

20-511

Supreme Court, U.S.

FILED

OCT 03 2018

OFFICE OF THE CLERK

Docket No.

UNITED STATES SUPREME COURT

Chris George,

Petitioner,

v.

PEOPLE OF THE VIRGIN ISLANDS,

Respondent,

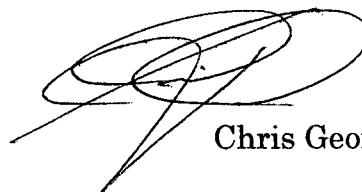
On Appeal from the Supreme Court of the Virgin Islands

Division of St. Croix

Hon. Justice Maria M. Cabret.

On Petition for Writ of Certiorari to the United States Court of Appeals for
the Third Circuit.

PETITION FOR WRIT OF CERTIORARI



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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Chris George

i.

Rule 14 Content of a petition for a Writ of Certiorari

1. (a) Questions presented for review:

1. (a) What legal authority or standing does the V.I. Government have to take me a private individual into its administrative/ commercial court (Magistrate Court) and convict me of "criminal misdemeanor", when at the time of the "traffic stop," I was not an employee of the government, I was not engaged in trafficking anything neither was I contracted with the government?

(b) What is the definition of a "motor-vehicle"?

(c) Can a private automobile be classified in statute as a "motor-vehicle" when it is not being used for commercial purposes?

2. (a) Didn't the 16 Corpus Juris Secundum, Constitutional Law

Encyclopedia, Sect. 202, p. 987 address the matter of "personal liberty"?

(b) Didn't the II American Jurisprudence Constitutional Law, sect.

329, p.1135 address the matter of the difference between the "right to travel" and a "privilege to drive"?

3. Does the V.I. Government of the U.S. have the authority to convert a right into a crime?

4. Isn't it a deprivation of property when the U.S. Virgin Islands

Government prohibits me from using my personal truck because it is not registered with the government?

5. Are there any statute(s) that classifies goods according to their usage?

Rule 14 Content of a petition for a Writ of Certiorari

1. (b) List of parties proceeding in the court whose judgment is sought

to be reviewed:

1. Virgin Islands Superior Court Magistrate Division, St. Croix District

Superior Court Magistrate: Hon. Miguel Camacho

2. Virgin Islands Superior Court Appellate Division, St. Croix District

Superior Court Judge: Hon. Robert A. Molloy

3. Virgin Islands Supreme Court, St. Croix District

Chief Justice, Rhys S. Hodge;

Associate Justice, Maria M. Cabret;

Associate Justice, Ive Arlington Swan

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**(d) Citations of the official and unofficial reports of the opinions and
Orders entered in the case by courts or administrative agencies:**

1. Virgin Islands Superior Court Magistrate Division, St. Croix District

Case #: SX-15-MV-2974 / SX-15-MV-2975

2. Virgin Islands Superior Court Appellate Division, St. Croix District

Case #: SX-16-RV-2

3. Virgin Islands Supreme Court, St. Croix District

Case #: S. Ct. Crim. No. 2017-0042

Rule 14 Content of a petition for a Writ of Certiorari See Rule 7 and Rule 14

b. A concise statement of the basis for jurisdiction in this court, showing:

**The date judgment or order sought to be reviewed was filed on
July 5, 2018.**

The statutory provision believed to confer on this Court

**Jurisdiction to review on writ of certiorari the judgment or
order in question is V.I.R.App.P. 32(c).**

Chris George, Esq. (Signature)

Chris George, Esq. (Signature)

Chris George, Esq. (Signature)

Chris George, Esq. (Signature)

Rule 14 Content of a petition for a Writ of Certiorari

(f) The constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case, set out verbatim with appropriate citation.

- U.S. CONSTITUTION 4th AMENDMENT
- U.S. CONSTITUTION 5th AMENDMENT
- U.S. CONSTITUTION 14th AMENDMENT
- 1954 REVISED ORGANIC ACT (R.O.A.), BILL OF RIGHTS § 3 PAR. 1
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- 49 C.F.R. PART 367-STANDARD FOR REGISTRATION
WITH STATES;

§ 367.1 DEFINITIONS.

