

23-613  
No. \_\_\_\_\_

**ORIGINAL**

IN THE SUPREME COURT OF THE UNITED STATES

LUIS SOTO-SOTO, GABRIEL L. MEDINA

*Petitioners,*

vs.

YASHIRA QUILES CARRASQUILLO

*Responder.*

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On Petition for a Writ of Certiorari to the  
Commonwealth of Puerto Rico Supreme Court

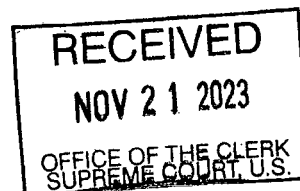
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PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS

1. An employee of the United States Postal Service in a labor-management dispute that arose within a postal facility; under Section 8 of the United States Constitution, you can determine at your will that it be a municipal judicial forum under state law that decides if those acts of employment conduct constitute criminal offenses and not the federal judicial or administrative forums?

2. Does a civil petition for an order that require prior a determination of the configuration of a criminal offense, violate the due process of law guaranteed in the Fifth and Sixth Amendments but omits the facts with which it purports to constitute the offense? The configuration of the criminal offense may be adjudicated without being required to comply with the constitutional standard that provides proof beyond a reasonable doubt? Two criminal evaluations may be carried out in the state jurisdiction on the same facts alleged in the criminal act without this intervening with the Fifth Amendment? May in that act the local court be able to deprive the right to legal possession of weapons granted by the Second Amendment without guaranteeing due process of law for it?

3. Will the action of a state supreme court violate the due process of law and the equal protection of the laws by suspending all its regulations approved to handle the appellate process without rules, in a particular, exclusive and subjective way in a case occurred in a postal facility and reverse the determination of a state appellate court that ruled that a crime was not charged based on the proven facts and thus also

revoke without the criminal matter being before its jurisdiction the criminal determination of a LOCAL COURT that dismissed criminal charges under those same facts?

**LIST OF PARTIES****PETITIONERS:**

LUIS SOTO SOTO, East Regional Coordinator of the American Postal Workers Union Local 1070 in Puerto Rico and GABRIEL L. MEDINA, Safety and Health Official of the American Postal Workers Union Local 1070

were the responders in the Luquillo-Fajardo Municipal Court; Responders-Appellees in the Intermediate Court of Appeals of Puerto Rico and Appealed in the Supreme Court of Puerto Rico.

versus

**RESPONDER:**

YASHIRA QUILES CARRASQUILLO Luquillo, P.R. Postmaster of United States Postal Service, the petitioner in the Luquillo-Fajardo Municipal Court; Petitioner-Appealed in the Intermediate Court of Appeals of Puerto Rico and Petitioner in the Supreme Court of Puerto Rico.

**LIST OF PROCEEDINGS**

**STATEMENT OF RELATED CASES**

***QUILES v. SOTO***

Municipal Court of Fajardo Case Number FAL1482022-020 (judgment entered September 8, 2022)

***QUILES v. MEDINA***

Municipal Court of Fajardo Case Number FAL1482022-021 (judgment entered September 8, 2022)

***PUEBLO v. SOTO***

Fajardo Municipal Court Case Number FA2022CR00441-1 (judgment entered October 4, 2022)

***YASHIRA QUILES v LUIS SOTO***

National Labor Relations Board 12-CB-306512 (judgment entered October 19, 2022)

***SOTO y MEDINA v. QUILES***

Court of Appeals Case Number KLAN2022-00550 (judgment entered July 10, 2022)

***QUILES v. SOTO y MEDINA***

Supreme Court of Puerto Rico Case Number CC-2 022-7 45 (judgment entered November 3, 2022)

**TABLE OF CONTENTS**

Questions Presented .....	i-ii
List of Parties .....	iii
Table of Authorities .....	iv
Opinions Below .....	1
Jurisdiction .....	1
Constitutional and Statutory Provisions Involved .....	2-3
Statement of The Case .....	3-9
Reason for Granting The Writ .....	9-33
Conclusion .....	33-34

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Battle v. United States</i>	
209 U.S. 36, 37 (1908) .....	10
<i>District of Columbia v. Heller</i>	
(No. 07-290) 478 F. 3d 370 (2008) .....	29
<i>Gearheart v. Haskell,</i>	
87 DPR 57, 63 (1963) .....	12
<i>Gulf Offshore Co., Div. of Pool Co. v. Mobil Oil Corp.,</i>	
453 U.S. 473 .....	12
<i>In re Winship,</i>	
397 U.S. 358 (1970) .....	33
<i>McDonald v. Chicago</i>	
561 U.S. 742 (2010) .....	29
<i>Moore v. Court,</i>	
59 DPR 620, 622 (1941) .....	13
<i>P.R. Drydock v. Srio. De Hacienda,</i>	
85 DPR 735, 742 (1962) .....	13
<i>People v Perez Narvaez,</i>	
130 DPR 618(1992) .....	13

*People v. Amador,*

151 DPR 550 (2000). ..... 15

*People v. Suárez,*

51 DPR 903 (1937) ..... 11

*Quiles Vda. de Fonte v. Colsa, Inc.,*

147 DPR 360, 365 (1999) ..... 12

*Roberts v. U.S.O. Council of P.R.*

145 DPR 58, 71(1998) ..... 12

*Rodriguez Planel v, Overseas Military Sale*

2003TSPR140 ..... 11

*Roth et. United States,*

354 U.S. 476, 493-494 (1957)) ..... 11

*Sanchez Valle*

136 S.Ct. 1863 (2016) ..... 15

*Sopena v. Colejon Corp.,*

920 F. Supp. 259 (D.P.R. 1996) ..... 12

*United States v. Windsor*

765 F.2d 16 (2nd Cir. 1985) ..... 17

*U.S. v. Devenport*

131 F.3d 604, (7th Cir. 1997) ..... 24



*Yellow Freight Sys., Inc. v. Donnelly,*

494 U.S. 820 (1990) ..... 13

## CONSTITUTIONAL PROVISION

## Page number

U.S. Const., Art. I, § 8 .....	17
U.S. Const., Second Amendment .....	2
U.S. Const., Fifth Amendment .....	2
U.S. Const., Sixth Amendment .....	2
U.S. Const., Fourteen Amendment, Section 1 .....	1, 29, 33

## RULES

## Page number

Rules of the Supreme Court PR .....	8, 28, 30, 31, 32
Regulations of the Court of Appeals of November 18, 2003.....	33

## CASE CONSULTED

- *California Coastal Com v. Granite Rock Co.*, 480 Us 572, 581 (1987)
- *Kieppe v. New México*, 426 US 529, 543-545 (1976)
- *López v. Corte*, 58 DPR 115, 127- 128 (1941)
- *Meacham v. Knolls Atomic Power Laboratory*, 554 U.S. 84 (2008)
- *Rodríguez v. Overseas Military*, 160 DPR 270 (2003)
- *United States v. Resendiz-Ponce*, 549 U.S. 102, 107 (2007)
- *Wilson v. Cook*, 327 US 474, 487-488 (1946)

