

NOT DESIGNATED FOR PUBLICATION

No. 125,874

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CITY OF WICHITA,
Appellee,

v.

DANE KNOBLAUCH,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; DAVID L. DAHL, judge. Opinion filed September 1, 2023.
Affirmed.

Dane Knoblauch, appellant pro se.

Jan Jarman, assistant city attorney, for appellee.

Before WARNER, P.J., GARDNER and HURST, JJ.

PER CURIAM: Dane Knoblauch appeals his conviction for driving the wrong way down a one-way roadway, claiming there was insufficient evidence to support the conviction. Knoblauch also makes unsupported claims that he is the creditor and the City of Wichita (the City) is the debtor. Contrary to Knoblauch's claim, the City presented sufficient evidence upon which a rational fact-finder could have found Knoblauch guilty beyond a reasonable doubt. Knoblauch's conviction is therefore affirmed. Knoblauch's remaining claim is irrelevant to his conviction and inadequately briefed, and the issue, if any, is consequently waived.

FACTUAL AND PROCEDURAL BACKGROUND

Although Knoblauch generally disputes the facts, this court recounts the facts "in the light most favorable to the prosecution." See *State v. Spencer*, 317 Kan. 295, Syl. ¶ 4, 527 P.3d 921 (2023). On February 13, 2022, a Wichita Police Department officer observed a car stopped at a traffic light facing the wrong direction toward a one-way roadway. After noting the roadway was marked as a one-way roadway and seeing Knoblauch proceed, the officer turned around and initiated a standard traffic stop in which he identified the driver as Knoblauch through Knoblauch's driver's license. Knoblauch admitted to the officer that he turned the wrong way down the one-way roadway for the purpose of returning to a store in that direction. The officer then issued Knoblauch a citation for driving the wrong way down a one-way roadway, in violation of section 11.32.010(b) of the City of Wichita Municipal Code of Ordinances. The incident was captured on the officer's video camera, but the video was not included in the record on appeal. After being found guilty of driving the wrong way down a one-way roadway in violation of City Code 11.32.010(b) in Wichita Municipal Court, Knoblauch appealed to the district court.

The district court conducted a bench trial in which the officer and Knoblauch both testified. The officer's video camera footage was also admitted into evidence. Upon viewing the footage, the City asked the officer on direct examination if he stopped the car depicted in the footage that was "right next to the sign that said 'one way' pointing the opposite direction the [car] was going?" The officer confirmed that the car depicted in the footage as described by the City was the car he stopped. The district court ultimately found Knoblauch guilty of driving the wrong way on a one-way roadway and offered a thorough explanation of its decision from the bench:

"I'm finding in favor of the City, that you were going the wrong way on a one-way roadway. I'm very familiar with that intersection. I go by it twice a week at least, so I

am very familiar with it. It is clearly marked. You have been identified by the police officer . . . and this matter took place in the City of Wichita, Sedgwick County, Kansas.

"I find that it was you driving. I looked at the video. The video was very clear, and you look the same to me that you looked like in the video. I find that that was you. You originally indicated that it was you, and the officer said that it was you, and I think the officer is correct that it was you. I'm convinced that the officer is correct, that it was you.

"I find that you were going the wrong way and you were driving a vehicle. I saw you pull out. You were positioned going the wrong way on that street, on St. Francis, and once you moved even a short distance, you were going the wrong way in a one-way street, and you had to have driven there or somebody had taken you there to put you in a position to get to 13th Street, so I am concluding that you had to have been driving to get there. And I saw you drive some distance on the street, and it was a one-way street, so you have violated the ordinance, so I'm ruling in favor of the City."

Knoblauch now appeals to this court.

DISCUSSION

Knoblauch asserts two claims in this pro se appeal: (1) The district court failed to give priority to the greater weight of the evidence; and (2) he is the creditor and the City is the debtor. The first claim is essentially an objection to the sufficiency of the evidence and the second is not identifiable. This court will address each claim in turn.

