

COMMONWEALTH OF PENNSYLVANIA
Petitioner

vs.

EDWARD BROWN,
Respondent

: IN THE COURT OF COMMON PLEAS OF
: LYCOMING COUNTY, PENNSYLVANIA
:
: NO. 00-11,837
: 00-11,838
: CRIMINAL ACTION - LAW
:
: 1925(a) OPINION

Date: June 14, 2001

**OPINION IN SUPPORT OF THE ORDER OF MARCH 29, 2001, IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Defendant has appealed this Court's Order of sentence of March 29, 2001, entered after a summary hearing appeal trial on multiple Motor Vehicle Code violations. The Order was dated March 27, 2001 and was entered immediately following the trial held that date.

The reasons for this Court's Order can be found in the transcript of the proceedings and were set forth on the record at the conclusion of the testimony after argument of counsel and immediately before the finding of guilt and sentence were imposed. *See*, N.T. 3/27/2001, at pp. 77-81. In addition, we offer the following brief iteration of our reasoning.

The Concise Statement of Matters Complained of on Appeal filed by Defendant on May 16, 2001 and as amended by Defendant's filing of June 1, 2001 essentially assert Defendant cannot be prosecuted for failure to have an operator's license or his vehicle properly registered and insured under the provisions of the Pennsylvania Motor Vehicle Code because of his allegations that he is an employee or member of the Haudenosaunee Indian Tribe and such Tribe is a member of the Iroquois Nation and thus entitled to protection of treaties made by the United States of America in 1775, 1792 and 1794. Defendant asserts that under the terms of these treaties the Motor Vehicle

Code regulations are not applicable to him or any other member of the Iroquois Nation or Haudeosaunee Tribe.

This Court did not find any credible evidence to believe that Defendant was a member of the Haudenosaunee Tribe. We also did not find any credible evidence to establish that Tribe was a member of the Iroquois Nation. Therefore, neither Defendant nor the Tribe members were entitled to the protections of any of the treaties cited by Defendant, whom he asserts immunized him from the requirement of having an operator's license or properly registering or insuring his motor vehicle.

In addition, this Court found the treaties did not establish an immunity from the applicability of the Motor Vehicle Code so as to allow any member of a tribe protected by the treaties to operate a motor vehicle upon public highways of the Commonwealth outside of the Indian lands or reservations without complying with the Pennsylvania Motor Vehicle Code requirements. In doing so, this Court also relied upon Lycoming County Court of Common Pleas decision rendered by the Honorable Kenneth D. Brown in the case of *Commonwealth v. Hall*, Nos. 99-10,977 and 99-11,413 and referred to the decisions of Judge Brown as being controlling precedent in Lycoming County. Attached to this 1925(a) Opinion are copies of Judge Brown's decisions referenced in our findings.

Accordingly, this Court believes this appeal should be denied.

BY THE COURT:

William S. Kieser, Judge

cc: John C. Youngman, Jr., Esquire
District Attorney
Suzanne Lovecchio, Law Clerk
#00-11,838
Judges
Gary L. Weber, Esquire (Lycoming Reporter)