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For Publication

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

CARLOS DAVID BURGOS,

Appellant/Petitioner,

v.

GOVERNMENT OF THE VIRGIN ISLANDS,

Appellee/Respondent.

) **S. Ct. Civ. No. 2020-0107**

) Re: Super. Ct. Misc. No. 92/2019 (STX)

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On Appeal from the Superior Court of the Virgin Islands
Division of St. Croix
Superior Court Judge: Hon. Douglas A. Brady

Considered: October 11, 2022

Filed: April 17, 2023

Cite as 2023 VI 5

BEFORE: **RHYS S. HODGE**, Chief Justice; **MARIA M. CABRET**, Associate Justice; and
IVE ARLINGTON SWAN, Associate Justice.

APPEARANCES:

Carlos David Burgos

Tutwiler, Mississippi

Pro se,

Michael R. Francisco, Esq.

Assistant Attorney General

St. Thomas, U.S.V.I.

Attorney for Appellee.

OPINION OF THE COURT

HODGE, Chief Justice.

¶ 1 Appellant Carlos David Burgos appeals the Superior Court's denial of his petition for a writ of habeas corpus. For the reasons that follow, we affirm the judgment below.

I. BACKGROUND

¶ 2 On December 30, 1993, Burgos was arrested for first-degree murder, in violation of title 14, section 922(a)(2) of the Virgin Islands Code, pursuant to a warrant issued by the United States District Court of the Virgin Islands. Burgos pled not guilty, and the matter proceeded to a jury trial in the District Court, which commenced on May 9, 1994. The jury found Burgos guilty, and the District Court sentenced him to life imprisonment without the possibility of parole. *See* 14 V.I.C. § 923(a). Burgos appealed his conviction to the United States Court of Appeals for the Third Circuit, which summarily affirmed the District Court judgment without opinion on December 14, 1994. Burgos was charged and convicted of crimes solely arising under Virgin Islands law, and not any federal crimes.

¶ 3 Burgos, appearing *pro se*, filed a petition for a writ of habeas corpus with the Superior Court of the Virgin Islands on October 15, 2019.¹ *See* 5 V.I.C. § 1301 et seq. In his petition, Burgos asserted that the District Court lacked jurisdiction over his criminal case because the Superior Court assumed original jurisdiction over all criminal actions, including first-degree murder, under local law effective January 1, 1994, and that the District Court judgment adjudicating him guilty of first-degree murder is therefore void.² According to Burgos, the District

¹ Although the District Court entered judgment against Burgos, the Superior Court possesses jurisdiction to collaterally review that judgment under the Virgin Islands habeas corpus statute as it now acts as the successor court to the District Court with respect to criminal judgments rendered by the District Court exercising the jurisdiction of a local territorial court. *See Rivera-Moreno v. Gov't of the V.I.*, 61 V.I. 279, 306 (V.I. 2014) (citing *Parrott v. Gov't of the V.I.*, 230 F.3d 615 (3d Cir. 2000)).

² At the time Burgos's criminal case was tried before the District Court, the Superior Court had been known as the Territorial Court of the Virgin Islands, with the Legislature not redesignating the Territorial Court as the Superior Court until 2004. *See* 2004 V.I. Sess. Laws 179 (Act No. 6687, § 1(b)). Nevertheless, to minimize confusion, we refer to the Territorial Court by its current name, the Superior Court.

Court lost jurisdiction over his case on that day, and he instead should have been tried before the Superior Court.

¶ 4 Without ordering a response from the Government, the Superior Court denied the petition in an October 8, 2020 order for failure to state a *prima facie* case for relief. Specifically, the Superior Court concluded that “[t]he proper inquiry for determining jurisdiction is not when the trial, conviction or sentencing occurred, but rather when the case was filed,” and that “[a]s long as the government’s criminal action was filed before jurisdiction passed to the Superior Court on January 1, 1994, the District Court had jurisdiction over the matter.” (S.A. 22.) Burgos timely filed a notice of appeal with this Court on October 26, 2020. *See* V.I. R. APP. P. 5(a)(1).

