

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DISTRICT OF COLUMBIA

KIM WADE DILLON, pro se — PETITIONER
(Your Name)

VS.

DENNIS DAUGAARD, Governor — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kim w. Dillon - 9835
(Your Name)

Mike Dufree State prison
(Address)

1412 Wood Street, Springfield SD.
(City, State, Zip Code) 57062-2238

(Phone Number)

QUESTION(S) PRESENTED

WHEN THE COURT OF APPEALS DENIED THE APPELLANT'S CLAIM ON FEDERAL ENCLAVES CRIMES ACT AND DID NOT HEAR THE CLAIM UNDER UNITED STATES V. SHARP-NACK, DOES THE STATE V. LEMTEUX STANDARD APPLY TO NON-PUBLIC LAW 280 STATE JURISDICTION OVER CONGRESS'S ENCLAVE LAWS?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

HUGHES COUNTY, SOUTH DAKOTA, SIXTH JUDICIAL CIRCUIT COURT ;

HUGHES COUNTY, SOUTH DAKOTA, SHERIFF'S DEPARTMENT ;

SOUTH DAKOTA STATE HIGHWAY PATROL DEPARTMENT ;

SOUTH DAKOTA STATE ATTORNEY GENERAL'S OFFICE .

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
U.S. v. Sharpnack, 355 U.S. 286 (1958);	1
U.S. v. Thunder Hawk, 127 F.3d 705 (8th Cir. 1997);	1
U.S. v. Johnson, 967 F.2d 1431 (10th Cir. 1992); Cert. denied, 506 U.S. 1082 (1993);	1
U.S. v. Marcyes, 557 F.2d 1361 (9th Cir. 1977);	1
Ross v. Neff, 905 F.2d 1349, 1353 (10th Cir. 1990),	Passim
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Montana v. Blackfeet Tribe, 471 U.S. 759, 766 (1985)	3
Connecticut v. U.S. Dept. of the Interior, 228 F.3d 82, 92 (2d Cir. 2000), cert. denied, 121 S.Ct. 1732 (2001).	3

STATUTES AND RULES

18 U.S.C. Sec. 1152	4
18 U.S.C. Sec. 13	4
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OTHER

Act of March 15, 1963, ch. 467, 1963 S.D. Laws 522; SDCL Ann. § 1-1-12
Commission Note (1985) (chapter 467).

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at CAS NO.: 17-2463; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at D.S.D. (3:16-cv-03006-RAL); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 11, 2017.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 1, 2017, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including December 12, 2017 (date) on December 16, 2017 (date) in Application No. 17 A 2463.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Appropriation Act of March 3, 1893, 27 Stat. 631,
25 U.S.C. Sec. 175 (States);
48th Cong., 2d Sess., 16 Cong. Rec. 934 (1885);
U.S. Const. art. VI, Sec. 2;
U.S.C.A. Const. art. 1, § 8, cl. 3;
Art. II of the 1868 Fort Laramie Treaty - 15 Stat. 635;
Act of Feb. 22, 1889, ch. 180, § 4, 25 Stat. 676 (emphasizing)
S.D. Const. art. XXII; id., art. XXVI § 18.

STATEMENT OF THE CASE

ON DECEMBER 18, 2009, SOUTH DAKOTA HIGHWAY PATROL TROOPER ERIC PAXTON REPORTED HE WAS HEADING WEST BOUND ON SIOUX AVENUE NEXT TO THE FEDERAL BUILDING WHEN HE NOTICED A VEHICLE DRIVING ERRATICALLY TOWARD MY DIRECTION, I NOTICED A BLACK GMC PICKUP TRUCK DRIVING UP OVER THE CURB AND HEADING INTO THE UNITED STATES POST OFFICE BACK OR REAR PARKING LOT. PURSUANT TO THE GENERAL CRIMES ACT ALSO KNOWN AS THE FEDERAL ENCLAVES CRIMES ACT. ENCLAVE LAWS WERE ENACTED BY CONGRESS TO GOVERN ACTIVITIES ON FEDERAL ENCLAVES, SUCH AS NATIONAL PARKS, FEDERAL BUILDINGS, U.S. POST OFFICES, PRISONS, MILITARY INSTALLATIONS, AND INDIAN RESERVATIONS. "THERE IS NO QUESTION BUT THAT 18 U.S.C. § 13 WOULD ALLOW FEDERAL ENFORCEMENT OF THE LOCAL ORDINANCE AGAINST PUBLIC INTOXICATION INVOLVED IN THIS CASE." Id. 905 F.2d at 1353.

REASONS FOR GRANTING THE PETITION

BECAUSE THE DESCRIPTIONED REPORT AND LOCATION OF EVIDENCE OF THE INCIDENT / OFFENSE LOCATION WAS AT 225 SOUTH PIERRE STREET IN THE REAR PARKING LOT OF THE FEDERAL BUILDING AND UNITED STATES POST OFFICE IN PIERRE, SOUTH DAKOTA. THIS MATTER WAS PURELY A FEDERAL SUBJECT JURISDICTION MATTER, IN OTHER WORDS, THE ASSIMILATIVE CRIMES ACT (ACA), 18 U.S.C. § 13, TRANSFORMS ALL STATE CRIMES INTO FEDERAL CRIMES IF THEY ARE NOT FEDERAL CRIMES ALREADY. THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT AND THE UNITED STATES DISTRICT OF SOUTH DAKOTA DISTRICT COURT SHOULD BE VACATED REVERSED AND REMANDED FOR ARRESTING OF THE JUDGMENT.

~~CONFIDENTIAL~~

WHEREAS, PLAINTIFF - PETITIONER - APPELLANT MAKES A PRIMA
FACIE CASE ON FEDERAL SUBJECT-MATTER JURISDICTION.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kim W. Dillon

Date: 1-12-2018