

IN THE SUPREME COURT OF ARKANSAS

SHERREL JEAN COURVELLE

PETITIONER

v.

CASE NO. CR-24-193

STATE OF ARKANSAS

RESPONDENT

**COMBINED RESPONSE TO PETITION FOR A WRIT OF
PROHIBITION, MOTION TO CONSOLIDATE,
AND MOTION TO ACCEPT RECORDS**

I. Background

As relevant to this petition for a writ of prohibition, the State has charged Petitioner Sherrel Courvelle in Garland County Circuit Court with several felonies: nine counts of aggravated cruelty to a dog, cat, or equine, *see* (RT 120-136); theft of property valued between \$1,000 and \$4,999, *see* Second Amended Information, *State v. Courvelle*, No. 26CR-21-123 (Garland Cty. Cir. Ct. Oct. 29, 2021); theft of property valued over \$5,000, *see* First Amended Information, *State v. Courvelle*, No. 26CR-21-531 (Garland Cty. Cir. Ct. Oct. 29, 2021); and three counts of failure to appear, *see* Criminal Information, No. 26CR-23-712 (Garland Cty. Cir. Ct. Oct. 6, 2021).

Faced with the above criminal charges, Courvelle papered the circuit court with incantatory notices about her property, her legal name, her “political status,” her citizenship, and so forth, the idea being (as best the State can understand) that she could bestow upon herself a legal status beyond the reach of the laws of Arkansas. (RT 192-224)

Courvelle also assembled some people who, referring to themselves as “common law jurors” or “grand jurors” of the “Arkansas State Common Law Court,” purported to initiate legal proceedings against the State itself. (RT 281-285) Unsurprisingly, the ersatz court found the State guilty of various bad things and, via an array of homebrewed, legal-sounding documents, demanded Courvelle’s release, money damages, and so forth. *See* (RT 333-334) (“final judgment and ruling” of the “Arkansas State Court, Garland County, Republic of Arkansas”); (TR 354-388) (“Action of Trespass, Trespass on the Case, Malfeasance/Dereliction of Duty, Theft and Unlawful Conversion, Crime of Personage, [and] Tort of Malicious Prosecution”).

Courvelle’s petition and accompanying motions before this Court continue in the same vein. The petition refers to the circuit court below as an inferior court to her Arkansas State Common Law Court, complains that the circuit court ignored a “cease and desist order” issued by the Arkansas State Common Law Court, alleges that the circuit court is in contempt of the Arkansas State Common Law Court, and

so on. Pet. at 6-7. There are also two motions pending. For the reasons given below, the petition and the pending motions should be denied.

II. Argument

A. Writ of Prohibition

“Jurisdiction is the power of the court to hear and determine the subject matter in controversy between the parties.” *DeSoto Gathering Co., LLC v. Ramsey*, 2016 Ark. 22, at 4, 480 S.W.3d 144, 147. A writ of prohibition is appropriate only when the circuit court is wholly without jurisdiction and when no other remedy, such as an appeal, is available. *E.g., id.* Prohibition is a prerogative writ that is “extremely narrow in scope and application, and [it] is to be used with great caution and forbearance[;]” that is, only “in cases of extreme necessity.” *Id.*

The circuit court is the court of general jurisdiction in Arkansas. Ark. Const. amend. 80 § 6. “A circuit court has subject-matter jurisdiction to hear and determine cases involving violations of criminal statutes and has personal jurisdiction over offenses committed within the county over which it presides.” *Farmer v. Payne*, 2024 Ark. 10, at 3. Courvelle doesn’t contest that the acts she is accused of took place in Garland County, so personal jurisdiction is established. *See* (TR 356, 362-385) (describing Courvelle’s version of events with respect to the above cases). Thus, the Garland County Circuit Court has jurisdiction to proceed in the criminal cases listed above. *See, e.g., Farmer*, 2024 Ark. 10, at 3.