II. DISCUSSION

A. Jurisdiction and Standard of Review

¶ 5 Pursuant to the Revised Organic Act of 1954, this Court has appellate jurisdiction over “all appeals from the decisions of the courts of the Virgin Islands established by local law[.]” 48 U.S.C. § 1613a(d). Title 4, section 32(a) of the Virgin Islands Code vests this Court with jurisdiction over “all appeals arising from final judgments, final decrees, [and] final orders of the Superior Court.” Because the Superior Court’s October 8, 2020 order resolved all of the claims between the parties, it is a final judgment under section 32(a). *Joseph v. Daily News Publishing Co., Inc.*, 57 V.I. 566, 578 (V.I. 2012); *see also* 48 U.S.C. § 1613a(d).

¶ 6 This Court exercises plenary review over all questions of law, and reviews factual findings only for clear error. *Brathwaite v. People*, 60 V.I. 419, 426 (V.I. 2014).

B. District Court Jurisdiction

¶ 7 As this Court has previously explained, “[g]ranting the writ of habeas corpus . . . constitutes an intermediate step in the statutory procedure—it does not address the underlying merits of the

petitioner's allegations, nor does it entitle the petitioner to the ultimate relief sought in the petition."

Blyden v. Gov't of the V.I., 64 V.I. 367, 376 (V.I. 2016) (quoting *Rivera-Moreno v. Gov't of the V.I.*, 61 V.I. 279, 311 (V.I. 2014)). "Instead, issuing the writ and serving it on the Government respondents simply requires the Government to file a return responding to the petition and to produce the petitioner in court for a hearing on the merits of his allegations." *Id.* To determine whether to grant the writ and hold a hearing, the Superior Court "must first determine whether the petition states a prima facie case for relief—that is, whether it states facts that, if true, entitle the petitioner to relief—and also whether the stated claims are for any reason procedurally barred." *Id.*

¶ 8 On appeal, Burgos renews his claim that the District Court judgment adjudicating him guilty of first-degree murder under Virgin Islands law is void because the District Court purportedly lost jurisdiction over the case on January 1, 1994. To understand Burgos's claim, it is necessary to thoroughly review the history, context, and expressions of legislative intent with respect to the structure of the Virgin Islands court system, and in particular the relationship between the District Court and the Superior Court with respect to criminal prosecutions for violations of the laws of the Virgin Islands.

¶ 9 Shortly after purchasing the Virgin Islands from Denmark on March 31, 1917, Congress elected to continue the existing government "in so far as compatible with the changed sovereignty." *See* Act of Congress, March 3, 1917, ch. 171, § 2, 39 Stat. 1132 (codified at 48 U.S.C. § 1392 (1946) (amended 1948)) (available as amended at V.I. CODE ANN. 39–44, Historical Documents, Organic Acts, & U.S. Constitution (1995) (preceding V.I. CODE ANN. tit. 1)). Acting under this authority, in 1921 the colonial councils for the Municipality of St. Croix and the Municipality of St. Thomas and St. John promulgated new legal codes for each municipality,

colloquially known as the “1921 Codes.” Title I, chapter 1, section 1 of the 1921 Codes adopted by both municipalities provided that “[t]he judicial power of the Virgin Islands of the United States is hereby declared to be vested in a District Court, Police Courts and Juvenile Courts and a District Court Commissioner.” *See* Ord. Mun. Code St. Croix tit. I, app. Aug. 15, 1921; Ord. Mun. Code St. Thomas & St. John tit. I, app. Dec. 20, 1921. Section 2 provided that “[t]he District Court is a court of general and original jurisdiction in all civil, criminal, admiralty, equity, insolvency and probate matters and causes, unless jurisdiction is conferred on some other court, in which event the jurisdiction of the District Court is concurrent,” while section 17 vested the Police Courts—which were not courts of record—with original, non-exclusive jurisdiction over civil cases where the amount in controversy did not exceed \$20, as well as misdemeanors and petty criminal offenses. *Id.*; *see also Banks v. Int’l Rental & Leasing Corp.*, 55 V.I. 967, 978 (V.I. 2011).

¶ 10 The judicial system established by the 1921 Codes continued until Congress enacted the Organic Act of 1936 for the stated purpose of “provid[ing] for a civil government for the Virgin Islands.” Organic Act of 1936, 49 Stat. 1807. Section 25 of the Organic Act provided that

The judicial power of the Virgin Islands shall be vested in a court to be designated “the District Court of the Virgin Islands” and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law; *Provided*, That the legislative assembly may provide for the organization and conduct of a Superior Court of the Virgin Islands and may transfer from the district court to such Superior Court jurisdiction over any or all causes other than those arising under the laws of the United States. Appeals from the Superior Court shall be provided by law in the case of appeals from the district court.