I. THERE WAS SUFFICIENT EVIDENCE TO FIND KNOBLAUCH GUILTY BEYOND A REASONABLE DOUBT

Knoblauch argues that the district court "failed to give priority to the greater weight of the evidence" and "ignored the greater weight of the evidence." This court therefore liberally construes Knoblauch's pro se appellate brief as challenging the sufficiency of the evidence supporting his conviction. See *State v. Richardson*, 314 Kan. 132, Syl. ¶ 4, 494 P.3d 1280 (2021) (pro se pleadings must be liberally construed to give

effect to the document's content rather than the labels and forms used to articulate a defendant's arguments).

This court reviews a challenge to the sufficiency of the evidence to determine whether "a rational fact-finder could have found the defendant guilty beyond a reasonable doubt." *Spencer*, 317 Kan. 295, Syl. ¶ 4. "In this process, the reviewing court must not reweigh evidence, resolve evidentiary conflicts, or reassess witness credibility." 317 Kan. 295, Syl. ¶ 4. "This is a high burden, and only when the testimony is so incredible that no reasonable fact-finder could find guilt beyond a reasonable doubt should we reverse a guilty verdict. [Citations omitted.]" *State v. Meggerson*, 312 Kan. 238, 247, 474 P.3d 761 (2020).

This court has no difficulty in concluding that a rational fact-finder could have found Knoblauch guilty of driving the wrong way down a one-way roadway beyond a reasonable doubt. The officer who issued the infraction testified that he personally observed Knoblauch driving the wrong way down a clearly marked one-way roadway. The district court found the officer's testimony credible; further, he was familiar with the intersection and knew it to be well-marked. This court will not second guess that credibility determination. Moreover, the infraction was captured by the officer's video camera and played for the district court, and the record reflects that the footage supported the officer's testimony.

Testifying in his defense, Knoblauch read from a document he called an "affidavit of material facts," which was mostly unrelated to the facts of his case. However, he did claim that he "was not driving, per se, according to -- the term 'driver' is contradiction to 'traveler.'" He continued to assert that he was traveling rather than driving because he was not conducting business. The prosecutor attempted to cross-examine Knoblauch, but when she asked him if he was the person driving the car, Knoblauch testified, "It depends

on what you mean, either person or natural person." Knoblauch further responded that "[m]aybe God" was moving the vehicle. The prosecutor quickly concluded questioning.

The officer's testimony that Knoblauch drove the wrong way down a one-way roadway was not contradicted by any evidence or testimony. The officer's testimony was sufficient evidence upon which a rational fact-finder could have found Knoblauch guilty of the infraction beyond a reasonable doubt. Knoblauch's conviction is therefore affirmed.

II. KNOBLAUCH'S REMAINING CLAIM IS WAIVED BECAUSE IT IS INADEQUATELY BRIEFED AND UNSUPPORTED BY PERTINENT AUTHORITY

Issues not briefed or not adequately briefed are deemed waived or abandoned, and failure to support a point with pertinent authority or show why it is sound despite a lack of supporting authority is akin to failing to brief the issue. *Meggerson*, 312 Kan. at 246. Knoblauch's entire argument on this issue is the following:

"Dane Knoblauch accepted the instrument for value and returned it for value to the Clerk for the City of Wichita. Dane Knoblauch is the secured party he has rights and remedies. City of Wichita has dishonored the instrument by not rebutting my affidavits. There was no counteroffer. Dane Knoblauch has extended the credit to satisfy the account. Dane Knoblauch demands a set off of \$160,000.00."

Knoblauch has failed to adequately brief this issue or support it with pertinent authority. Not only is there a lack of authority, but Knoblauch fails to provide sufficient argument for this court to even understand his claim. Knoblauch's remaining claim is therefore waived and not considered by this court.

CONCLUSION

There was sufficient evidence to support Knoblauch's conviction for driving the wrong way down a one-way roadway, and his conviction is accordingly affirmed. Knoblauch fails to provide any support for his remaining claim, and it is therefore waived. The judgment of the district court is affirmed.

Affirmed.