

Sample Argument Summary

Jones v. Commonwealth: Appellee's Argument Summary

This traffic case arises from the Appellant, Jedidiah Jones', failure to display the slow-moving vehicle emblem on his horse-drawn buggy. The Commonwealth will argue that Mr. Jones violated Kentucky statutes requiring that a slow moving vehicle display an orange triangle. Mr. Jones asserts he is exempt from this requirement based on his sincerely held religious beliefs.

Mr. Jones admits that he did not have the required emblem displayed on his vehicle when he was driving his buggy on a public roadway. However, he argues that the requirement infringes upon his right to freely practice his religion. Mr. Jones is a member of the Amish faith, and his religion requires that he not display bright or garish colors or symbols. He believes that the slow-moving vehicle emblem – which is orange and in the shape of a triangle – violates his religious beliefs and would result in him being shunned from his religious community.

The Newtown District Court held a hearing on the matter, and concluded that KRS 189.820, which requires that all slow-moving vehicles display an orange emblem, infringes upon Mr. Jones' First Amendment right to freely practice his religion. The test for determining whether the statute infringes upon Mr. Jones' First Amendment rights is four-part: (1) are Mr. Jones' beliefs sincerely held?; (2) Are his beliefs substantially burdened by displaying the slow-moving vehicle emblem?; (3) Does the state have a compelling interest that overrides Mr. Jones' claims?; and (4) Can the state's interests be met by a less-restrictive alternative?

The Appellee, the Commonwealth of Kentucky, argues that the Newtown District Court applied the correct test to this situation, but reached the wrong result. The Commonwealth will not dispute that Mr. Jones' religious beliefs are sincerely held or that those beliefs will be burdened by the slow-moving vehicle emblem requirement. However, the Commonwealth asserts that the state has a compelling interest that overrides Mr. Jones' religious freedom, and that no less-restrictive alternatives exist.

The safety of all persons on the public roadways is entrusted to the Commonwealth. From speed limits, to road rules, to driver testing – the Commonwealth is responsible for the enactment, management and enforcement of the entire body of rules that ensures the safety of Kentucky's

drivers, passengers and pedestrians. There is no interest more compelling than public safety. The slow-moving vehicle emblem ensures the safety of the person(s) driving the slow-moving vehicle, as well as the other motorists on the road. It is a universally recognized symbol. To allow Mr. Jones' to use a different symbol would defeat the purpose of the statute.

Furthermore, the Commonwealth will argue that the use of the public roadways is a privilege, not a right. Any infringement on Mr. Jones' religious freedom can be entirely avoided by simply not using the public roadways.