Section 26 provided for the appointment of judges to the District Court by the President of the United States with the advice and consent of the United States Senate, while sections 28 and 29 essentially vested the District Court with the combined jurisdiction of a federal district court and a general jurisdiction court of the Virgin Islands.

¶ 11 The Virgin Islands Legislature, however, never acted to establish the Superior Court authorized by section 25 of the Organic Act of 1936. Nearly thirty years later, in enacting the Revised Organic Act of 1954, Congress again vested the District Court with the combined jurisdiction of a federal district court and a local general jurisdiction court; however, unlike the Organic Act of 1936, the Revised Organic Act, while permitting the establishment of local courts, did not authorize the Virgin Islands Legislature to reduce or eliminate the local criminal jurisdiction of the District Court. Thus, while the Virgin Islands Legislature ultimately “created two Municipal Courts in 1957, one for St. Croix and the other for St. Thomas–St. John, replacing the three Police Courts that had existed since 1921,” *Vanterpool v. Gov’t of the V.I.*, 63 V.I. 563, 577 n.5 (V.I. 2015), those Municipal Courts—later consolidated into one Municipal Court, the predecessor to the modern Superior Court—only “possessed exclusive jurisdiction over all criminal cases arising under local law in which the maximum punishment which [might] be imposed [did] not exceed a fine of \$100 or imprisonment for six months, or both, while the District Court possessed exclusive jurisdiction over all other criminal actions arising under local law.” *Murrell v. People*, 54 V.I. 338, 353 (V.I. 2010) (internal quotation marks omitted).

¶ 12 The near-exclusive jurisdiction of the District Court over criminal actions charging violations of Virgin Islands law continued for an additional thirty years. Ultimately, Congress enacted Public Law 98-454 in 1984, with Section 702 of that enactment amending the Revised Organic Act to provide the local courts of the Virgin Islands with greater jurisdiction and authority over matters of Virgin Islands law. In addition to authorizing the creation of a local appellate court that would ultimately become the Supreme Court of the Virgin Islands, *see* 48 U.S.C. § 1611(a), section 702 of Public Law 98-454 amended the Revised Organic Act to provide that,

The legislature of the Virgin Islands may vest in the courts of the Virgin Islands

established by local law jurisdiction over all causes in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the concurrent jurisdiction conferred on the District Court of the Virgin Islands by section 22(a) and (c) of this Act.

48 U.S.C. § 1611(b). The concurrent jurisdiction of the District Court provided for in section 22(a) and (c) refers, with respect to criminal matters, to prosecutions “with respect to the income tax laws applicable to the Virgin Islands,” 48 U.S.C. § 1612(a), and “those offenses against the criminal laws of the Virgin Islands . . . which are of the same or similar character or part of, or based on, the same act or transaction or two or more acts or transactions connected together or constituting part of a common scheme or plan, if such act or transaction also constitutes or constitute an offense or offenses against one or more of the statutes over which the District Court of the Virgin Islands has jurisdiction,” 48 U.S.C. § 1612(c).

¶ 13 In addition to authorizing the expansion of the local courts’ criminal jurisdiction, section 703(a) of Public Law 98-454 amended the Revised Organic Act to correspondingly narrow the jurisdiction of the District Court by providing that “the District Court of the Virgin Islands shall have general original jurisdiction in all causes in the Virgin Islands the jurisdiction over which is not then vested by local law in the local courts of the Virgin Islands.” 48 U.S.C. § 1612(b). However, section 703(b) of Public Law 98-454 also provided that the changes effectuated by section 703(a)

shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act and such complaint and proceeding may be pursued to final determination in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, and the Supreme Court, notwithstanding the provisions of this amendatory act.

¶ 14 These amendments to the Revised Organic Act, however, “were not self-executing,” in that

they required action by the Legislature to vest the local courts with such jurisdiction. *Rivera-Moreno*, 61 V.I. at 304-05. Ultimately, the Superior Court did not obtain such jurisdiction with respect to all criminal cases until January 1, 1994, when the Legislature vested the Superior Court with original jurisdiction to hear first-degree murder cases arising under local law. *See* 4 V.I.C. § 76; *see also Mitchell v. Mullgrav*, 67 V.I. 953, 959 (V.I. 2017).