- 49 C.F.R. PART 367-STANDARD FOR REGISTRATION
WITH STATES;

§ 367.4 REQUIREMENTS FOR REGISTRATION

- 49 C.F.R. PART 390.5 DEFINITIONS
- TITLE 18 § 31 DEFINITIONS (6)(10)

**U.C.C. ARTICLE 9 SECURED TRANSACTIONS - CREATION, PERFECTION
AND PRIORITY UNDER UCC ARTICLE 9;**

U.C.C. ARTICLE 9(1) SCOPE OF UCC ARTICLE 9

**U.C.C. ARTICLE 9 SECURED TRANSACTIONS; SALES
OF ACCOUNTS AND CHATTEL PAPER**

..PART 1. SHORT TITLE, APPLICABILITY AND

DEFINITIONS

- CALIFORNIA VEHICLE CODE § 260
- NEW JERSEY VEHICLE CODE § 39:3-1
- HAWAII VEHICLE CODE § 286-207

Rule 14 Content of a petition for a Writ of Certiorari

(g) A concise statement of the case setting out the facts material to consideration of the questions presented.

On October 7, 2015 while I (Chris George) was traveling in my personal truck, I was stopped by a Police Officer who then asked me for proof of license, registration, and insurance. I declined to waive any of my rights that are protected by the 4th, 5th, and 14th Amendment of the U.S. Constitution and the Bill of Rights Section 3 paragraph 1, 3, 11, & 12 of the 1954 Revised Organic Act [See: App. 62-65].

The Officer issued three (3) traffic citations; (1) for operating an unregistered vehicle (No. 220548); (2) for operating a vehicle without a driver's license (220550); and (3) for operating an uninsured vehicle (220549). Only citations No. 220548 and 220549 of the citations were filed to the Court.

The matters were consolidated and schedule for trial on February 25, 2016.

On January 13, 2016, I filed a motion to dismiss the charges. I made a special appearance at the Magistrate Court on February 25, 2016. The matter was continued for April 7, 2016 by request of the V.I. Government. On April 7, 2016 the matter was again continued by request of the V.I. Government for May 5, 2016. On May 5, 2016 I made my final special appearance to the Magistrate Court. The Magistrate Court rejected my motion to dismiss and proceeded with trial over my repeated objections. The court found me guilty of "criminal misdemeanor."

1. Superior Court Magistrate Division:

When I brought forth the argument of standing and cited three cases (U.S. Supreme Court case; *Tyler v. Judges of the Court of Registration*, Court of Appeals of Tennessee; *Petty v. Daimler/Chrysler* and Supreme Court of Tennessee; *City of Chattanooga v. Davis*, 54 S.W.3d 248, 280 (Tenn. 2001) challenging the Government's/ Court's jurisdiction over me, at the end of that argument the court asked me "That's it?" and stated that I'm not going to read my whole "motion to dismiss". The court never addressed any of the cases I cited above [App.78-80 lines 15-25; App. 81-82, lines 1-25; App. 83-84, lines 1-12]. When I asked the court repeatedly as to the jurisdiction of law "traffic" operates under, the court refused to answer my question. [App. 85-86 lines 17-25; App.87-88, lines 1-25; App. 89-90, lines 1-25].

Superior Court Appellate Division: The court never addressed any of the cases that I cited on the record. The court rejected my challenge of the Magistrate Court's jurisdiction over me citing 4 V.I.C. § 124(b) which states that: "The Magistrate Division of the Superior Court has exclusive jurisdiction over all traffic offenses, except felony traffic offense." But the court did not define the term "traffic" nor did the court explain as to what jurisdiction of law "traffic" or Title, 4 V.I.C. § 124(b) operates under.

Virgin Islands Supreme Court:

The court never addressed any of the cases that I cited on the record. The court stated on the matter of "Standing," that the case and controversy provision of Article III of the United States Constitution

which requires standing in order to establish a federal court's subject-matter jurisdiction over any cause of action, neither the Revised Organic Act of 1954 the de facto constitution for the Virgin Islands – nor 4 V.I.C. § 124(b) contains any such requirement. That in the Virgin Islands, the doctrine of standing imposes no limitation on the jurisdiction of the territorial courts, but rather functions only as a claims-processing rule grounded in principles of judicial restraint. [App. 39-40].

