



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

June 5, 2019

To:

Hon. Peter L. Grimm
Circuit Court Judge
Fond du Lac County Courthouse
160 S. Macy St.
Fond du Lac, WI 54935

Timothy J. Filipa
Assistant District Attorney
160 S. Macy St., 3rd Fl.
Fond du Lac, WI 54935

Ramona Geib
Clerk of Circuit Court
Fond du Lac County Courthouse
160 S. Macy St.
Fond du Lac, WI 54935

Roy Charles Derksen
W11579 Hemp Rd.
Brandon, WI 53919

You are hereby notified that the Court has entered the following opinion and order:

2018AP1708	State v. Roy Charles Derksen (L.C. #2017TR9492)
2018AP1709	State v. Roy Charles Derksen (L.C. #2017TR9493)
2018AP1710	State v. Roy Charles Derksen (L.C. #2017TR9494)

Before Hagedorn, J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

In response to a reported hit and run, law enforcement stopped Roy C. Derksen while he was using a tractor and trailer to transport an oversized building on a public road. Derksen was cited for operating a vehicle with an overall height in excess of thirteen-and-a-half feet without a permit, WIS. STAT. § 348.06(1), and with an overall width in excess of eight-and-a-half feet

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(c) (2017-18). All references to the Wisconsin Statutes are to the 2017-18 version.

without a permit, WIS. STAT. § 348.05(1), and for operating a trailer without tail lamps in good working order, WIS. STAT. § 347.13(1). Derksen appeals pro se after he was found guilty of all three charges.²

The crux of this appeal is Derksen’s theory that the State unconstitutionally abridged his right to travel by prosecuting his traffic law violations. To support that theory, Derksen makes numerous claims against the evidence and law underlying his convictions, including his belief the State’s traffic laws did not apply to him in this instance because he was neither licensed nor engaged in commercial activity. He also contends that the circuit court had no jurisdiction to hear this matter or assess his punishment because he had never entered a contract with the State regarding its traffic laws.

This court has previously addressed and rejected Derksen’s theory and its underlying claims of this kind. *Fond du Lac Cty. v. Derksen*, 2002 WI App 160, ¶¶5, 7-8, 256 Wis. 2d 490, 647 N.W.2d 922. As was explained in *Derksen*, the freedom to travel on public roadways is not an absolute and unfettered right; it is a privilege that may be reasonably regulated by the State. *Id.*, ¶¶1, 7. The record here contains sufficient evidence showing that Derksen violated reasonable roadway regulations. Accordingly, we affirm the circuit court’s decision.³

² While Derksen styles his challenge as a “prosecution for writ of error” consistent with his right under article I, section 21(1) of the Wisconsin Constitution, we will review the circuit court’s decision in the same manner as any appeal authorized by law. WIS. STAT. RULE 809.01(1).

³ To the extent that Derksen has made any argument beyond those addressed in this opinion, such argument has been left undeveloped or unsupported or both. *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (declining to review arguments that are undeveloped or unsupported).

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals