

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LAWRENCE E. MATTISON; Petitioner

vs.

THE COMMONWEALTH OF VIRGINIA,
THE VIRGINIA SUPREME JUDICIAL COURT; Respondents

On Petition For Writ Of Certiorari To
The Virginia Supreme Judicial Court

Petition for Writ of Certiorari

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QUESTION(S) PRESENTED

1. Federal Question: Does the State of Virginia have criminal jurisdiction over Department of Veterans Affairs property, specifically the Hampton Veterans Medical Center located in Hampton Virginia?
2. Federal Questions: Does the Special Maritime and Territorial Jurisdiction of the United States as codified under 18 U.S.C. §7(3) place the Federal Department of Veterans Affairs Medical Center in Hampton, Virginia under sole (exclusive) federal criminal jurisdiction of the United States?
3. Was it ERROR for the Virginia Supreme Judicial Court to REFUSE petitioner's written petition, petition for rehearing and petition to submit supporting documents when in fact petitioner was attempting to verify or clarify whether this State or the Federal Government has criminal Jurisdiction over the Federal Department of Veterans Medical Center property?
4. Was it ERROR for Virginia's Supreme Judicial Court to REFUSE to answer Questions that prose the possibility of a voided verdict based on warrants that were filed in State court in violation of Federal law 38 U.S.C. §902 as applied a Federal Department of Veterans Affairs Police Officers?
5. Was it ERROR for Virginia's Supreme Judicial Court to REFUSE to answer Questions that prose the possibility of a voided verdict based on warrants that were filed in State court in violation of the plain language in Code of Virginia §15.2-1726 which forbids a federal law enforcement police officer from enforcing state law?
6. Was it ERROR for Virginia's Supreme Judicial Court to REFUSE to answer Questions that prose the possibility of a voided verdict based on usage of previously repealed portions of a Virginia statue in reference to criminal jurisdiction as applied to Federal Property?

LIST OF PARTIES

1. Petitioner is Lawrence E. Mattison. I represented pro se to the Virginia Supreme Judicial Court on appeal of the ruling of the Virginia Judicial Court of Appeals and now petitioner proceeds pro se to this Court.
2. Respondents are the Commonwealth of Virginia through the Solicitor General in the Office of the Virginia Attorney General, where 28 U.S.C. §2403(a) may apply, and The Virginia Supreme Judicial Court.
3. Interested Party where 28 U.S.C. §2403(a) may apply, based on this Federal Questions, is The United States Office of the Solicitor General, Room 5614, Department of Justice @ 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001.
4. Interested Party where 28 U.S.C. §2403(a) may apply, based on this Federal Questions, is The United States Attorney @ 8000 World Trade Center, 101 West Main Street, Norfolk, Virginia 23510. (757) 441-6331

TABLE OF CONTENTS

QUESTIONS PRESENTED	i,
PARTIES	ii
TABLE OF AUTHORITIES	iii
STATUTES AND RULES & OTHERS	iv
OPINIONS BELOW.....	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2,3
STATEMENT OF THE CASE	3-10

A. Facts.....	3 4
B. Petition to Submit Support documents to The Virginia Supreme Judicial Court	4,
C. Petition to Rehear to the Virginia Supreme Judicial Court	5
D. Petition for Rehearing To The Virginia Supreme Judicial Court.....	5
E. Proceedings In The Virginia Trial Court Of Record	6
F. Well-Established Rules Of Law	6-8
G. Well-established acts of Virginia’s Legislators and the Veterans Affairs Administrator supporting exclusive criminal jurisdiction	8, 9
REASONS FOR GRANTING THE WRIT	10
CONCLUSION	10
INDEX TO APPENDICIES	11
APPENDIX A April 17, 2017 Opinion on the merits by the Virginia Judicial Court of Appeals denying the appeal	A-1 thru A-6
APPENDIX B Trial Court of record ruling on the testimony, cover, index, & Judge’s ruling beginning @ B-4 line 21 thru B-6 lines 1-3	B-1 thru B-6
APPENDIX C Decision of the Virginia Supreme Judicial Court Denying Petition for Rehearing and denying submission of supporting documents.....	C-1
APPENDIX D Petitioner’s Petition for Rehearing	D-1 thru D-8
APPENDIX E Petitioner’s Petition to submit supporting documents	E-1 thru E7

TABLE OF AUTHORITIES CITED

CASES

PAGES

<u>Adams v. United States</u> , 319 U.S. 312 (1943)	8
<u>Commonwealth v. Holly Jo South</u> , 47 Va. App. 250, 623 S.E. 2d, 422	7

<u>James v. Dravo Contracting Co.</u> , 302 U.S 134, 141 (1937)	6
<u>Markham v. United States</u> , 215 F.2d 56	6
<u>North Dakota v. United States</u> , 495 U.S. 423, 109 L. Ed.2 429, 456 (1990)	6, 7
<u>Surplus Trading Co. v Cook</u> , 281 U.S. 467, 652-56 (1930)	6
<u>United States v. Gilbert</u> , 94 F. Supp. 2d @ 157-162	6

STATUTES AND RULES

18 U.S.C. §7(3)	2, 6
18 U.S.C. §13	2, 4
38 U.S.C. §902	2, 7
Code of Virginia §15.2-1726	3, 7
Code of Virginia §1-400	2, 5, 8
1869-70 Acts of the Virginia General Assembly c. 325 @ pg. 479	7
1922 Acts of the Virginia General Assembly c. 390 @ pg. 657	6, 7
1976 Acts of the Virginia General Assembly c. 211.....	8
1977 Notice of retrocession to concurrent jurisdiction filed in the Virginia Circuit Court of record	8

OTHER

Federal Constitution Article I, Sec 8, clause 17/18	2, 3, 5, 6
U.S. Attorney Criminal Resource Manual: CRM @ 664	6

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 judgement
below.

OPINIONS BELOW

- A. On April 17, 2017 the Virginia Judicial Court of Appeals refused Petitioner's appeal but opinioned on the merits is unpublished and at Appendix A;
- B. On May 25, 2016 the Virginia Trial Court made a decision on petitioners guilt/innocence and is unpublished and at Appendix B;
- C. February 28, 2018 Decision of the Virginia Supreme Judicial Court denying Petition for Rehearing is unpublished and at Appendix C; also the Virginia Court's denial to submit supporting documents on the Jurisdictional question is unpublished and at Appendix C;
- D. Petitioner's timely filed Petition for Rehearing unpublished at Appendix D;
- E. Petitioner's Petition to submit supporting documents on the jurisdictional question is unpublished and at Appendix E

JURISDICTION

- 1. On February 28, 2018 the Virginia Supreme Judicial Court refused to opinion petitioner's timely filed Petition For Rehearing, and that decision appears at Appendix C
- 2. On December 12, 2017 the Virginia Supreme Judicial Court refused to opinion petitioner's case, and that decision is inclusive with Appendix C
- 3. On April 17, 2017 the Virginia Judicial Court of Appeals refused the appeal but opinioned on the merits and that decision appears at Appendix A

4. The Jurisdiction of this Court is invoked under 28 U.S.C. §1257; Sup ct Rule 10 (b)(c).

CONSTITUTIONAL AND STATUTORY PROVISIONS

5. U.S. Constitution Article I, Sec 8, clause 17/18 authorizes the Federal Government, with consent of the State and acceptance of the Federal Government, the right to acquire land for use by the Federal Government with exclusive legislative, executive and judicial authority over such lands and also authorizes the Federal Government the right to make laws, rules and regulations governing such lands.
6. Code of Virginia §1-400 Conditional consent given to acquisition of lands by the United States; concurrent jurisdiction ceded is specifically related to lands acquired on and after July 1, 1981. §1-400(D) enumerates the nature and extent to: (1) Taxations on vehicles & fuels, (2) Service of civil and criminal process, (3) Sale of intoxicating liquors, (4) Taxations on property and business.
7. 18 U.S.C. §7(3) Special Maritime and Territorial Jurisdiction of the United States enacted by the Federal Congress also allows the Federal Government authority to purchase lands to erect useful buildings, ect.... for use by the Federal Government and it's purpose places criminal Jurisdiction for alleged crimes on such property in the hands of the United States Government.
8. 18 U.S.C. §13 Crimes Assimilation Act (ACA) by authority of the Federal Congress a means to prosecute alleged criminal offenses committed on Federal lands was provided, if the Federal Government had no law, rule or administrative

policy consistent with the alleged criminal offense. That means allows the Federal Government to “Assimilate” a State statute into a federal prosecution.

9. 38 U.S.C. §902(a)(1)(A)(C) which regulates a Federal Police Officer’s authority on Department of Veterans Affairs Property to enforcing Federal law and state law traffic citations.

10. Code of Virginia §15.2-1726 consists of plain language that reads in part “.....However, no federal law enforcement officer may enforce the laws of the Commonwealth unless authorized to do so by statute.....”

STATEMENT OF THE CASE

A. Facts

This case seeks to vindicate the well-established Special Maritime and Territorial Jurisdiction of the United States. Petitioner alleges that the Virginia Judicial Supreme Court’s refusal to opinion a well-established jurisdictional issue is unlawfully supportive of violations of and repugnant to: (1) Federal Constitution Article I, Section 8, clause 17 & 18; (2) the Special Maritime and Territorial Jurisdiction of the United States ; (3) voided criminal arrest warrants filed by a federal police officer in a Virginia Court. App @ A, B

On March 25, 2015 a Federal police officer/employee of the Hampton Veterans Medical Center used a badge of authority and swore to a State of Virginia Magistrate that Petitioner; Lawrence Mattison; an employee of the Hampton Veterans Medical Center (HVAMC), violated State Law while on Federal Property by “Stalking” and “Annoyingly texting” a fellow HVAMC employee. App @ A,B

Individuals within the Virginia Judiciary advance the arrest warrants and heard from nine federal employee/witnesses claiming actions by petitioner, which occurred on federal property, were somehow supportive of a state court process, petitioner was convicted and incarcerated. Petitioner timely appealed to the Virginia judicial Court of Appeals, through counsel, and was denied an appeal without questions from counsel or regard to the obvious jurisdictional issue but with opinion/ analysis on the “merits”. App @ A

On July 30, 2017 Petitioner released counsel and filed a Petition for appeal to the Virginia Judicial Supreme Court and after oral argument was denied appeal and On February 28, 2018 a Petition for Rehearing was denied. App @C

Petitioner was denied appeal and timely sought a Petition for Rehearing in the Virginia Supreme Judicial Court. Prior to any ruling Petitioner submitted a request to submit additional information on the jurisdictional claim. App @ F

**B. Petition to Submit Support documents
to The Virginia Supreme Judicial Court**

Petitioner filed a request to submit supporting documents Prior to any decision on rehearing. In the request, Petitioner specifically asked if the trial court had Subject-matter Jurisdiction to hear alleged misconduct which occurred on federal property? Petition also supplied the notice of retrocession letter between the Veteran Affairs Administrator and the Governor of Virginia. App @ F

**C. Petition to Rehear to the Virginia
Supreme Judicial Court**

Petitioner timely filed a Petition for Review to the Virginia Supreme judicial Court. In the PFR, petitioner presented three (3) questions, question 1 is the issue here:

- (1) Whether or not criminal/judicial jurisdiction is solely in the hands of the federal enclave (lands) bought or leased by the sovereign Federal government under 18 U.S.C. §13 (Assimilative Crimes Act)? **App @ E**

Question 1 has enough information for the Virginia Supreme Court to opinion the jurisdictional issue, even with the use 18 U.S.C. §13.