What I gathered from the above statement of the court is that the territorial courts are not judicial courts but rather they are administrative courts. And it is my understanding that administrative courts operate under "Maritime admiralty Law/ Mercantile Law." If that is the case the court failed to explain what legal authority the government has to take me a private individual into its administrative/commercial court and convict me of a commercial offense (criminal misdemeanor), when at the time of the "traffic" stop by the police

officer, I was not participating in any commercial activity, I was not an employee of the government nor was I contracted with the government.

The court has also failed to provide the definition for the term "traffic" on the record. On the record, George's argument is rejected. The court stated: "George's argument is rejected. The court stated: "George's argument is rejected. The court stated: "Because maritime admiralty law is wholly concerned with activity at sea and has no bearing on the regulation of automobile traffic on the road of the territory, George's argument is rejected." [App. 48-49].

If that is the case, the question remains. What jurisdiction of law does the Virgin Islands Traffic Code operates under? The court failed to

answer that question.

Mr. George, you are correct in stating that Virgin Islands does not

have a jurisdiction of law under the Virgin Islands Constitution.

Mr. George, you are correct in stating that Virgin Islands does not

have a jurisdiction of law under the Virgin Islands Constitution.

2. Superior Court Magistrate Division:

When I defined the word "traffic" from the Black's Law Dictionary on the record in the court, the court rejected the given definition and did not provide an alternative definition when I requested for it. The court demanded for me to prove that the definition that I provided on the record is what the Virgin Islands Legislature utilized to draft the V.I. Traffic Code. I was bewildered by the court's demand for me to prove that the legislature utilized the same definition of the word "traffic," as the one I provided on the record. I am not aware of any other definition for that word according to law (statute). I responded to the court that I don't have to prove it, because that is the definition according to law. I also questioned the court to inform me as to the source of where the legislature gets the meaning of a word to draft any legislation.

The court responded that we would have to look at the legislative history and provided no further answers. [App. 94-95, lines 1-25; App. 96-97, lines 1-25; 98-99, lines 1-4]. I argued that I don't drive a vehicle. That my truck was not a vehicle (motor-vehicle) because I was not transporting anything. That "transportation" means the removal of goods from one place to another by a carrier, and a "carrier" is one undertaken or employed to transport persons or property for hire. [App. 100-101, lines 1-25; App. 102-103, lines 1-24]. I gave the definition for a traveler from Black's Law 4th:

Traveler: One who passes from place to place, whether for pleasure, instruction, business, or health. *Lockett v. State*, 47 Ala. 45; 10 C.B.N.S. 429. [App. 104-105, lines 1-10; 106-107, lines 1-13; 108-109, lines 1-13].

I informed the court that I was a "traveler" and not a "driver" and I provided to the court the definition of a driver according to Black's Law:

Driver: One employed in conducting or operating a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals, or a bicycle, tricycle, or motor car, though not a street railroad car. [See: Appendix Page 69, lines 16-25].

I also provided definitions for the following terms relating to "traffic" in my "Motion to Dismiss.":

Traffic; Driver; Driving; Employed; Vehicle; Transportation; Draught (drawn); Common Carrier; Carrier; Operator; Traveler; Travel [App. 106-109].

The court failed to provide an alternative definition for "traffic," "driver," or for any of the other terms that I provided to the court. The court did not explain what type of "crime" that I (Chris George)

allegedly committed whether it was crime "mala in se" (common law) or crime "mala prohibita" (maritime admiralty/ mercantile law).

Virgin Islands Supreme Court:

The court mentioned my contention concerning the definition of the word "traffic" and stated that:

"No matter how the word "traffic" is defined in isolation, the Legislature has granted the magistrate Division jurisdiction over "traffic offenses" and has provided an unambiguous definition of that term which explicitly includes the violations of the provisions of title 20 with which George was charged." [App. 48].