## RULES CONSULTED

- PR Rules of Civil Procedure
- Sup. Ct. A. 10(c)

## STATUTES CONSULTED

- 15 U.S. C.S. § 2301
- 18 U.S. Code § 7
- 28 U.S. Code § 1257a
- 28 U.S. Code § 1346, 2671
- 32A Am. Jur. 2d, Federal Courts §1069
- 39 CFR § 232.1 (a)
- 39 CFR § 232.1 (P)(2)
- 39 CFR § 232.1 (q)
- 39 U.S. Code § 401
- 39 U.S. Code § 409
- Act No. 53 of October 22, 2011 "PROMESA"
- PR Law No. 146 of July 30, 2012
- PR Law No. 148 of the year 2015
- Law 201 of August 22, 2003, Article 4.006(a)
- Territory Law of February 16, 1903, section 5

# APPENDICES OF

## PETITION FOR A WRIT OF CERTIORARI

Appendices	Page
Appendix I.A – Sentence – November 295tr6fq, 2022 – PR Supreme Court .....	App.1a
Appendix I.B – Denial of Reconsideration – Notified .....	App.5a
February 1, 2023	
Appendix II – Notification of visit to Postal Facility .....	App.7a
Appendix III – Petition for Order against SOTO .....	App.8a
Appendix IV – LAW 148-2015 .....	App.18a
Appendix V – Article 135 Penal Code PR .....	App.30a
Appendix VI – Ex-pate Order .....	App.39a
Appendix VII – Petition for Order against MEDINA .....	App.49a
Appendix VIII – MEDINA’s Motion .....	App.57a
Appendix IX – SOTO Dismissal Motion .....	App.70a
Appendix X – Amended order deriving SOTO of a weapon .....	App.87a

Appendix XI – Final determination of Permanent Order June 4, 2022 .....	App.96a
Appendix XII – Appeal before Intermediate Court .....	App.103a
Appendix XIII – Intermediate Court of Appeal Judgement .....	App.134a
Appendix XIV – Complaint of sexual harassment and No place/dismissal .....	App.160a
Appendix XV – Complaint before the NLRB and dismissal .....	App.165a
Appendix XVI – Quiles’ Certiorari for PR Supreme Court .....	App.167a
Appendix XVII – Order in aid of jurisdiction .....	App.186a
Appendix XVIII - Reconsideration .....	App.188a

No. \_\_\_\_\_

**IN THE SUPREME COURT OF THE UNITED STATES**

**LUIS SOTO SOTO, GABRIEL L. MEDINA – PETITIONERS**

**vs.**

**YASHIRA QUILES CARRASQUILLO - RESPONDER**

**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
COMMONWEALTH OF PUERTO RICO SUPREME COURT**

**PROOF OF SERVICE**

We, LUIS SOTO SOTO and GABRIEL L. MEDINA, do swear or declare that on this date, JULY 20, 2023, As required by SUPREME COURT Rule 29 (i) have served the petition for a writ of certiorari on each party's to the above proceeding or that party's counsel, and on every other person required to be served , by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follow:

Maricarmen Almodóvar Diaz  
*Record Responder Lawyer*  
PO Box 363871  
San Juan, PR 00936-3871

Puerto Rico Supreme Court  
PO Box 9022392  
San Juan, PR 00902-2392

I declare under penalty of perjury, that the foregoing is true and correct.

Executed on July 20, 2023.

  
**LUIS J SOTO SOTO**

*Petitioner*

  
**GABRIEL L. MEDINA**

*Petitioner*

No. \_\_\_\_\_

**IN THE SUPREME COURT OF THE UNITED STATES**

**LUIS SOTO SOTO, GABRIEL MEDINA**

*Petitioners*

vs.

**YASHIRA QUILES CARRASQUILLO**

*Responder*

**PETITION FOR A WRIT OF CERTIORARI TO THE  
COMMONWEALTH OF PUERTO RICO SUPREME COURT**

**PETITION FOR A WRIT OF CERTIORARI**

**OPINIONS BELOW**

The opinion of the Commonwealth of Puerto Rico Supreme Court (**STATE SUPREME**) to review the merits appears at **Appendix I** to the petition and is unpublished.

**JURISDICTION**

The date on which the highest court decided my case was on November 29, 2022. A copy of that decision appears at **Appendix I.A. (Page 1)**

A timely petition for hearing was thereafter denied on January 27, 2023 and notified on February 1, 2023, a copy of the order denying rehearing appears at **Appendix I.B. (Page 2-3)**

The jurisdiction of this court is invoked under 28 U.S.C. 1257a. In this process, the constitutionality of an Act of Congress or of any statute of a State are not drawn into question.

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The US Constitution, in Section 8, grants Congress the power to establish post offices and roads, create lower courts, and legislate over a specific district as the seat of the federal government. Additionally, Congress has authority over locations acquired with state legislature consent for the construction of forts, magazines, arsenals, dockyards, and other necessary buildings.

On the Second Amendment: “*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*”

On the Fifth Amendment: “[...] *nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*”

On the Sixth Amendment: “*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State [...], and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.*”

On the Fourteenth Amendment, Section 1: “*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of*



*the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.***

### STATEMENT OF THE CASE

On February 15, 2022, Gabriel L. Medina, (MEDINA) was the Health and Safety Officer of the American Postal Workers Union Local 1070 of Puerto Rico (UNION). Mrs. Yashira Quiles (QUILES) was the Postmaster of the United States Postal Service (USPS) facility in Luquillo municipality of Puerto Rico. That day, MEDINA notified QUILES (*Appendix II Page 4*) of an upcoming Health and Safety inspection for Saturday, February 19, 2022, on the Luquillo Postal Office (PO), as provided by the Collective Bargaining Agreement (CBA) between the UNION and USPS. He indicated that he would be accompanied by Luis Soto (SOTO), Regional Delegate of the UNION.

QUILES arrived at the PO on February 19, 2022, claiming ignorance of the inspection due to not checking her work email and stating it was her day off. She obstructed the inspection, insisting on escorting the inspectors to the exit. This obstruction by QUILES violated the CBA between the UNION and USPS, constituting an illegal employer practice.

The tone, attitude and aggressiveness adopted by QUILES promoted a discussion to arise regarding her decision leading to insults and profanity between QUILES and SOTO. Despite that the UNION officers were leaving, QUILES continued the discussion calling her aunt, Milagros Carrasquillo, a State Police woman, to send the

**Police to the PO.** Policeman Ronnie Diaz, who is also a relative of QUILES, arrived to investigate the matter. After interviewing QUILES, he ordered SOTO and MEDINA to leave without being interviewed, following alleged instructions from Postal Inspectors.

That same day, February 19, 2022, SOTO and MEDINA filed complaints regarding the incident for the attention of the worker-employer administrative bodies provided by the CBA and by the Federal Labor Relations Law.