¶ 15 Considering this history, the District Court certainly possessed jurisdiction to try Burgos for first-degree murder despite the Superior Court being vested with such jurisdiction on January 1, 1994. As noted above, section 703(a) of Public Law 98-454 conferred upon the District Court jurisdiction “in all causes in the Virgin Islands the jurisdiction over which is not then vested by local law in the local courts of the Virgin Islands.” 48 U.S.C. § 1612(b). This language is certainly open to multiple interpretations, in that it does not specify whether “then vested” refers to the date of the initiation of the proceeding, or the date of a particular event within those proceedings, such as the date of trial or judgment.

¶ 16 Nevertheless, any doubt as to the meaning of this language is erased by section 703(b), expressly providing that these amendments “shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act” which “may be pursued to final determination in the District Court.” While section 1005 of Public Law 98-454 states that title VII of the Act—of which the amendments to section 702 and 703 were a part—“shall become effective on the ninetieth day following their enactment,” the plain text of sections 702 and 703 provides that the criminal jurisdiction of the District Court and the Superior Court would not change until and unless the Virgin Islands Legislature enacted legislation to implement the change, which did not go into effect until January 1, 1994. *Rivera-Moreno*, 61 V.I. at 305. Thus, the phrase “effective date of

this amendatory Act” in section 703(b) does not refer to the general effective date set forth in section 1005, but to the date the jurisdictional changes authorized by the Act actually went into effect.

¶ 17 Finally, as with all other laws passed by a legislative body, this Court must construe both Public Law 98-454 as well as the Virgin Islands Legislature’s implementing legislation in a manner consistent with legislative intent and which avoids absurd consequences. *One St. Peter, LLC v. Board of Land Use Appeals*, 67 V.I. 920, 926 (V.I. 2017) (collecting cases). Certainly, Congress and the Legislature expanded the jurisdiction of the Superior Court over local criminal actions and correspondingly divested the District Court of such jurisdiction to promote Virgin Islands autonomy by ensuring that Virgin Islands courts and not federal courts would adjudicate violations of the criminal laws of the Virgin Islands enacted by the Virgin Islands Legislature. *Willis v. People*, 71 V.I. 789, 798-99 (V.I. 2019). It is patently absurd to believe, however, that either legislative body intended for no court to possess jurisdiction over first-degree murder cases between 1984 and 1994, or that the legislation could be interpreted to require the immediate dismissal of all first-degree murder cases under Virgin Islands law pending in the District Court on January 1, 1994—including cases where defendants charged with first-degree murder may have been placed in pretrial detention by order of the District Court, or had been convicted of first-degree murder but not yet sentenced—resulting in the termination of all first-degree murder prosecutions under local law until the People re-filed each and every case in the Superior Court. The creation of even a temporary jurisdictional gap is not only itself an absurd result, *see Richards v. People*, 74 V.I. 539, 546 (V.I. 2021), but in this context would undermine the very purpose of the legislation by interrupting the enforcement of the statutes that codify perhaps the most serious

crime punishable under Virgin Islands law.³

¶ 18 Here, the criminal case against Burgos in the District Court commenced on December 30, 1993, and the expansion of the Superior Court’s jurisdiction and corresponding reduction of the District Court’s jurisdiction did not occur until January 1, 1994. Pursuant to section 703(b) of Public Law 98-454, the District Court was required to retain jurisdiction over all proceedings pending before it on the day prior to the effective date of that jurisdictional change, which was December 31, 1993. Therefore, the Superior Court correctly determined that the District Court possessed jurisdiction to try Burgos for first-degree murder and that his present petition for a writ of habeas corpus failed to set forth a prima facie case for relief.

III. CONCLUSION

¶ 19 Despite the Superior Court receiving its expanded criminal jurisdiction effective on January 1, 1994, the District Court was not divested of its jurisdiction to try Burgos’s case, given that the proceeding against him had been initiated in the District Court on December 30, 1993. Thus, the Superior Court committed no error when it denied Burgos’s petition for a writ of habeas corpus for failure to state prima facie case. Accordingly, we affirm the Superior Court’s October 8, 2020 order.

Dated this 17th day of April, 2023.

BY THE COURT:

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

³ In fact, as part of the same enactment, Congress provided that the establishment of this Court by the Legislature “shall not result in the loss of jurisdiction of the district court over any appeal then pending in it.” 48 U.S.C. § 1613a(d).

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Reisha Corneiro
Deputy Clerk

Dated: April 17, 2023