Because the circuit court below is not wholly without jurisdiction, Courvelle’s petition should be denied.

Courvelle’s “common law court” theory does not support the issuance of a writ of prohibition because it is frivolous. “Common-law court activists,” such as Courvelle, “assert a radical version of social contract theory which argues that consent [to be governed] may be withdrawn by individuals and small groups, who thereby escape the jurisdiction of a government which is accepted by the majority.”

Daniel Lessard Levin & Michael W. Mitchell, *A Law Unto Themselves: The Ideology of the Common Law Court Movement*, 44 South Dakota L. Rev. 9, 12 (1999). The movement regards the government as illegitimate, and, therefore, urges “citizens [to] create their own legal institutions.” *Id.* at 9. The common-law court movement is a close cousin to the sovereign-citizen movement and others “united by a common thread of resistance to legal authority and the belief that their own idiosyncratic filings and theories should prevail over the existing law.”

Samuel Barrows, *Sovereigns, Freemen, and Desperate Souls: Towards a Rigorous Understanding of Pseudolaw*, 62 Boston College L. Rev. 905, 907 (2021).

Courts have universally held that the common-law-court and similar theories are frivolous. *See, e.g., Yashar’al v. Hopper*, 849 F. App’x 591, 592 (7th Cir. 2021) (per curiam) (“[T]he defense of ‘sovereign-citizen immunity’ is frivolous.”); *Cantu v. City of Dothan, Alabama*, 974 F.3d 1217, 1223 n.2 (11th Cir. 2020)

(noting that “so-called sovereign citizens often believe they are not subject to the jurisdiction of the courts, but courts have summarily rejected their legal theories as frivolous,” and collecting cases) (cleaned up); *Watson v. Texas State Univ.*, 829 F. App’x 686, 686 (5th Cir. 2020) (per curiam) (dismissing complaint relying on “meritless legal theories associated with the sovereign citizen movement” as “frivolous and entirely without merit”); *Carroll v. Moorehead*, 710 F. App’x 346, 347 (10th Cir. 2018) (rejecting a defendant’s claim that “the United States lacks jurisdiction to incarcerate him because he is a Moorish American National” (a variant on the sovereign-citizen defense) as frivolous); *United States v. Hardin*, 489 Fed. App’x 984, 986 (8th Cir. 2012) (per curiam) (rejecting the sovereign-citizen defense “as having no conceivable validity in American law”) (cleaned up); *United States v. Greenstreet*, 912 F. Supp. 224, 228 (N.D. Tex. 1996) (finding “entirely frivolous” a jurisdictional challenge resting on the defendant’s supposed citizenship in the “Republic/State of Texas,” and documents issued by the “common law court”). Courville’s common-law-court theory is frivolous, and her petition for a writ of prohibition, accordingly, should be denied.

B. Motions

There are also two pending motions. First, Courville asks the Court to “consolidate” all of the cases listed in the Background and consider them as one case. To the extent that her motion rests on the assumption that the proceedings of

her “Arkansas State Common Law Court” have any legal validity, the motion should be denied. Second, Courvelle asks that a binder with papers relating to the “Arkansas State Common Law Court” be considered part of the record. The motion should be denied because (1) only “the certified pleadings, orders, and exhibits from the circuit court” are treated as the record in an extraordinary writ proceeding, Ark. R. Sup. Ct. 6-1(a)(1), and (2) the motion is premised on the frivolous assertion that the circuit court lacks jurisdiction to proceed in the cases below.

WHEREFORE, the State prays that this Court deny Courvelle’s petition for a writ of prohibition, her motion to consolidate, and her motion to accept and review Arkansas State Court Records.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I, Christian Harris, certify that on March 26, 2024, the foregoing document has been mailed, by United States Postal Service, postage prepaid, to:

Sherrel Jean Courvelle
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Hot Springs, AR 71913

/s/ Christian Harris
CHRISTIAN HARRIS