For her part, QUILES, through her relative, Policeman Diaz, filed on February 22, 2022 a "PETITION FOR A PROTECTION ORDER FOR VICTIMS OF SEXUAL VIOLENCE" against SOTO in the Municipal Court, Luquillo-Fajardo Room (LOCAL COURT). (*Appendix III Page 5-9*) This under a special civil procedure provided by the Law for the Protection of Victims of Sexual Violence in Puerto Rico, ACT NUM. 148 OF SEPTEMBER 15, 2015 (*Appendix IV Page 10-15*). The issuance of the aforementioned civil order presupposes the existence of criminal sexual conduct, carried out by the person against whom the order request is made. The special law identifies which are the types of aggressions it tends to, but they have to be classified as crimes or criminal acts under the Penal Code of Puerto Rico, Law No. 146 of 2012 (PR PENAL CODE). (*Appendix V Page 16-21*) QUILES claimed the existence of a sexual assault for sexual harassment, which is typified by the PR Code as a labor crime. Article 135 on Sexual Harassment was amended on 2019 transforming the crime of sexual harassment from a less serious one to a serious one with an increase in the penalty to three years in prison.

Law 148-2015 allows by exception that, if a complaint or criminal accusation has not been filed under the PR PENAL CODE about the commission of a crime of sexual

assault, the order request can be filed. Here, the local court would have to make a criminal determination on the configuration of the criminal offense as defined in the PR PENAL CODE before issuing any order. QUILES filed her Petition for Order without filing any criminal charges against SOTO for the crime of sexual harassment despite her allegations that SOTO committed such an act. This is, in the absence of a criminal case filed separately, the LOCAL COURT had to make a double determination: **criminal and civil**.

The LOCAL COURT immediately issued the requested Ex-parte Order against SOTO without his presence and arranged for a hearing to be had on March 12, 2022. (*Appendix VI Page 22-30*). The LOCAL COURT determined that: "*the **petitioned insulted the petitioner** and directed **expressions of highly sexual content** at the petitioner regarding her body.*" It also determined that: "*...**the employer (USPS) is ordered** to take all necessary steps to compliance with this protection order in the workplace. Such steps at no time may affect the petitioner.*" The order had the effect of preventing SOTO from continuing to perform his UNION functions as regional coordinator at that USPS postal facility and **provided for the USPS as employer to take certain internal actions**.

The USPS and the UNION later settled the complaint about QUILES' obstruction, agreeing to conduct the inspection on March 22, 2022. The visit was scheduled with MEDINA and a different management representative than QUILES. The determination that resolved the illegal practice was notified to QUILES on March 9, 2022.

Nonetheless, on March 17, 2022, QUILES filed another request for a protection order under the same Law 148-2015, this time against MEDINA, (*Appendix VII Page*

**31-39)** to prevent him from inspecting the PO on the scheduled date. The LOCAL COURT refused to issue the ex parte order and scheduled a hearing for April 5, 2022. That same day, March 17, 2022, without a hearing, the LOCAL COURT extended the ex-parte order against SOTO. Moreover, the scope of the Order was expanded to deprive SOTO of a weapon for which he is licensed, without due process of law.

*(Appendix X Page 60-64)*

On April 1, 2022, MEDINA argued the lack of jurisdiction of the LOCAL COURT and filed a request for dismissal raising federal issues, among others. *(Appendix VIII Page 40-50)* SOTO also filed another motion for dismissal on April 4, 2022 for lack of jurisdiction arguing labor matters covered by federal law. *(Appendix IX Page 51-59)*

On April 5, 2022, the hearing was suspended and postponed until April 13, 2022, so that QUILES' lawyer could prepare for the case. **Judge Geisa M. Marrero Martínez**, who presided that day, disqualified herself from attending to any other issue raised in court other than the change of date, **because she did not master the subject matter of the controversy**. She extended the Ex-parte Order against SOTO without him being heard. The hearing was postponed for April 20, 2022. On April 19, 2022, at the request of QUILES, the hearing was again suspended until May 5, 2022 and the Ex parte order and deprivation of the weapon against SOTO was extended without a hearing. On May 4, 2022, QUILES again requested the postponement of the hearing and it was set for May 10, 2022. The Ex-parte Order and the deprivation of the weapon were continuously extended without a hearing against SOTO.

During the May 10, 2022 hearing, Judge Geisa Marrero, who had previously recused herself due to a lack of knowledge on the controversy, briefly reviewed the motions filed and

determined that the local court had jurisdiction without providing legal justification. After QUILES' testimony, the judge concluded that the crime of sexual harassment against MEDINA was not established, but found it applicable to SOTO without specifying supporting facts or conclusions. The ex-parte order and the deprivation of SOTO's weapon were extended until June 14, 2022, without completing the hearing or allowing SOTO to testify due to QUILES' legal representation having prior commitments. The June 14, 2022 hearing concluded without addressing the issue of SOTO's legally possessed weapon and its impact on due process, ultimately resulting in QUILES obtaining a protection order for victims of sexual violence **(Appendix XI, Pages 65-70)**.

SOTO and MEDINA, dissatisfied with the subjective and irregular process against them, appealed to the Court of Appeals of Puerto Rico (INTERMEDIATE APPEAL). After examining the judicial file and recordings of the proceedings, a panel of three judges issued a resolution on October 3, 2022. The resolution rejected the lack of jurisdiction but revoked the decision of the LOCAL COURT due to the absence of the required elements of sexual harassment as defined by Law 148 of 2015 and the PR Penal Code. **(Appendix XII Page 71-89) (Appendix XIII Page 90-109)**

On October 4, 2022, eight months after the events, QUILES filed a criminal complaint in the LOCAL COURT for the crime of sexual harassment as established in Article 135 of the Puerto Rico Penal Code against SOTO. **(Appendix XIV Page 110-111)**. Judge Irmarié Colón dismissed the case. The October 4, 2022 dismissal, was never appealed by QUILES being now final and firm.

On October 6, 2022, QUILES filed a complaint with the USPS against Louis DeJoy, Postmaster General related to the events of February 19, 2022 for allegedly not being protected by her employer.

On October 19, 2022, QUILES filed a complaint against the UNION in the National Labor Relations Board that was dismissed on February 7, 2023. (*Appendix XV Page 112-113*)

QUILES then appealed to the Supreme Court of Puerto Rico (STATE SUPREME) on November 3, 2022 through a discretionary writ of certiorari. (*Appendix XVI Page 114-125*) On November 8, 2022, QUILES filed an application for the protection order to be reinstated while the appeal was being processed. On November 9, 2022, the STATE SUPREME, in a resolution without facts or conclusions, provisionally restored the protection order. (*Appendix XVII Page 126-127*) On November 29, 2022, again without facts or conclusions, the STATE SUPREME issued a Judgement under Rule 50 of its Regulations on the Judgment issued by the INTERMEDIATE APPEAL restoring the LOCAL COURT's determination that the facts constituted the criminal offense of sexual harassment as typified by PR PENAL CODE. (*Appendix IA Page 1*)

However, after the STATE SUPREME ruling under Rule 50, MEDINA and SOTO's attorney discovered that the complaint for sexual harassment filed by QUILES on October 4, 2022 had been dismissed. The criminal complaint presented the same facts as the Request for Order to establish the crime of sexual harassment, which formed the basis of the arguments in the certiorari appeal. The dismissal was based on the finding that the facts did not configure the crime of sexual harassment.

