form it, which is a
20 jury, as specified in that "shall" language in the US
21 and State Constitutions. And moreover, based upon the
22 findings that there is a clear contradiction,
23 notwithstanding precedent, which is notably
24 self-contrary at exceedingly many points, that the
25 supreme law of the land, including of the State of

1 Utah, clearly enjoins that such legislation is
2 unconstitutional.

3 THE COURT: Mr. Stewart, thank you very
4 much for those comments. Sir, I'd like to take a
5 moment before I give you my verdict and thank you for
6 your thoughtful work on this case. You've obviously
7 worked very hard, and you've given this a lot of
8 thought. Additionally, you have been incredibly
9 professional, and you have done a very nice job
10 representing yourself, and I appreciate you being in
11 my courtroom, Sir. I understand your arguments, and I
12 hope I've given you the opportunity to make all of the
13 record that you want to make. When I say "making the
14 record," that's because you have the ability to appeal
15 my decision. And if you disagree with my decision,
16 that is also part of your rights. And because I
17 understand that it -- very clearly, and you've been
18 very respectful that you disagree with me as to my
19 findings as to the jury trial. And so I want to make
20 sure you've been given the opportunity to make your
21 arguments known on the record, recorded, so that if
22 you choose to take this case to an appellate court for
23 review, you've been given all of that opportunity.
24 And again, I appreciate your professionalism, and your
25 thoughtfulness, and your hard work because it's clear

1 that you've done that. Sir, I've also ruled on the
2 constitutionality argument that you've raised, and the
3 case law that guides me. And as a Judge I am required
4 to follow the precedent set in front of me exactly as
5 you've described is that having insurance laws in the
6 State of Utah is appropriate and does not violate the
7 US or Utah Constitution. As such, you then testified
8 on the record that as of the date in question, you
9 were not driving with insurance, and that your car was
10 not properly registered, and had previously been
11 revoked. As such, I find you guilty of those three
12 infractions. And what I'm going to do is fine you in
13 the amount of \$400 for the no insurance. If you have
14 current insurance, then you turn that in to the
15 American Fork Court on the 2 floor. I am going to
16 give you an immediate credit of \$200 because it is in
17 everyone's interests and safety's best interest in our
18 community to have people insured, and so that is
19 something that I am willing to do in terms of issuing
20 a credit. The operating a vehicle without
21 registration is a \$90 fine, and the driving without
22 registration, Sir; given that that is somewhat
23 duplicative, I'm not going to fine you on that, Sir.
24 It will note that it is in fact a conviction, but I'm
25 not issuing a fine on that. That the statutory fine

1 on that would have been \$50 but I am waiving that at
2 this time. I found your argument at the beginning of
3 your statements -- quite frankly, I think that you
4 made a good point in that it is somewhat duplicative.
5 And I'm not going to financially cause you any
6 additional financial harm by fining you that \$50. So
7 that is a \$0 fine. That is a total of \$490 with the
8 potential to have a \$200 credit if your car is
9 properly insured. How long would you like to take to
10 get that paid, Sir?

11 THE DEFENDANT: (Inaudible) the standard
12 period. Whatever that is. Like 45 days?

13 THE COURT: You know what?

14 THE DEFENDANT: 45 --

15 THE COURT: Given that it's -- given that
16 it might take -- just a minute -- why don't we give
17 you 90 days, and I'm going to -- if you pay it early,
18 there's no penalty for doing that. But let's give you
19 90 days, and you pay it at American Fork Court, or
20 online, and as soon as it's paid, the case is closed.
21 You do have 30 days from today in which to appeal this
22 sentence if you have any legal reason to do so, or if
23 you have any other legal concerns with my rulings
24 today, or in the past in this case.

25 THE DEFENDANT: Thank you. I appreciate

1 that.

2 THE COURT: Mr. Stewart, thank you for
3 your time and professionalism, and how you've
4 conducted yourself today. I sure appreciate it.

5 THE DEFENDANT: Thank you for taking the
6 time.

7 THE COURT: You bet. You have a very good
8 day. Ms. Egner, anything I missed.

9 MS. EGNER: No, Your Honor. Thank you.

10 THE COURT: All right. I appreciate
11 everyone's help. You all have a good afternoon.

12 THE DEFENDANT: (Inaudible)

13 THE COURT: Mr. Stewart, you asked earlier
14 about if you'd like a recording of this. If you
15 e-mail my judicial assistant, Ms. Holly Hoggard; she
16 can help you with the process of requesting a
17 recording.

18 THE DEFENDANT: I'll do that. Thank you.

19 THE COURT: You're very welcome. You have
20 a good day. Thanks again.

21 THE DEFENDANT: You, too.

22 (Hearing Adjourned at 2:42 p.m.)
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TRANSCRIBER'S CERTIFICATE

State of UTAH)

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for the State of Utah, do hereby certify:

THAT the foregoing matter was reduced to
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correct transcription of said electronic media to the
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IN WITNESS WHEREOF, I have subscribed my
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The Order of the Court is stated below:

Dated: May 24, 2024
11:53:48 AM

/s/ John A. Pearce
Justice



IN THE SUPREME COURT OF THE STATE OF UTAH

----ooOoo----

SETH ANDREW STEWART,
Petitioner,
v.
STATE OF UTAH,
Respondent.

ORDER

Supreme Court No. 20240329-SC

Court of Appeals No. 20230223-CA

Trial Court No. 225103721

----ooOoo----

This matter is before the Court upon a Petition for Writ of Certiorari filed on March 25, 2024.

IT IS HEREBY ORDERED that the Petition for Writ of Certiorari is denied.

End of Order - Signature at the Top of the First Page

Appendix D. Remittur

The Order of the Court is stated below:

Dated: May 29, 2024
03:51:12 PM

At the direction of the Court

by

/s/ HANNAH HUNTER



IN THE UTAH COURT OF APPEALS

REMITTITUR

American Fork,
Appellee,
v.
Seth Andrew Stewart,
Appellant.

Appellate Case No. 20230223-CA

FOURTH DISTRICT, AMERICAN
FORK

Trial Court Case No.: 225103721

The above-entitled case was submitted to the court for decision and the decision has been issued.

Decision Issued: January 25, 2024

Notice of Remittitur Issued: May 29, 2024

Record: Electronic

End of Order - Signature at the Top of the First Page