

[Cite as *State v. Few*, 2015-Ohio-2292.]

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	C.A. CASE NO. 25969
	:	
v.	:	T.C. NO. 13CR1322
	:	
RYAN J. FEW	:	(Criminal appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 12th day of June, 2015.

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Defendant-Appellant

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DONOVAN, J.

{¶ 1} This matter is before the Court on the Notice of Appeal of Ryan J. Few, filed

October 31, 2013. Few was convicted, following a jury trial, of having weapons while under disability (prior drug conviction), in violation of R.C. 2923.13(A)(3), a felony of the third degree, and he received a sentence of 24 months, to be served concurrently with sentences imposed in Greene County, Ohio, Case No. 2006-CR-00109, and Montgomery County, Ohio, Case No. 2009-CR-00407. Counsel for Ryan filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), asserting that after thoroughly examining the record, she could find no potentially meritorious issues for review. This Court informed Ryan that appellate counsel had filed an *Anders* brief on his behalf and granted him 60 days to file a pro se brief. No pro se brief has been filed.¹ We further note that the State did not file a responsive brief. Having conducted our own thorough and independent review of the record, pursuant to *Person v. Ohio*, 488 U.S. 75, 109 S.Ct. 346, 102 L.Ed.2d 300 (1988), we agree with counsel for Ryan that there are no meritorious issues for review.

{¶ 2} On July 2, 2013, the record reflects that Ryan executed a Waiver of Counsel following a lengthy discourse with the trial court. When asked if it was his decision to proceed to trial pro se, Ryan responded, “It is your Honor. As beneficiary and a living soul, I’ve never asked to be represented by anybody. I never asked for counsel. I never asked for any of this stuff. I’m not the person of, quote, unquote, Ryan Few.” Ryan asserted that the trial court lacked jurisdiction over him, since he is “a free-born sovereign.” According to Ryan, he “reserved all my rights, so I don’t understand how a living soul could possibly be sent to prison for anything if there’s no injured party or any one complaining witness or international maritime contract that I had signed to lose or

¹On May 27, 2015, a document entitled “Copy Certification by Document Custodian” with attachments was filed in this appeal. It does not constitute a brief.

someone to cause damage to their property as a result of criminal actions.” (sic) Ryan asserted that he retained all his “rights under UCC1-308.”

{¶ 3} The evidence presented at trial established that on April 27, 2013, Officer John Ashworth of the Butler Township Police Department was on routine patrol at around 10:30 p.m. when he observed Ryan in his garage at Ryan’s home. Ashworth testified that he parked his cruiser and approached Ryan, whom he knew had an outstanding felony warrant. In the course of the encounter, Ryan’s brother, Kevin Few, entered the garage. Ashworth placed both men in his cruiser, patting Ryan down quickly. After back up arrived, Kevin was removed from the cruiser, and officers observed a pistol in his jacket, which was retrieved. Officers subsequently viewed the cruiser camera video taken when the brothers were in the rear of the cruiser, and the video revealed that Ryan initially possessed the weapon and then handed it to Kevin before Kevin exited the cruiser. Finally, Ashworth identified a certified copy of a Judgment Entry of Conviction, in Case No. 2009-CR-04087, indicating that Ryan previously pled guilty to possession of cocaine.

{¶ 4} In her *Anders* brief, counsel for Ryan asserts one “arguable assignment of error” as follows:

IS RYAN JAMES FEW A SOVEREIGN CITIZEN AND THEREFORE NOT SUBJECT TO THE JURISDICTION OF THE TRIAL COURT?

{¶ 5} Counsel for Ryan asserts as follows:

Sovereign citizens believe that the United States government is illegitimate and operating outside of its jurisdiction. According to sovereign citizen theory, the United States was once governed by “common law,”

when everyone was a sovereign, not subject to any oppressive laws, taxes, or regulations. At some point, the United States departed from the “common law” system, replacing it with admiralty law, which governs the sea and international commerce. Because of this, sovereign citizens do not recognize the United States or state law, believing that the change to admiralty law marked the transition of the United States from government to corporation. Sovereign citizens believe that their status as sovereign citizens exempts them from the United States laws and tax system. Whereas in common law, where citizens would be free men, under admiralty law, the United States government subjugates all citizens by eliminating the rights given to individuals by the Declaration of Independence and Bill of Rights.

Sovereign citizens believe that they can free themselves from the illegitimate United States government. By freeing themselves from the government, sovereign citizens believe they regain rights that have been stolen. To do so, a sovereign citizen gives notice to the government that he or she is revoking United States jurisdiction by filing legitimate Internal Revenue Service and Uniform Commercial Code forms.