The discretionary writ of certiorari by QUILES was presented on November 3, 2022, weeks after the indictment for the crime was adjudicated. QUILES did not inform the SUPREME STATE that her discretionary appeal was *res judicata* since she did not appeal that ruling. SOTO and MEDINA filed a reconsideration of the judgment arguing that the concealed facts deprived the forum of appellate jurisdiction and deprived and undermine the grounds invoked for the review as it was a final matter and signifying the non-existence of a crime of sexual harassment under the PR PENAL CODE. (*Appendix XVIII Page 128-137*)

In the opposition to the order in aid of jurisdiction, in the opposition to the appeal and the request for reconsideration of the Judgment, SOTO and MEDINA argued that there were constitutional issues and interpretation of federal laws that required the attention of the STATE SUPREME. However, the reconsideration was denied without the resolution providing specific findings of facts or conclusions of law findings of fact or conclusions of law. (*Appendix IB Page 2-3*)

## **REASONING FOR GRANTING THE PETITION**

### **FIRST QUESTION: Jurisdiction in Federal Postal Facilities**

State courts in Puerto Rico validating a Postal Service employee's decision to file criminal charges within a worker-employer dispute at a postal facility goes against the provisions of Section 8 of the Federal Constitution. While federal regulations allow state courts, territories, and Puerto Rico to interpret federal laws and administrative regulations, their interpretations must align with the federal forum unless determined otherwise. The

ultimate authority for interpreting such matters lies with the federal courts as delegated by the Federal Constitution.

SOTO and MEDINA challenged the jurisdiction of the LOCAL COURT in handling the civil restraining order petitions filed by QUILES regarding alleged sexual crimes in a worker-employer incident at a postal facility (PO). They argued that this decision undermined the authority of federal judicial and administrative agencies in determining criminal matters. QUILES explicitly desired the LOCAL COURT to handle the labor dispute arising from the incident as a sexual crime. However, the LOCAL COURT, despite the jurisdiction challenge, maintained its authority without providing any explanation for its decision.

This jurisdictional issue along with others was raised on appeal before the INTERMEDIATE APPEAL and it ruled (*Appendix XII Page 100*) that exclusive federal jurisdiction had not been proven, even though the postal facility was a federal enclave. It cited *Battle v. United States*, 209 U.S. 36, 37 (1908), which establishes that the purchase or expropriation of land by the United States, which established that the purchase or expropriation of land by the United States government for federal buildings, including post offices, grants Congress exclusive jurisdiction to legislate over such facilities. However, the court noted that exclusivity does not automatically apply and the specific congressional action is required. It referred to various cases and observed that the mere title to certain lands by the United States government within a state is insufficient to exclude the state's jurisdiction over those lands unless specific congressional action has been taken. The INTERMEDIATE APPEAL stated that:



“...Upon carefully examining what was alleged by the petitioner in the discussion of his first error, and the documents submitted with the file, we were unable to find any evidence to show that the Federal government purchased or expropriated the building where the Luquillo postal service is located, in such a way that the exclusive federal jurisdiction alleged by the petitioner can be determined...”.

The INTERMEDIATE APPELLATIVE used for their determination the case resolved by the SUPREME STATE COURT, *People v. Suarez*, 51 DPR 903 (1937). There, faced with damages caused by the defendant to the outside of a post office building, the court rejected that local authorities lacked jurisdiction because it was a building that housed a federal post office. The court determined that the mere occupation of a building by the Federal Government with a PO is not sufficient to establish the exclusive jurisdiction of federal courts. It stated that it is necessary to prove that the Federal Government has purchased or expropriated the building, rather than presuming such jurisdiction and cites *Roth et. United States*, 354 U.S. 476, 493-494 (1957).

The case of *Rodriguez Planel v. Overseas Military Sale* 2003TSPR140 was cited as a reference supporting state jurisdiction over federal enclaves. In this case, a car purchased with damages at a dealership within a military base was involved. The seller was neither a federal employee nor part of the military operation at the base. However, the federal legislation governing commercial operations on the base allowed complaints to be filed in local or state forums. The case validated the application of the federal statute, which permits local or state legislation to take action. This federal law explicitly stated that it did not limit

the rights or remedies granted to consumers under state or other federal laws. Therefore, the federal law allowed another federal or state law to be applicable in this case.

The Intermediate Appellate Court applied Puerto Rican tort law and the insurance policy provisions in *Quiles Vda. deFonte v. Colsa, Inc.* to determine Mrs. Quiles de Fonte's non-contractual damages claim (147 DPR 360, 365, 1999). In *Gearheart v. Haskell*, the State Supreme Court ruled that a law enacted by Congress authorized state claims for personal damages within areas of exclusive jurisdiction, specifically addressing an accident in the Ramey Fields Base in Aguadilla, Puerto Rico (87 DPR 57, 63, 1963). *Roberts v. USE. Council of P.R.* involved an employee seeking salary payments under state law at the old Roosevelt Road base in Ceiba, where the State Supreme Court held that the most beneficial legislation for the employee would be applied due to concurrent judicial jurisdiction (145 DPR 58, 71, 1998). Lastly, *PR Drydock v. Srio. De Hacienda* established that the provisions of the general law on the matter clarified exclusive federal jurisdiction in territories occupied by the federal government for military bases and buildings of great importance, based on the Law of February 16, 1903, Section 5 (85 DPR 735, 742).

*Thus, in the absence of an express congressional determination regarding the exclusivity of jurisdiction by the federal courts, or in the presence of an insurmountable incompatibility between the claim under federal legislation and the fact that a state court adjudicates the dispute, it is understood that the jurisdiction of the former is concurrent with the state courts. 32A Am. Jur. 2d, Federal Courts §1069; Gulf Offshore Co., Div. of Pool Co. v. Mobil Oil Corp., 453 U.S. 473 (1981); sopena v. Colejon Corp., sued. So much so, that for the state courts not to have concurrent jurisdiction, the*

*United States Congress has to grant it, expressly and exclusively, to the federal courts. Yellow Freight Sys., Inc. v. Donnelly, before. 10..."*

*P.R. Drydock v. Srio. De Hacienda*, 85 DPR 735, 742 (1962) finds it contrary to what it is intended to validate. There it is established that the provisions of the general law on the matter are the expressions of the legislature of the Territory in the Law of February 16, 1903, section 5, which clarifies the exclusive federal jurisdiction in all the territories occupied by the federal government for military base and buildings of great importance. The text of the section reads as follows:

[1] *"That consent be and is hereby given to the United States to acquire for naval, military or other public purposes, by purchase or condemnation any lands within the island of Porto Rico, and when so acquired and possession thereof shall have been taken by the United States, all jurisdiction over such lands by the People of Porto Rico shall cease and determine; Provided however, that upon the subsequent alienation by the United States of any land so acquired the People of Porto Rico..."*

In *Moore v. Court*, 59 DPR 620, 622 (1941) the STATE SUPREME held that the US military bases in Puerto Rico have limited jurisdiction, specifically legislative but not judicial jurisdiction. The INTERMEDIATE APPELATE relied on STATE SUPREME cases to support its jurisdictional determination on personal injury matters, which were subject to concurrent jurisdiction. However, these cases did not involve criminal matters or the supremacy of state law over federal law. The Intermediate Appellate Court erroneously cited *People v. Amador*, 151 DPR 550 (2000) and *Pueblo v. Perez Narvaez* 130 DPR 618

(1992), to support its legal approach. These cases dealt with search warrant scope and drug possession, respectively, and were not relevant to the issue of jurisdiction in a postal facility. The Intermediate Appellate Court's determination did not support the intervention of the local court under state law in a postal facility with exclusive legislative jurisdiction. The local court did not interpret federal laws but instead applied state laws to the postal facility, ignoring legislation passed by Congress.

