

Motorists cite Constitution

Summer Crosby/St. Maries Gazette Record

Two separate incidents involving motorists and their view of the Constitution landed in magistrate court last week.

A 53-year-old man was arrested and charged with five misdemeanors after he was pulled over by a St. Maries City Police officer.

William Harold Johnson was charged with driving without privileges, resisting and obstructing an officer, two counts possession of concealed weapon and possession of a controlled substance.

According to the police report, Johnson was initially pulled over at 9:02 p.m. July 9 by Officer Eric Bailey near Archie's IGA because he was driving without headlights after sunset. The back window of the 1993 Nissan pickup was also obstructed.

Officer Bailey asked Johnson for his driver's license, registration and proof of insurance. According to his report, Johnson replied he did not have a driver's license and stated he did not need one because he was a constitutionalist. He argued he was traveling not driving.

Johnson would only say his name was Bill. Officer Bailey ran the name through Benewah County Dispatch and returned the name Bill Johnson. Dispatch also ran the name through Montana and Washington, which returned William Harold Johnson.

According to the police report, Officer Bailey was able to identify Johnson based on his height, hair and eye color.

Officer Bailey asked for a backup unit and advised Johnson he was going to be arrested for driving without privileges and needed to step out of the vehicle.

Bob Loe and Doug Yearout, with the St. Maries City Police, arrived to provide backup. According to the report, Johnson refused to step out of the vehicle and had to be pulled from the vehicle. He was taken into custody.

During inventory of the vehicle, officers recovered a Ruger 10/22 rifle and a Ruger 22/45 MK 3 pistol, both which were loaded with ammunition. A marijuana pipe and marijuana was found in the console of the vehicle. Marijuana was also discovered in a duffel bag.

At his arraignment, Johnson informed Judge Patrick McFadden he could not enter a plea. He was worried about the judge being prejudice against the Constitution.

Judge McFadden ordered a pretrial conference be set for Aug. 12.

Johnson remains out on a \$2,000 bond.

In a separate incident June 24, William Dougherty, 30, was cited for driving without privileges.

Dougherty was pulled over initially for driving 73 miles per hour in a posted 60-mile per hour zone near milepost 378 on Highway 95, according to an affidavit in support of warrantless arrest.

Dougherty allegedly told Idaho State Police Trooper Peter Moyle that he was sovereign and that the officer had no jurisdiction over him.

Upon contacting the Idaho State Police Regional Communications Center, Trooper Moyle learned Dougherty did not have driving privileges in the state of Idaho due to an insurance citation.

According to the report, Dougherty refused to say anything about the citation. He also refused to give his mailing address, saying he did not receive mail. Dougherty was arrested for driving without privileges and failure to show proof of insurance.

During his arraignment July 8, Dougherty told Judge Patrick McFadden that he was challenging his jurisdiction. Judge McFadden informed Dougherty that he would have to make an appropriate motion and notice.

Judge McFadden ordered that a not guilty plea be entered for Dougherty, who objected, but was overruled. A pretrial conference was set for July 29.

Dougherty was released on a \$2,260 bond.