For Publication

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

CHRIS GEORGE, Appellant/Petitioner, v. **PEOPLE OF THE VIRGIN ISLANDS,** Appellee/Respondent.	)	**S. Ct. Crim. No. 2017-0042** Re: Super. Ct. RV. No. 002/2016 (STX)

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

Considered: February 13, 2018
Filed: July 5, 2018

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

APPEARANCES:

Chris George
St. Croix, U.S.V.I.
Pro se,

Royette V. Russell, Esq.
Assistant Attorney General
St. Croix, U.S.V.I.
Attorney for Appellee.

OPINION OF THE COURT

CABRET, Associate Justice.

Chris George, proceeding *pro se*, appeals from an April 6, 2017 memorandum opinion and order of the Appellate Division of the Superior Court affirming his two convictions before the Magistrate Division for operating an unregistered motor vehicle on a public highway in violation

of title 20, § 331 of the Virgin Islands Code, and for operating a motor vehicle on public roads without insurance, in violation of § 712 of that same title. He argues that the Magistrate Court lacks jurisdiction over his traffic offenses and that the sections of the Virgin Islands Code prohibiting the operation of unregistered or uninsured vehicles on public highways violate his constitutional right to travel. Because 4 V.I.C. § 124 expressly grants the Magistrate Division of the Superior Court "exclusive jurisdiction over all traffic offenses, except felony traffic offenses," and because it is well established that burdens placed upon a single mode of transport, such as automobiles, do not implicate the constitutional right to travel, we affirm the opinion of the Appellate Division.

I. FACTUAL AND PROCEDURAL BACKGROUND

On October 7, 2015, George was driving his truck in Christiansted when he was stopped by Officer Keisha Benjamin of the Virgin Islands Police Department for failing to display a current registration sticker on the windshield of his vehicle. Upon approaching the vehicle, Officer Benjamin asked George to produce his registration and insurance documents. After discovering that both his registration and insurance had expired, Officer Benjamin issued George two citations: one for operating an unregistered vehicle on a public highway in violation of 20 V.I.C. § 331 and the other for operating a motor vehicle on public roads without insurance in violation of 20 V.I.C. § 712.

Prior to trial, George filed a motion to dismiss the charges against him, challenging the Magistrate Division's jurisdiction over traffic offenses and the constitutionality of the motor vehicle registration and insurance requirements set forth in title 20 of the Virgin Islands Code. Throughout the course of this litigation, George has not contested the facts alleged by the

prosecution, but has instead consistently maintained his challenge to the jurisdiction of the court and the validity of the laws under which he was charged.

Before beginning the trial on May 5, 2016, the Magistrate Division heard extensive argument from George on his pending motion to dismiss. The court denied George's motion from the bench, and immediately proceeded to trial. After calling Officer Benjamin to testify and moving both citations into evidence, the prosecution rested. George neither cross-examined Officer Benjamin nor testified in his own defense. The Magistrate Division found George guilty on both counts, sentenced him to pay fines of $100 for operating an unregistered vehicle and $250 for operating an uninsured vehicle, and assessed combined court costs of $150 for both cases.

George timely filed a petition for review before the Appellate Division of the Superior Court on May 9, 2016,[1] asserting that the Magistrate Division erred in denying his motion for dismissal on the following grounds: "(1) [the People had] no case or cause of action, (2) [the People] failed to prove commerce was being conducted, [and] (3) [the Magistrate] erroneously substituted [his] right to travel for [the] privilege to drive." On review, the Appellate Division, noting that George "admitted that he did not comply with the requirement to insure his vehicle or to register his vehicle," rejected George's jurisdictional and constitutional arguments and affirmed the Magistrate Division's denial of his motion to dismiss the citations by memorandum opinion entered April 6, 2017. George filed a timely notice of appeal on April 18, 2017. V.I. R. APP. P. 5(a)(1).

[1] Because the decision of the Magistrate Division was not reduced to writing until November 15, 2016, George's petition for review was deemed filed that same date pursuant to Superior Court Rule 322.1(b)(2)(C).

II. JURISDICTION

We have jurisdiction over this criminal appeal pursuant to title 4, section 32(a) of the Virgin Islands Code, which provides that "[t]he Supreme Court shall have jurisdiction over all appeals arising from final judgments, final decrees or final orders of the Superior Court, or as otherwise provided by law." An opinion of the Appellate Division affirming a final judgment, order, or decree entered by the Magistrate Division is a final order under section 32(a). *In re Estate of George*, 59 V.I. 913, 918 (V.I. 2013).