The STATE SUPREME and INTERMEDIATE APPELLATIVE courts referred to judicial determinations regarding personal injury matters and concurrent jurisdiction granted by Congress. There were no rulings on crime configuration or forum supremacy. The INTERMEDIATE APPELLATIVE referenced the case of *People v. Amador*, where the SUPREME STATE overturned a sentence due to a warrantless search of a postal package in a state excise payment area. However, this case is unrelated to the matter at hand, as Amador's arrest and accusation were based on possession of a prohibited substance in Puerto Rico, not for violating postal laws. The postal facility's involvement and sending of packages were not part of the charges against Amador.

*Pueblo v. Perez Narvaez* involved a drug package shipped from Saint Thomas, Virgin Islands via Federal Express to a funeral home in Puerto Rico. A state agent posing as a Federal Express official delivered the package, leading to a raid at the funeral home where the package was not found. The drugs were eventually discovered at a different location. The case focused on the scope of a search warrant under the Puerto Rico Controlled Substances Act and did not address postal facilities or postal crimes. The presence of the postal facility in the chain of evidence was not prosecuted in this case. The determination made by the intermediate appellate court relied on previous cases involving civil damages

covered by federal laws and criminal offenses that occurred outside postal facilities. It did not support the jurisdiction of the local court to intervene in labor matters within a postal facility, which falls under exclusive legislative jurisdiction. The determination did not establish the supremacy of the Puerto Rico Penal Code over the Federal Penal Code or other labor laws enacted by Congress. It's worth noting that the local court did not interpret federal laws to determine criminal elements but rather interpreted state laws and applied them to the postal facility instead of federal legislation.

The INTERMEDIATE APPELLATIVE, by blindly repeating the determinations of the SUPREME STATE without thoroughly examining the jurisdictional error at hand, overlooked three crucial factors that prevented the State Police from intervening to enforce QUILES' desire for local courts to handle the determination of a criminal offense under state laws:

**First element** – The United States Congress has plenipotentiary powers over the territory of Puerto Rico. The territory of Puerto Rico passed to the power of Congress as a war payment under the Treaty of Paris in 1998 that ended the Spanish-American War. The territory does not enjoy its own sovereignty, but its sovereignty emanates from Congress. At *Puerto Rico v. Sanchez Valle* 136 S.Ct. 1863 (2016) this Hon. Supreme Court expressed:

*"Puerto Rico boasts "a relationship to the United States that has no parallel in our history." Examining Bd., 426 U.S., at 596, 96 S.Ct. 2264. And since the events of the early 1950's, an integral aspect of that association has been the Commonwealth's wide-ranging self-rule, exercised under its own Constitution. As a result of that charter, Puerto Rico today can avail itself of a wide variety of futures. But for purposes of the Double Jeopardy Clause, the future is not what matters — and there is no getting*

*away from the past. Because the ultimate source of Puerto Rico's prosecutorial power is the Federal Government — because when we trace that authority all the way back, we arrive at the doorstep of the U.S. Capitol — **the Commonwealth and the United States are not separate sovereigns.***

As a subrogated sovereignty and dependent on the criteria established by Congress, it cannot be confronted with the own sovereignty of the Federal Government as it happens in the case of the States. The sovereignty and jurisdiction of the territory is subject to Congress and cannot be confronted with the powers of Congress and the Federal Government. The PROMESA ACT, Act No. 53 of October 22, 2011, was the last expression of Congress on the supremacy of the Federal Government over the Territory of Puerto Rico.

**In territories,** federal jurisdiction is always present and limited only by Congress's legislative expressions. It should never be interpreted that the territory has independent sovereignty that hinders federal supremacy. Any assertion by state courts that suggests Puerto Rico's sovereignty overlaps with the federal government's is contrary to the U.S. Constitution, federal laws, and established jurisprudence of the Supreme Court. Such assertions must be unequivocally rejected by this appellate forum. **In Puerto Rico, there is no sovereignty that obstructs exclusive federal jurisdiction once a federal enclave is designated and established.**

**Second element:** Federal postal facilities, regardless of ownership, are considered federal enclaves due to their strategic significance. They include military installations, federal buildings, post offices, and other high-value or security-sensitive sites. These facilities play a crucial role as postal service providers for the nation, handling a substantial

portion of global mail (46%). The USPS operates a vast network of over 34,000 post offices, with 31,247 directly serving customers. Of these facilities, the USPS owns 8,460 properties, while the remaining 22,247 are rented. These publicly available facts from the USPS website highlight the national strategic importance of postal facilities, justifying their recognition as vital components of the country's stability. Therefore, consistent global public policy is necessary to ensure their uninterrupted operation.

A uniform federal public policy is necessary nationwide, irrespective of individual post offices or local courts. Federal enclaves, regardless of ownership (purchased, expropriated, or rented), maintain their designation and exclusive jurisdiction throughout the lease or assignment term. "*Enclaves*" refer to strategically operated buildings for the Federal Government, rather than solely possessing proprietary jurisdiction. It's worth noting that not all federal property qualifies as an enclave.

The Luquillo postal building is owned by the Federal Government, as stated in the United States Constitution. The Constitution<sup>1</sup> grants Congress the power to create and enforce regulations to protect federal property<sup>2</sup>. The Territory Law of February 16, 1903, section 5, transfers full jurisdiction to the Federal Government. The STATE SUPREME court has limited jurisdiction to interpret federal and state statutes but cannot override federal law with state or local laws.

**Third element:** The USPS is a creature of congressional origin, and through its charter Congress confirmed its exclusive jurisdiction to enforce its charter and laws applicable to postal facility. Congress may establish federal exclusivity of enforcement in

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<sup>1</sup> US. Const. Art. 1, § 8, cl.17

<sup>2</sup> EEUU v. Windsor, 765 F.2D 16 (2<sup>nd</sup> Cir. 1985) (Knolls Atomic Power Laboratory in Windsor Connecticut)

federal space owned by the Postal **Service by virtue of any contractual ownership relationship**, provided Congress has made specific expression through laws it has enacted. The enabling statute of the USPS establishes in its section 39 U.S. Code § 401 the general powers of the Postal Service, and provides that:

*“Subject to the provisions of section 404a, the Postal Service shall have the following general powers:*

*[...] (2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;”*

...