**D. Petition for Rehearing
To The Virginia
Supreme Judicial Court**

Petitioner's Petition for Rehearing to the Virginia Supreme Judicial Court asked, what I believed, to be specific questions. It is plainly clear Plaintiff alerted the Virginia Supreme judicial Court of the jurisdictional issue and this State's lack of authority to use their State's criminal court process for alleged crimes on Federal Department of Veterans Affairs property and the possibility of invalid State arrest warrants. **App @ E** Although I was not as clear on these issues, I believe enough information was submitted to the Virginia Supreme Judicial Court to warrant a legal opinion and or correction of the lower State court decision. Petitioner was denied review **App @ C**

**E. Proceedings In The Virginia
Trial Court Of Record**

The Trial Court Judge heard from nine witnesses from the Federal HVAMC along with arguments of counsel. The lawyers in the lower court and in the trial court never raised a jurisdictional question or argument in reference to the Federal Constitution Article I, section 8, clause 17, the Special Maritime and Territorial Jurisdictional of the United States or the extent of Virginia's jurisdiction under code of Virginia §1-400(D).

The Trial Court summarized testimony of the issues in App @ B-1 line 21 thru B-6 lines 1-3 and used the following testimonies, in summary, that pertain to federal property in finding petitioner guilty: (1) alleged that petitioner went into the "Stalked" co-employees office at the HVAMC, accessed her iphone and sent a picture to his federal government work computer, trial transcript T.T 18-19, T.T 128, T.T 168-69; (2) summated that petitioner had Pictures of this alleged "stalked" employee and her family on his Federal government computer T.T 23-25, (3) alleged plaintiff was told not to come on federal property but was seen by another employee at [h]is desk T.T. 59, T.T. 168-69, then used a vague statement claiming "totality" T.T. 168-69

F. Well-Established Rules Of Law

This Court has long ago and consistently upheld the well-established Territorial rights of the Federal Government over alleged crimes committed on their property and specifically those properties where buildings are used for Federal Government purposes under the Federal Constitution Article I, Section 8, clause 17 [Which specifically authorizes exclusive jurisdiction to the federal government, with cession of the State and acceptance of congress, for the erection of Forts, Magazines, Arsenals, dock-yards and other Needful buildings] . The State of Virginia specifically included Veterans Hospitals as a needful building in the 1922 Acts of the Virginia General Assembly. [where the Department of Veterans Affairs was authorized to purchase or acquired land in 1870 therefore, exclusive jurisdiction was presumed]; 1922 Acts of the Virginia General Assembly c. 390 @ pg. 657; James v. Dravo Contracting Co. , 302 U.S 134, 141 (1937); citing Surplus Trading Co. v Cook, 281 U.S. 467, 652-56 (1930). 18 U.S.C. §7(3) [Any lands reserved or acquired for the use of the United States, and under exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United states by consent of the legislator the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard or other needful building.] United States v. Gilbert, 94 F. Supp. 2d @ 157-162 [which specifically references a Veterans Hospital as a needful building exclusive to veterans and Veteran's health care]. The purpose of 18 U.S.C. §7(3) was to replace criminal jurisdiction in the hands of the United Stated Government; U.S. Attorney Criminal Resource Manual: CRM 663-664; Markham v. United States, 215 F.2d 56-57 (4th cir 1954) [which specifically supports territorial Jurisdiction of the federal Government pre 1940 acquisition]; North Dakota v. United States, 495 U.S. 423,

109 L. Ed.2 429, 456 (1990),[which discusses a state’s responsibility for defining the nature and extent of concurrent jurisdiction];

