IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NOS. C-160707 C-160727
Plaintiff-Appellee,	:	C-160728 C-160729
vs.	:	C-160730 TRIAL NOS. C-16CRB-20816A,B,C
JASMINE ARTIS,	:	C-16TRD-32799A,B
Defendant-Appellant.	:	*JUDGMENT ENTRY*.

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Jasmine Artis appeals from convictions for failure to display a driver's license under R.C. 4507.35, failure to display a license plate under former R.C. 4503.21, resisting arrest under R.C. 2921.33, failure to comply with the order or signal of a police officer under R.C. 2921.331, and endangering children under R.C. 2919.22(A). We note that while she is identified as Jasmine Artis in the initial complaints, she identifies herself as Jaiyanah Bey, so we will refer to her by that name. Bey, acting pro se, asserts five assignments of error for review. We find no merit in these assignments of error, and we affirm her convictions.

In her first assignment of error, Bey contends that the trial judge erred in denying her request for "[m]andatory judicial notice of records that were recorded into

the case file and certified by the clerk of courts." Bey filed an "Affidavit in Support of Special Appearance by Jaiyanah Bey Request for Mandatory Judicial Notice," in which she claimed that, as a person of Moroccan descent, under various treaties she was her own sovereign, and therefore, not subject to prosecution under the laws of Ohio. She attached various documents including a complaint she had filed in federal court for civil-rights violations related to the incident in this case.

Technically, the trial court can take judicial notice of the filings in the case before it. *Preston v. Shutway*, 2013-Ohio-185, 986 N.E.2d 584, ¶ 26 (2d Dist.). Therefore, the court could take judicial notice that the documents were filed. But Bey wanted the court to take judicial notice that she was immune from prosecution, which is a legal conclusion, and does not fall under the categories of facts that a court must judicially notice under Evid.R. 201. *See State v. Palmer*, 1st Dist. Hamilton No. C-050750, 2006-Ohio-5456, ¶ 11; *State v. Welker* 8th Dist. Cuyahoga No. 83252, 2004-Ohio-1132, ¶ 15-16.

Under the guise of judicial notice, Bey is arguing that she could not be convicted of the offenses with which she was charged based on her status as "descendent of Moroccans born in America," because she has immunity based on that status. Other courts have rejected similar challenges to convictions based on "sovereign citizen" or "sovereign nation" arguments. *See Shaker Hts. v. El-Bey*, 8th Dist. Cuyahoga No. 104236, 2017-Ohio-929, ¶ 6. Bey cannot bestow sovereign immunity on herself. Her status as a Moroccan or Moorish individual does not allow her "to violate state and federal laws without consequence." *Id.* at ¶ 7. Consequently, we overrule Bey's first assignment of error.

In her second assignment of error, Bey contends that the trial court erred in entering a not-guilty plea on her behalf. Crim.R. 11(A) provides that if a defendant

refuses to plead, the court shall enter a not-guilty plea on the defendant's behalf. A not-guilty plea does not admit any facts or waive any of the defendant's rights. Therefore, Bey was not prejudiced when the court entered the plea on her behalf. *See State v. Crum*, 4th Dist. Lawrence No. 07CA3, 2007-Ohio-4924, ¶ 16; *State v. Tate*, 10th Dist. Franklin No. 98AP-759, 1999 WL 236006, *3 (Apr. 10, 1999); *State v. Schaeffer*, 12th Dist. Warren No. CA92-04-038, 1993 WL 106146, *1 (April 12, 1993). Consequently, we overrule Bey's second assignment of error.

In her third assignment of error, Bey contends that the trial court erred in "throwing" her documents and in stating that "[t]hey should have never let you file these papers." Nothing in the record shows that the trial court threw Bey's documents. The court did state that Bey should not have been allowed to file her documents, which Bey takes out of context. The trial court was trying to determine if Bey was asserting her right to represent herself and whether she was knowingly, voluntarily and intelligently waiving her right to counsel. *See State v. Robinson*, 1st Dist. Hamilton No. C-150346, 2016-Ohio-3330, ¶ 14-23; *State v. Steele* 155 Ohio App.3d 659, 2003-Ohio-7103, 802 N.E.2d 1127, ¶ 11-14 (1st Dist.). The trial judge was essentially telling her that the documents were irrelevant to that determination. Under the circumstances, Bey was not prejudiced.