*“(5) **to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business**; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;*

*(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, **including, without limitation, any property or interest therein transferred to it under section 2002 of this title**;*

...”



Congress has granted exclusive jurisdiction to post office buildings, regardless of their acquisition method. This exclusive jurisdiction is based on the crucial functions performed by USPS for the Federal Government and the American people.

It is crucial to adhere strictly to the explicit language of the enabling code, as the SUPREME STATE emphasizes, without making any speculative assumptions or interpretations. According to Congress, the federal court holds primary jurisdiction over demand-related actions initiated through mail, although initiation in alternative judicial forums is possible, the mail's procedural influence remains decisive:

*“39 U.S. Code § 409 - Suits by and against the Postal Service*

*(a) Except as otherwise provided in this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28”*

...

*“...Except as otherwise provided in this title”.*

The interpretation that this section grants complete jurisdiction to state law enforcement bodies or agencies to intervene in labor-related matters within federal activities through the mail is incorrect. It is legally absurd to suggest that a local court can issue an order to the USPS, as an employer, to modify its operations based on orders meant for a federal facility. Aside from specific civil actions involving the USPS, public policy issues within the federal operation are governed by the enabling statute established by Congress.

The conduct within federal buildings is regulated by Section 39 CFR § 232.1(a) of the statute itself. Compliance with any regulation that applies to the postal facility has been assigned to special security forces created for this purpose: “*postal inspector*” and “*postal police*”.

*“39 CFR § 232.1(q) Enforcement.*

*(1) Members of the U.S. Postal Service security force shall exercise the powers provided by 18 U.S.C. 3061(c)(2) and shall be responsible for enforcing the regulations in this section in a manner that will protect Postal Service property and persons thereon.*

*(2) Local postmasters and installation heads may, pursuant to 40 U.S.C. 1315(d)(3) and with the approval of the chief postal inspector or his designee, enter into agreements with State and local enforcement agencies to insure that these rules and regulations are enforced in a manner that will protect Postal Service property.*

*(3) Postal Inspectors, Office of Inspector General Criminal Investigators, and other persons designated by the Chief Postal Inspector may likewise enforce regulations in this section.”*

Under Congress' jurisdiction, as stated in its enabling statute, there is a provision (subsection 39 CFR § 232.1 (q)(2)) that allows the agency to enlist local or state police for compliance purposes. However, **prior authorization and contracting** by the "chief postal inspector" are necessary for this provision to be effective.

The US Congress has set up a legal framework where federal jurisdiction is solely responsible for enforcing regulations in postal facilities. State or municipal involvement

requires a prior agreement or contract. The party seeking local intervention must provide evidence of a valid permit through a contract or exception agreement. In this particular case, QUILES had the burden of proof, despite differing interpretations by state courts.

The USPS's role is clearly defined, with Congress granting it **exclusive federal jurisdiction over postal facilities**. To enhance security, a specialized federal body was established—postal inspectors—who have jurisdiction over all matters related to the enforcement of postal laws. Additionally, a postal police force was created specifically to ensure the security of these facilities. This is expressed in Section § 232.1(1):

***“39 CFR § 232.1 Conduct on postal property:***

*(a) **Applicability.** This section applies to all real property under the charge and control of the Postal Service, to all tenant agencies, and to all persons entering in or on such property. This section shall be posted and kept posted at a conspicuous place on all such property. This section shall not apply to - (i) Any portions of real property, owned or leased by the Postal Service, that are leased or subleased by the Postal Service to private tenants for their exclusive use; et seq. [...].”*

...

***(p) Penalties and other law.***

*(1) Alleged violations of these rules and regulations are heard, and the penalties prescribed herein are imposed, either in a Federal district court or by a Federal magistrate in accordance with applicable court rules. Questions regarding such rules should be directed to the regional counsel for the region involved.*

*(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to a fine as provided in 18 U.S.C. 3571 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.*

*(q) **Enforcement.***

*(1) Members of the U.S. Postal Service security force shall exercise the powers provided by 18 U.S.C. 3061(c)(2) and shall be responsible for enforcing the regulations in this section in a manner that will protect Postal Service property and persons thereon.*

*(2) Local postmasters and installation heads may, pursuant to 40 U.S.C. 1315(d)(3) and with the approval of the chief postal inspector or his designee, enter into agreements with State and local enforcement agencies to insure that these rules and regulations are enforced in a manner that will protect Postal Service property.*

*(3) Postal Inspectors, Office of Inspector General Criminal Investigators, and other persons designated by the Chief Postal Inspector may likewise enforce regulations in this section."*

The application of federal laws and the postal police ensures security within postal facilities. Federal courts and administrative forums have the main responsibility for interpreting federal laws and determining jurisdiction for compliance in postal buildings. Workplace harassment is governed by federal law. The CBA between the USPS and the

UNION outlines procedures for labor disputes, and the National Board of RT serves as an additional forum for such cases.

Section 39 CFR § 232.1(P)(2) does not override other federal, state, and local laws and regulations. Postal facilities, being strategically important globally, fall under USPS jurisdiction, and compliance bodies ensure adherence to USPS laws and regulations. Section 39 US Code 410 outlines the application of other laws to the Postal Service.

The Special maritime and territorial jurisdiction of the United States 18 U.S. Code § 7. applies to the postal facility. This statute defines when there can be concurrent enforcement and when it is federal exclusive and defines the term “*special maritime and territorial jurisdiction of the United States*”, whose uses according to the provisions include:

*“(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.”*

**To fill any gaps that might arise regarding the applicability or otherwise of state or local legislation and its enforcement**, Congress established Title 18, Section 13 of the United States Code to address gaps in state or local legislation enforcement. This provision, known as the Assimilative Crimes Act (ACA), allows federal officers to apply relevant state laws when federal laws do not cover a specific crime. The ACA is utilized in cases where criminal offenses occur on federal land or property that are not federal offenses, enabling the federal government to enforce state laws. The ACA incorporates state laws into

federal law to fill these gaps. However, it is important to note that the ACA does not assimilate noncriminal state statutes, as confirmed in the case of *U.S. v. Devenport*. If there is a federal law applicable to the crime, it takes precedence over the ACA.

Moreover, the jurisdiction for resolving a labor dispute, like the one in the Luquillo, Puerto Rico PO case, is limited to federal judicial and administrative forums. The local court's role is limited in this context, and federal procedures and standards for sexual offenses or workplace harassment take precedence. QUILES disregarded federal procedures, and if we had followed them and established the crime or administrative offense, it would lead to a further discussion regarding the impact of the civil order on UNION officers.

QUILES bypassed federal mechanisms and opted for a local forum, motivated by unknown personal criteria. When the STATE SUPREME legitimized this action, it eliminated appellate rules of application under an exceptional situation that violated federal jurisprudence and legislation. The resulting determinations deprived UNION officers of their right to be prosecuted in a federal forum under federal law for criminal offenses.