The position of the court makes absolutely no sense, how can the term "traffic offense" be unambiguous, when the term "traffic" is ambiguous? Before you can define what "traffic offenses" are you must first define what traffic is. The court also stated that:

“Because George does not contest the factual findings of the Magistrate Division, this appeal concerns only pure questions in law and we therefore exercise plenary review.” [App. 39].

I am contesting the factual findings, this appeal is not just pure questions in law, but it is my very life, liberty and ownership of my private property that I am contending for. What the court stated above in my opinion was dismissive to my contentions and it chose not to define the word “traffic,” because there is only one definition for that word, whether you look in the Black’s Law Dictionary, the Bouvier’s Law Dictionary, 49 C.F.R. 390.5 the word “traffic” means “commerce, trade.” The principle of “*pari materia*” dictates this definition must be applied in all Federal and/or State (including U.S. Territories) statutes that contain the term “Traffic.” I must also mention that the Virgin Islands Motor-Vehicle Code does not define the word “traffic” but merely asserts it. The court did not address the evidence that I provided that

shows that like the other governments of the United States, the Virgin Islands Government was supposed to provide an exemption for vehicle registration to individuals for their private automobile(s) that are not used for commercial purposes. These are a few examples of States that recognizes an individual's right to travel in their private automobile(s) and provided exemptions within their motor –vehicle statutes:

California Vehicle Code § 260(a)(b)

Wyoming Statute, § 31-5-110 (a) and (b) [App. 72-78]
New Jersey Revised Stat § 39:3-1 [App. 72-78]
Hawaii Revised Stat § 286-207 [App. 72-78]

3. Superior Court Magistrate Division:

In my Motion to Dismiss I cited *16 Corpus Juris Secundum*, 14th Ed. 1976, *Constitutional Law Encyclopedia*, Sect. 202, p. 987 that addresses the matter of "personal liberty" which states:

and driving a motor vehicle is a privilege, not a right.

"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property ... and is regarded as inalienable."

I also cited *II American Jurisprudence Constitutional Law*, sect. 329, p.1135 which addresses the matter of the difference between the "right to travel" and a "privilege to drive" which states:

"Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right of the Citizen to travel upon the public highways and to transport his property thereon, by horse drawn carriage,

wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct." [App. 106-108].

In court I argued that the police officer erroneously substituted my right to travel for a privilege to drive and cited *Hadfield v. Lundin*

which states:

"...Based upon the fundamental ground that the sovereign state has the plenary control of the streets and highways in the exercise of its police power (see police power, infra.), may absolutely prohibit the use of the streets as a place for the prosecution of a private business for gain. They all recognize the fundamental distinction between the ordinary Right of the Citizen to use the streets in the usual way and the use of the streets as a place of business or a main instrumentality of business for private gain. The former is a common right; the latter is an extraordinary use. As to the former, the legislative power is confined to regulation, as to the latter, it is plenary and extends even to absolute prohibition. Since the use of the streets by a common carrier in the prosecution of its business as such is not a right but a mere license of privilege."

The court then asked me several questions about a carrier then stated to me that:

“You don’t have an absolute right to control your driving on the highways.”

I then responded to the court that:

“I don’t drive. Traveling” [App.112-113, lines 2-25; App. 114-115, lines 1-25].

The court never addressed *16 Corpus Juris Secundum, Constitutional Law Encyclopedia*, Sect. 202, p. 987 that addresses the matter of “personal liberty,” *II American Jurisprudence Constitutional Law*, sect. 329, p.1135 which addresses the matter of the difference between the “right to travel” and a “privilege to drive” nor did the court address *Hadfield v. Lundin* but wrote in its decision that:

“It is a well settled tenant of constitutional law that federal or state governments may adopt legislation, under their police powers that may affect the rights of an individual when those rights conflict with the promotion

and maintenance of health, safety, morals, and general welfare of the public," and concluded that "the requirement of registration and insurance on vehicles is a permissible exercise of the territory's police powers under the Revised Organic Act of 1954." [See: App. 6].