Bey also argues that the trial judge was biased. The record does not show that the trial judge manifested any hostile feelings, ill will, undue friendship or favoritism toward either side. *See State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 132 N.E.2d 191 (1956), paragraph four of the syllabus; *State v. Loudermilk*, 1st Dist. Hamilton No. C-160487, 2017-Ohio-7378, ¶ 21. The record contains no evidence that the trial court reached a decision based on bias against Bey, or that it otherwise prevented her from

receiving a fair trial. *Loudermilk* at ¶ 21. Therefore, we overrule Bey's third assignment of error.

In her fourth assignment of error, Bey contends that the trial court erred in not dismissing the cases for want of jurisdiction. The Ohio Constitution gives the General Assembly the power to provide for municipal courts and their jurisdiction. *Behrle v. Beam*, 6 Ohio St.3d 41, 42-43, 451 N.E.2d 237 (1983). R.C. 1901.02 and 1901.20 give municipal courts jurisdiction over misdemeanors and traffic offenses occurring within their territorial jurisdiction *State v. Jones*, 76 Ohio App.3d 604, 606, 602 N.E.2d 751 (1st Dist.1991). Moreover, R.C. 2901.11 provides that a person is subject to criminal prosecution and punishment in this state if that person commits an offense that takes place in the state. The trial court's jurisdiction is invoked by the filing of a valid complaint. *See Shaker Hts.*, 8th Dist. Cuyahoga No. 104236, 2017-Ohio-929, at ¶ 10; *Jones* at 606. Consequently, the trial court had jurisdiction to decide the cases before it.

Bey contends that she made a personal appearance only to contest jurisdiction under "Federal Rule 12(b)(2)." But she is referring to the Federal Rules of Civil Procedure, which do not apply in Ohio or in criminal cases. Consequently, the trial court did not err in failing to dismiss the cases, and we overrule Bey's fourth assignment of error.

In her fifth assignment of error, Bey contends that the trial court erred in finding her guilty. She first argues that the stop of her vehicle violated her constitutional right to travel. "Driving is not a right but a privilege well within the purview of the state's police powers." *State v. Tanner*, 15 Ohio St.3d 1, 5, 472 N.E.2d 689 (1984). The state regulation of motor vehicle operation does not interfere with any

right to travel on public roads. *Shaker Hts.* at ¶ 13; *Mt. Vernon v. Young*, 5th Dist. Knox No. 2005CA000045, 2006-Ohio-3319, ¶ 61-64.

Next, Bey argues that the police officer did not have probable cause to stop her vehicle. First, Bey did not challenge the stop of her vehicle by filing a motion to suppress. Further, the standard is reasonable suspicion, not probable cause. *See State v. Erkins*, 1st Dist. Hamilton No. C-110675, 2012-Ohio-5372, ¶ 32. An officer's observation of a traffic violation justifies an investigative stop. *State v. Lopez*, 166 Ohio App.3d 337, 2006-Ohio-2091, 850 N.E.2d 781, ¶ 14 (1st Dist.). The police officer had a reasonable and articulable suspicion that Bey and her vehicle were subject to seizure for driving with an expired registration. Therefore, the stop of her vehicle was reasonable under the Fourth Amendment. *See Delaware v. Prouse*, 440 U.S. 648, 663, 99 S.Ct. 1391, 59 L.Ed.2d 660 (1979); *Lopez* at ¶ 13-14.

Finally, Bey challenges the sufficiency of the evidence to support her convictions. The record shows that a rational trier of fact, after viewing the evidence in a light most favorable to the prosecution, could have found beyond a reasonable doubt that the state had proved all of the elements of the charged offenses. Therefore, the evidence was sufficient to support the convictions. *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus; *State v. Ojile*, 1st Dist. Hamilton Nos. C-110677 and C-110678, 2012-Ohio-6015, ¶ 48. We overrule Bey's fifth assignment of error and affirm the trial court's judgments.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., ZAYAS and **DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on September 8, 2017
per order of the court _____.
Presiding Judge