Few claims to be a sovereign citizen and therefore not subject to the trial court’s jurisdiction. In support, Few filed a UCC Financing Statement on July 18, 2014, intended to be used by lenders to secure their interest in collateral from a borrower, but proposed by Few to revoke United States jurisdiction making him a sovereign citizen, no longer subject to his own

debt or U.S. laws, taxes, or registration requirements; a free man subject only to common law. Essentially he asserts that the government is a corporation that he has not entered into a contract with so therefore it has no authority or jurisdiction over him.

Few also references UCC 1-308, which protects an individual or business entity from unknowingly giving up rights by agreeing to specific contract terms. By signing a document with additional terms such as “under protest” or “without prejudice” and referencing this code the signee establishes the retention of any rights he knowingly or under false pretense agrees to surrender. Few claims that this is the remedy to reserve his rights under the common law.

{¶ 6} Counsel for Ryan asserts, however, that case law “does not support his claims,” and we agree. As noted by the Southern District of Ohio in *DuBose v. Kasich*, S.D. Ohio No. 2:11-CV-00071, 2013 WL 164506 (Jan. 15, 2013), * 3, sovereign citizen theories

* * * involve the alleged corporate status of Ohio and the United States; the relationship between the yellow fringe on the United States flag and admiralty jurisdiction; and the effect of capitalizing the letters of his name. Plaintiff ultimately maintains that he does not have a contract with either Ohio or the United States and, therefore, does not have to follow government laws. * * * [F]ederal courts have routinely recognized that such theories are meritless and worthy of little discussion. See, e.g., *U.S. ex rel. Goldsmith v. Schreier*, No. CIV. 124155, 2012 WL 4088858, at * 4

(D.S.D. Sept. 17, 2012) (“Other courts have noted the sovereign citizen theory has been consistently rejected . . .”); *United States v. Amir*, No. 1:10CR439, 2010 WL 5014451, at *1 (rejecting as frivolous Defendant’s argument that he was a “private natural man and real person” and therefore not subject to the laws of the United States); *United States v. Ward*, 182 F.3d 930, 1999 WL 369812, at * 2 (9th Cir. 1999) (table) (rejecting sovereign citizen argument as frivolous and undeserving of “extended argument”); *Eidson v. Burrage*, 113 F. App’x 860, 862 (10th Cir.2004) (holding that a plaintiff’s “yellow fringe flag” arguments were “indisputably meritless”).

Since counsel for Ryan’s arguable assignment of error is wholly frivolous, it is overruled.

{¶ 7} We note that counsel for Ryan also asserts the following argument, which is not specifically delineated in Ryan’s brief as an arguable assignment of error: “* * * it may be argued that the sentence imposed appears to be unsupported by any consideration of the statutory factors on the record.” Counsel for Ryan concludes, and we agree, that this argument also lacks merit.

{¶ 8} Pursuant to R.C. 2953.08(G)(2), “an appellate court may increase, reduce, or modify a sentence, or it may vacate the sentence and remand for resentencing, only if it ‘clearly and convincingly’ finds either (1) that the record does not support certain specified findings or (2) that the sentence imposed is contrary to law.” *State v. Battle*, 2d Dist. Clark No. 2014 CA 5, 2014-Ohio-4502, ¶ 7. “[A] sentence is not contrary to law when the trial court imposes a sentence within the statutory range, after expressly stating that it had considered the purposes and principles of sentencing set forth in R.C. 2929.11,

as well as the factors in R.C. 2929.12.’ [State v. Rodeffer, 2013-Ohio-5759, 5 N.E.3d 1069 (2d Dist.)] at ¶ 32, citing State v. Kalish, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124, ¶ 18.” State v. Sparks-Arnold, 2d Dist. Clark No. 2014-CA-9, 2014-Ohio-4711, ¶ 8.

{¶ 9} At sentencing, the trial court expressly indicated that it considered the principles of sentencing set forth in R.C. 2929.11 and the seriousness and recidivism factors set forth in R.C. 2929.12, and we note that Ryan’s sentence is also within the statutory range for a felony of the third degree. R.C. 2929.14(A)(3)(b). Ryan’s additional argument lacks merit and it is accordingly overruled.

{¶ 10} After a thorough and independent review of the record before us, the judgment of the trial court is affirmed.

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FAIN, J. and HALL, J., concur.

Copies mailed to:

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