This clearly shows that the Magistrate Court in the U.S. Virgin Islands do not recognize my constitutional right to travel in my personal truck and has erroneously substituted my right to travel for a privilege to drive. A statute may affect my right to travel in my truck, such as the implementation of stop lights and/ or stop signs, etc., but not to diminish my right to travel freely in my private property.

16 Corpus Juris Secundum, Constitutional Law Encyclopedia

Superior Court Appellate Division: *Hadfield v. Lundin*

The court mentioned my assertion that the government erroneously substituted my right to travel for a privilege to drive but did not address *16 Corpus Juris Secundum, Constitutional Law Encyclopedia*, Sect. 202, p. 987 that addresses the matter of "personal liberty," *II American Jurisprudence Constitutional Law*, sect. 329, p.1135 which addresses the matter of the difference between the "right to travel" and a "privilege to drive" nor did the court address *Hadfield v. Lundin* but affirmed the Magistrate Court's decision. [App. 18-22].

about 1000 words of my brief were omitted. I am afraid that the court will not accept my brief to be a legal opinion. I do not know if I can resubmit my brief with the omitted pages. I am afraid that the court will not accept my brief with the omitted pages.

Virgin Islands Supreme Court:

The court did not address *16 Corpus Juris Secundum, Constitutional Law Encyclopedia*, Sect. 202, p. 987 that addressed the matter of "personal liberty," nor did it address *II American Jurisprudence Constitutional Law*, sect. 329, p.1135 which addressed the matter of the difference between the "right to travel" and a "privilege to drive" nor did the court address *Hadfield v. Lundin*, 98 Wash 516.

In *Hurtado v. California* (1884) 110 US 516, The U.S. Supreme Court states very plainly:

"The State cannot diminish rights of the people."

In *re Stork*, (1914) 167 Cal.294, 139 P. 684, the California Supreme Court has held, placing statutes in code does not change their meaning or effect. The original intent of the Statutes in California was that it applied only to commercial activities or to statutory residents, and all others were exempt from the regulations. (To my knowledge this case has not been overturned!)

4. Superior Court Magistrate Division:

I addressed the matter of conversion of a right into a crime in my "motion to dismiss," and I also argued the matter in the Magistrate Court and cited the following cases:

"The claim and exercise of a constitutional right cannot thus be converted into a crime." *Miller v. U.S.*, 230 F.2d 486, at 489 (1956)

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights." Sherer vs. Cullen, 481 F. 946

"The state cannot diminish Rights of the people."

Hurtado vs. California, (1884) 110 US 516

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda vs. Arizona, 384 US 436, 491

The court did not respond to the argument I presented on the matter but instead told me to have a seat. [App. 116-117, lines 7-25; App. 118-119, lines 1-25; App. 120-121, lines 1-10].

I cited in my Motion to Dismiss the *1954 Revised Organic Act (R.O.A.), Bill of Right § 3 par. 1* which states:

1.20.2014 10:45:45 AM Page 26 of 26
No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person there in equal protections of the laws. [See: App. 122].

I also cited in my "Motion to Dismiss" that:

"No public policy of a state can be allowed to override the protective guarantees of the U.S. Constitution." 16 Am.Jur. 2d, Const. Law (2nd), Const. Law, Sect. 70 [App. 122].

Superior Court Appellate Division: The court failed to address the matter of conversion of a right into a crime.

The court failed to address the matter of conversion of a right into a crime.

Virgin Islands Supreme Court:

The court failed to address the matter of conversion of a right into a crime.

5. Superior Court Magistrate Division:

I mentioned to the court that the government deprived me of my personal property which is my truck in violation of the 14th Amendment of the U.S. Constitution. The court avoided the subject and started asking questions on other matters of the case. [App.123-124, lines 5-14; App 125-126, lines 23-25].

It is my understanding that:

“Whenever a law deprives the owner of the beneficial use and free enjoyment of his property or imposes restraints upon such use and enjoyment that materially affect its value, without legal process or compensation, it deprives him of his property with the meaning of the Constitution.”

Forster v. Scott, 136 N.Y. 577.

Superior Court Appellate Division:

The court failed to address the matter of deprivation of property.