## **SECOND QUESTION: Due Process and Double Jeopardy**

QUILES disregarded federal jurisdiction and chose a local court to handle the employment matter based on state law. She filed a Petition for a Protection Order, which falls under Law 148-2015, aimed at protecting sexual violence victims. This order allows intervention against the perpetrator or accomplice, prioritizing the victim's safety over others involved. The law is specific and has limited procedural scope, allowing the order petition under two scenarios: after a complaint or accusation of the crime, or without prior

accusation. In the latter case, the statute requires allegations of sexual assault acts and the local court's assessment of the accused crime before issuing the order. The statute refers to the examination based on Article 135 of the PR PENAL CODE.

PR PENAL CODE establishes in its Article 135 the elements on the classification of the crime of sexual harassment as follows:

*“Any person who, in the context of a labor, teaching or service provision relationship, requests favors of a sexual nature for himself or a third party, and subjects the conditions of work, teaching or services to their fulfillment, or through sexual behavior causes a intimidating, hostile or humiliating situation for the victim, will be punished with imprisonment for a fixed term of three (3) years.”*

Law 146-2012, PR PENAL CODE, was amended in 2019 to enhance the punishment for sexual harassment under Article 135. The amendment upgraded the offense from a less severe category to a serious offense, aiming to serve as a deterrent and preventive measure. QUILES chose to take advantage of the clause and used a provision in the law that enabled her to request an order without filing a formal accusation against her alleged perpetrators of sexual harassment. Consequently, the LOCAL COURT had to determine the presence of sexual harassment before issuing an order.

QUILES presented two written petitions to the LOCAL COURT to prosecute alleged sexual crimes committed by Soto and Medina. However, these petitions lacked the necessary facts to establish the existence of the crimes and did not provide adequate notice as required by due process of law. This lack of factual information

led to the dismissal of the petitions by the LOCAL COURT. The petitions failed to specify the acts or facts that would constitute sexual harassment according to the PR PENAL CODE. Furthermore, in the case of Soto, an ex-parte order was issued without allowing him to present his side within the required timeframe.

QUILES, by utilizing this mechanism, had the responsibility to provide SOTO and MEDINA with adequate notification to inform them properly. The alleged crime of sexual harassment carried significant consequences, including a three-year restriction of freedom. However, QUILES failed to fulfill her obligation to clearly outline the facts or acts that constituted sexual harassment under the PR PENAL CODE. Moreover, the necessary documents supporting these determinations were also absent. As a result, the hearings proceeded without proper notification, leading to a lack of jurisdiction by the LOCAL COURT.

Within the due process of law, Puerto Rican courts must adhere to the constitutional standard of proof beyond a reasonable doubt when determining a defendant's innocence in a federal facility. Applying a preponderance of evidence standard to establish criminality is incorrect. Despite delays, the local court finally received and evaluated the evidence using the preponderance of evidence standard. In the SOTO case, the court determined that the crime of sexual harassment had occurred. However, the intermediate appeal subsequently overturned this decision, stating that the presented evidence did not fulfill the elements required to constitute sexual harassment under the PR CODE.

Section 11 of Puerto Rico's Constitution guarantees the right to presumption of innocence in criminal cases. It means that individuals accused of a crime are considered



innocent until the State proves their guilt beyond a reasonable doubt. In the case of QUILES, the burden was on them to provide evidence that left no reasonable doubt about the commission of the sexual offense. This constitutional requirement applies to the state jurisdiction where QUILES brought the case under state law.

QUILES challenged that decision (***Appendix XVI Page 122***) on the grounds that:

***“Contrary to the opinion of the Court of Appeals, the applicable quantum of proof to validly issue a Protection Order is not “beyond a reasonable doubt”.***

*Neither the Law nor its expression of reasons justify the interpretation of the Court of Appeals imposing on the victims of sexual harassment in search of protection, the duty to comply with the highest quantum of proof in our legal system....”*

...

***“In the same way, the Court of Appeals erred in conditioning the validity of a Protection Order to the manifestation of sexual harassment.”***

As of the INTERMEDIATE APPEAL judgment, QUILES had not filed any sexual harassment complaints against SOTO and/or MEDINA in state or federal courts or administrative agencies. The clause allowing interpretation of a crime based on specific facts loses validity once a complaint is filed and final judicial determinations are reached in another court.

On October 4, 2022, QUILES filed a complaint for sexual harassment against SOTO under Article 135 of the PR CODE in a different courtroom of the LOCAL COURT. However, the LOCAL COURT dismissed the complaint, and this determination was never reviewed, making it final and conclusive. Therefore, the actions taken by QUILES and the final

judicial determination by the LOCAL COURT on the sexual harassment complaint rendered the application of the exception clause and subsequent appeal to the INTERMEDIATE APPEAL judgment as academic.

QUILES' Certiorari review appeal, presented on November 3, 2022, before the STATE SUPREME, questioned the accuracy of the Civil Chamber's decision on the elements of the crime of sexual harassment using the preponderance of evidence standard. However, this issue had already been resolved and was considered res judicata and academic. QUILES neglected to inform the SUPREME STATE about this crucial fact, resulting in two separate evaluations of the same actions by different state judicial forums. The current consideration not only reviewed the INTERMEDIATE APPELLATE decision but also passed judgment on another unfavorable judicial decision that was not originally under consideration. Nevertheless, the SUPREME STATE accepted this appeal based on erroneous law and issued a favorable ruling in its Judgment, under Rule 50: "*examined the writ of certiorari... ..as well as the opposition to it... ..it is issued the writ of certiorari and the Judgment of the Court of Appeals is revoked*".

The application of Rule 50 resulted in a judgment to revoke the INTERMEDIATE APPEAL without valid grounds for its errors and without considering a case that was not within its jurisdiction. Despite SOTO and MEDINA's efforts to clarify the legal situation and the crucial impact of QUILES' omissions on the case, the appellate court maintained its determination.

The application of Rule 50 led to the invalid revocation of the INTERMEDIATE APPEAL, disregarding jurisdiction and errors. Despite efforts by SOTO and MEDINA to clarify the legal situation and the impact of QUILES' omissions, the appellate court

remained firm. Another significant issue was the violation of due process and the Second Amendment rights of a federal employee regarding firearm possession. The SUPREME STATE resolution reinstated the deprivation of SOTO's weapon, ignoring constitutional guarantees. The Statement of the Case highlighted an amendment to an Ex Parte Order, issued on February 22, 2022, under Law 148-2015, aimed at depriving SOTO of his weapon. This amendment occurred without the appellant's presence or the opportunity to be heard, one month after the initial order.

During the June 14, 2022 hearing, the LOCAL COURT disregarded any evidence related to the defendant's weapon deprivation. SOTO, an active member of the US Army Reserve, values owning a weapon for personal and familial security. Unfortunately, the court's decision to deny this right violated due process and had significant consequences. Additionally, this action infringed on SOTO's Second Amendment rights as protected by the USA Constitution.

The Second Amendment of the US Constitution protects the individual right of American citizens to own and carry firearms, according to the Supreme Court. It prohibits any government, whether federal, state, or local, from infringing on this right.