Federal Law 38 U.S.C. §902(a)(1)(A)(C) authorize federal police to enforce federal law and only State traffic laws on federal property; Code of Virginia §15.2-1726 specifically uses plain language, in part reading “.....However, a Federal police officer may not enforce the laws of the Commonwealth unless specifically authorized to do so by statute.....” this statutory provision was upheld by the Virginia Judicial Court of Appeals in Holly Jo South v. Commonwealth, 47 Va. App. 250, 623 S.E. 2d @ 420-21, [the Virginia Judicial court of Appeals specifically opinioned on the plain language of this statute, and opinioned that a federal police officer is not the functional equivalent of a State or local officer but convicted Ms. South because the officers were injured and filed criminal complaints in their individual capacity and parties to a physical altercation]

**G. Well-established acts of Virginia’s Legislators
and the Veterans Affairs Administrator
supporting exclusive criminal jurisdiction**

1. 1869-70 Acts of the Virginia General Assembly c. 325 @ pg. 479 [which specifically gave consent to the board of Managers of the National Asylum for disabled volunteer soldiers to locate a branch of that establishment in the State of Virginia retaining **CONCURRENT** jurisdiction, the Hampton Branch later became what is currently the Hampton Veterans Medical Center.]
2. 1922 Acts of the Virginia General Assembly c. 390 @ pg. 657 [which specifically amended the 1870 Acts in it’s entirety and reenacted that Act in compliance with the Federal

Constitution Article I, Section 8, clause 17 giving the United States **EXCLUSIVE** jurisdiction over the National Asylum for disabled volunteer soldiers. which All Branches eventually became the Department of Veterans Affairs]

3. 1976 Acts of the Virginia General Assembly c. 211 [Virginia specifically repealed their hold on concurrent jurisdiction in reference to crimes and offenses committed on lands acquired since March 28, 1936 and hereafter acquired by the United States..... then reenacted statute §7.1-21, with others, into code of Virginia §7.1-18.1 without concurrent criminal jurisdiction, less traffic offenses; [this code was latter reenacted into the current Virginia code §1-400 again without concurrent criminal jurisdiction, “less traffic”] Adams v. United States, 319 U.S. 312 (1943) [which claimed a state’s consent to allow federal jurisdiction may be evidenced by a specific enactment or by general constitutional or statutory provision, and also requires acceptance by the state]

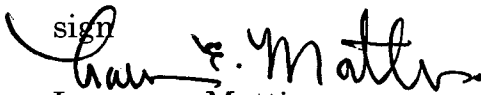
4. 1977 retrocession letter to concurrent jurisdiction between Virginia Governor and the Veterans Affairs Administrator. Appendix B. @ pgs. 4-7
[By Federal Constitution standards a possible 100+ years of Exclusive Federal Jurisdiction was in place. By Virginia standards approximately 54 years of Exclusive Federal Jurisdiction was in place, less criminal jurisdiction. After repeal of criminal jurisdiction by Virginia legislators, the Veterans Affairs Administrator and the Virginia Executive Branch agreed to enough concurrent jurisdiction with acceptance of the State as codified in **Virginia code §1-400(D)** which gives Virginia concurrent jurisdiction over taxations, serving criminal & civil process, intoxicating liquor sales and “possible traffic”]. Code of Virginia §1-400(D)

REASONS FOR GRANTING THE WRIT

This case involves a Federal Question that has long been well-settled. Review is Warranted because the Refusal by the Virginia Supreme Judicial Court to opinion on the obvious violation of the United States' criminal jurisdiction and invalid arrest warrants are grossly repugnant to Federal law, the federal Constitution, Federal court Precedent, Virginian Law and the plain language of Virginian law. These violations put Virginia's Judiciary in full disregard of well-established Federal law & precedent. Sup Ct. Rule 10 (b)(c)

CONCLUSION

Petitioner respectfully ask this court to review and overturn the action/inaction of the Virginia judiciary. This case represents a recurring federal question. I also respectfully ask this United States Supreme Court will notice the issues involved in this case have been resolved and well-settled long ago by decisions of this Court and lower Federal Courts, even this State's Legislative and Executive Branches played a role in securing Exclusive (sole) Federal Criminal Jurisdiction of the Federal Department of Veterans Affairs. I submit this Petition on MAY 4, 2018

sign

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