Virgin Islands Supreme Court:

The court failed to address the matter of deprivation of property.

Superior Court Magistrate Division:

When the Magistrate Court asked me, where do governments get their powers from? I was interrupted by the court and my thoughts were redirected before I was able to establish that the Uniform Commercial Code classifies "Goods" according to their usage [App. 127-128, lines 12-16];

1. "Consumer Goods" if they are used or bought primarily for personal use;
2. "Equipment" if they are used primarily for business;
3. "Farm Products" if they are crops or livestock or supplies used or produced in farming operations;

4. "Inventory" if they are held by a person who holds them for sale or lease or to be furnished under contract.

That the powers given to government by its constitution must be enforced pursuant to the Uniform Commercial Code;

Relevant applicable *stare decisis* case cites relating directly to UCC § 9-109:

- "Under UCC § 9-109 there is a real distinction between goods purchased for personal use and those purchased for business use.
- The two are mutually exclusive and the principal use to which the property is put should be considered as determinative." James Talcott, Inc. v. Gee, 5 UCC Rep Serv 1028; 266 Cal. App. 2d 384, 72 Cal. Rptr. 169 (1968)
- "A vehicle not used for commercial activity is a 'consumer goods'.... It is NOT a type of vehicle required to be registered and the 'use

tax' paid of which the tab is evidence of receipt of the tax." *Bank of Boston v. Jones*, 4 UCC Rep. Serv. 1021, 236, A2d 484, UCC PP 9-

109.14. U.C.C. § 9-109.14. Payment of tax. Payment of a tax is evidence of payment of the tax.

109.14. Payment of tax.

Superior Court Appellate Division:

I relied on the Magistrate Court Transcript and my "Motion to Dismiss" for my appeal. As mentioned above the Magistrate Court interrupted me and redirected my thoughts when I mentioned the Uniform Commercial Code.

Virgin Islands Supreme Court:

I presented the evidence to the court concerning the statute U.C.C. § 9-109. The court Failed to address this matter.

Rule 14 Content of a petition for a Writ of Certiorari

(h) A direct and concise argument amplifying the reasons relied on for allowance of the writ.

The U.S. Virgin Islands Government purports that it upholds the United States Constitution and its de facto constitution the Revised Organic Act of 1954, but in reality the government tramples on them when it pertains to the rights of individuals. The V.I. Government creates and upholds its statutes above the rights of the people by not providing the necessary exemptions for vehicle registration for automobiles not involved in commerce like the other States (California, Hawaii, Wyoming, New Jersey), and enforces a commercial statute (Motor-Vehicle Code) upon private individuals not involved in commercial activity. It is clear that only a motor carrier operating in interstates or

foreign commerce in one or more participating states under a certificate issued by the Secretary (DOT) shall be required to register annually with a single registration State, and such registration shall be deemed to satisfy the registration requirements of all participating states and The term "motor vehicle" means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo

[App.65-68].

Während der gesamten Zeit der Existenz des Deutschen Reichs wurde die

“*unopposed*” also indicates a significant shift in the way

and the resulting *real* and *ideal* face width are shown in Table 10.

and a full complement of facilities and services designed to meet the needs of the community.

12. The following table illustrates the relationship between the number of employees

10. Wenn Sie nicht genügend Punkte haben, um die abwehr

and, in addition, the \mathbf{e}_1 and \mathbf{e}_2 axes are not parallel to the \mathbf{e}_1 and \mathbf{e}_2 axes of the original frame.

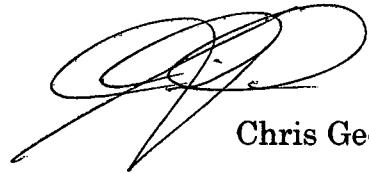
¹⁰ See, for example, the discussion of the 'right to be forgotten' in the European Union's General Data Protection Regulation (GDPR), Article 17(1).

Figure 10. The effect of the number of iterations on the total error.

Conclusion

For the foregoing reasons, petitioner respectfully submits that this petition for Writ of Certiorari should be granted.

Respectfully submitted,



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