The US Supreme Court's rulings in District of Columbia v. Heller (2008) and McDonald v. Chicago (2010) confirmed that the Second Amendment protects an individual's right to bear arms and that this right applies to the states through the Fourteenth Amendment's Due Process Clause. Law 148-2015, specifically Article 4 (c), empowers the Court to authorize the Puerto Rico Police to retain custody of a weapon if it poses a threat to the petitioner or their family. However, in the SOTO case, the court failed to adequately assess the potential harm, disregarding the necessary due process of law.

The statute's application failed to consider the balance of interests between the incident and the violation of a constitutionally protected right. SOTO, during his official visit to the Luquillo post office, neither carried nor used his weapon for the alleged criminal act for which civil provisions were applied. However, under an interpretation of Law 148-2015, both the LOCAL COURT and later the STATE SUPREME COURT automatically confiscated SOTO's firearm, thus depriving him of his constitutional right to possess it as guaranteed by the Second Amendment. The amended ex parte orders failed to establish any factual basis or evidence suggesting that SOTO's firearm could be used to cause harm to QUILES or her family, even in SOTO's absence or without input from MEDINA.

QUILES couldn't prove a link between SOTO's weapon and the reported sexual harassment incident at the Luquillo post office during the May 10, 2022 protection order hearing. The local court consistently denied challenges and evidence regarding the removal of the weapon in both the May 10 and June 14, 2022 hearings, which violated the Second Amendment right and due process protections outlined in McDonald v. Chicago. The state supreme court's decision to deprive the respondent of their firearm without proper due process was erroneous.

### **THIRD QUESTION: Equal Protection of Laws**

USPS federal employees prosecuted for alleged criminal acts at federal facilities have the right to due process. The SUPREME STATE issued a judgment under Rule 50, revoking the INTERMEDIATE APPEAL and reinstating the Protection Order against SOTO. Rule 50 grants the SUPREME STATE the power to regulate procedures in situations not covered by existing regulations, aiming to serve the best interests of all parties involved. The Court has the authority to modify terms, writings, or procedures to ensure a fair and efficient

resolution of the case. (Rule 50 of the Regulation of the SUPREME STATE, 4 LPRA Ap. XXI -B) This Rule grants an exceptional power of instant regulation to the SUPREME STATE so that: *"In situations not provided for in this Regulation, the Court will channel the procedure in the form that in his opinion serves the best interests of all parties. The power of the Court to dispense with specific terms, writings or procedures is reserved in order to achieve the fairest and efficient dispatch of the case or matter in question."*

The sentence and the resolution denying the reconsideration do not explain the *"unforeseen situations"* that led that Forum to its exceptional application. Nor does it establish what were the errors in law or the partiality committed in his performance by the INTERMEDIATE APPELLATIVE that led them to review the sentence nor how this action serves the *"best interests of all parties"* when the protection order had already restored QUILES' rights. This judgment violates constitutional rights and appeals of federal employees Soto and Medina. The Supreme State's suspension of regulations and handling of a specific case in a biased and subjective manner is unlawful.

According to Puerto Rico's Law of the Judiciary (Law 201, August 22, 2003, Article 4.006(a)), the Court of Appeals, under the Regulations of November 18, 2003, specifically Rules 13 to 22 and Rule 52.1 of the Rules of Procedure, grants the right to appeal for the review of a final decision made by a local court. The Court of Appeals reviewed and affirmed the facts and elements addressed by the local court, confirming the validity of the Protection Order. Their review focused solely on the legal interpretation of whether the actions constituted sexual harassment.

The INTERMEDIATE APPELLATE reviewed all evidence and concluded that sexual harassment was not proven under the law. They respected the LOCAL COURT's

interpretation of facts but reached different legal conclusions. Therefore, they determined that the LOCAL COURT couldn't issue a protection order under Law No. 148 of 2015. The SUPREME STATE reviewed the INTERMEDIATE APPELLATE's decision but didn't follow all procedural rules regarding the proven facts and elements of the crime. As a result of the LOCAL COURT's error, the issued protection order was deemed incorrect.

Until October 3, 2022, when the judgment of the Appellate Forum was issued, QUILES had not filed criminal charges regarding the alleged sexual harassment. Immediately after that sentence was issued, she presented the criminal accusation under the PR PENAL CODE. A different local court than the one that issued the order determined that the facts did not constitute the charged crime of sexual harassment. QUILES did not appeal and the determination became final.

On November 3, 2022, QUILES filed a discretionary writ of certiorari before the STATE SUPREME after another act took place. However, QUILES failed to mention that she had previously filed a complaint for sexual harassment under the PR PENAL CODE, and a local court had determined that the facts did not constitute a crime. Due to procedural rules, the STATE SUPREME was unable to review a criminal court's decision on a federal facility matter that had already been dismissed. The application of Rule 50 in this context does not grant the forum jurisdiction to review the previous opinion or address a matter that has already been judged.

The SUPREME STATE, as a government branch, must adhere to regulations it has established and cannot arbitrarily deny federal employees their right to due process of appeal. However, their actions deviated from existing regulations, rendering them

unconstitutional and resulting in an infringement on the constitutional rights of SOTO and MEDINA.

The STATE SUPREME's action violated the rights protected by the Fourteenth Amendment, specifically in Section 1. This section guarantees citizenship and certain privileges and immunities to all individuals born or naturalized in the United States. It also prohibits states from enacting laws that infringe upon these rights, such as depriving a person of life, liberty, or property without due process of law or denying equal protection under the law. However, the Judgment failed to consider the circumstances that hindered a fair resolution of the case, denying the individual equal protection of the laws.

The Court has ruled that the Due Process Clause safeguards against unfair practices and policies. In the case of *In Re Winship* (1970), it was determined that due process necessitates proof beyond a reasonable doubt in criminal cases, even without a specific constitutional provision. However, the recent Judgment by SUPREME STATE, revoking the INTERMEDIATE APPEAL, failed to provide evidence at the appellate level to support the existence of a criminal offense. This raises concerns about a violation of due process rights.

## CONCLUSION

The final interpretation of the Constitution of the United States and the laws enacted by Congress rests with this Honorable Supreme Court. The Judgment issued by the STATE SUPREME COURT in the case brought to the consideration of this Honorable forum

intervenes with several constitutional guarantees. They were raised at all stages of the process and in all state forums.

The primary assessment within a federal postal building as to whether labor conduct at the facility's operation constitutes a criminal offense must be made under applicable federal laws and federal courts and federal administrative agencies have primary jurisdiction in the matter. The right to constitutionally guaranteed due process and to be informed about the facts that are intended to be classified as crimes accompanies you in all proceedings. Double jeopardy in the configuration of the same crime for the same acts is restricted by the Second and Fourth Amendments.

This Honorable Court must jealously ensure that the interpretations made by state courts of the American Constitution and federal statutes do not contravene the guarantees established therein. There is no other remedy other than this resource, the petition for a writ of certiorari should be granted.

Respectfully submitted,



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**Luis J. Soto Soto**

*Petitioner*



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**Gabriel L. Medina**

*Petitioner*

Date: February 28, 2023