III. DISCUSSION[2]

George argues that the Magistrate Division of the Superior Court lacks jurisdiction over his traffic offenses because the People of the Virgin Islands could not produce any victim injured by his failure to register and insure his vehicle, and therefore the People failed to establish standing to prosecute this matter. Additionally, he contends that the Magistrate Division's exclusive jurisdiction over misdemeanor traffic offenses is limited to offenses perpetrated in the course of conducting commerce because, as defined in various federal statutes and regulations, "the word 'traffic' means trade and commerce." Finally, George argues that the compulsory vehicle registration and insurance provisions of Title 20 of the Virgin Islands Code violate his constitutional right to travel. Because George does not contest the factual findings of the

[2] George represents himself on appeal, as he did before both the Magistrate and Appellate Divisions of the Superior Court. And while the arguments presented in his Appellant's Brief are, at times, difficult to decipher or even incomprehensible, it is our policy to grant greater leniency in reviewing the pleadings of *pro se* litigants, and we therefore look beyond the often confusing form of his brief and address all legal issues that may reasonably be inferred from the substantive arguments presented. *See, e.g.*, *Marsh-Monsanto v. Clarenbach*, 66 V.I. 366, 376 (V.I. 2017). *Compare, e.g.*, *Burgos v. Hopkins*, 14 F.3d 787, 790 (2d Cir. 1994) (where appellant proceeds *pro se*, an appellate court "read[s] his supporting papers liberally, and will interpret them to raise the strongest arguments that they suggest") (citing *Mikinberg v. Baltic S.S. Co.*, 988 F.2d 327, 330 (2d Cir. 1993)).

Magistrate Division, this appeal concerns only pure questions of law and we therefore exercise plenary review. *See In re Estate of George*, 59 V.I. at 919.[3]

A. Standing

Whereas the case-and-controversy provision of Article III of the United States Constitution requires that a plaintiff demonstrate standing in order to establish a federal court's subject-matter jurisdiction over any cause of action, neither the Revised Organic Act of 1954 ("ROA") — the *de facto* constitution for the Virgin Islands — nor 4 V.I.C. § 124 — granting the Magistrate Division exclusive jurisdiction over "traffic offenses" — contains any such requirement. *See Benjamin v. AIG Ins. Co. of Puerto Rico*, 56 V.I. 558, 564-65 (V.I. 2012). Thus, in the Virgin Islands, the doctrine of standing imposes no limitation on the jurisdiction of the territorial courts, but rather functions only as a claims-processing rule, grounded in principles of judicial restraint. *Id.; see also Virgin Islands Taxi Ass'n v. W. Indian Co., Ltd.*, S. Ct. Civ. No. 2016-0062, 2017 WL 1080090, at *3 (V.I. Mar. 22, 2017) (citing *Tip Top Constr. Corp. v. Gov't of the V.I.*, 60 V.I. 724, 730 n.2 (V.I. 2014)). Viewed in this light, George's argument that the People's failure to demonstrate standing deprives the Magistrate Division of jurisdiction over his traffic offenses must fail.

Furthermore, to the extent that George suggests the Magistrate Division should have nevertheless dismissed the charges against him for lack of standing as a matter of judicial restraint,

[3] George presented two additional assertions of error in his notice of appeal. First, George contends that the Magistrate Division erred in "fail[ing] to prove that the government has the authority to arbitrarily deprive an individual of their private property (automobile) without 'Due Process' of law." Second, George accuses the Magistrate Division of "[f]alsification of the written transcript for it to appear that I chose not to cross-examine the Police Officer." However, these issues were neither raised before the Appellate Division, nor argued in Appellant's Brief on appeal, and are therefore deemed waived. V.I. R. APP. P. 22(m) ("Issues that were (1) not raised or objected to before the Superior Court, (2) raised or objected to but not briefed, or (3) are only adverted to in a perfunctory manner or unsupported by argument and citation to legal authority, are deemed waived for purposes of appeal[.]").

this argument must also fail. George contends that there is "no case, crime or cause of action" against him, because the People failed to present a victim injured by his failure to register and insure his vehicle. As noted in the opinions of both the Magistrate and Appellate Divisions of the Superior Court, the people of the Virgin Islands, as a whole, unquestionably suffer injury when the traffic laws enacted by their duly-elected representatives are violated. *See People v. Melendez*, No. SX-16-RV-003, 2017 V.I. LEXIS 49, at *10 (V.I. Super. Ct. App. Div. Mar. 22, 2017) (explaining that the "victim" of defendant's failure to display his driver's license on request is "the community as a whole") (collecting cases); *see also Morissette v. United States*, 342 U.S. 246, 254-56 (1952).[4] One primary purpose of the traffic law, and indeed organized government itself, is to promote and protect the health, safety, and general well-being of the public. *See, e.g., People v. Duell*, 134 N.E.2d 106, 108 (N.Y. 1956) ("The underlying purpose of all legislation relating to motor vehicle traffic is the regulation of such traffic for the protection and safety of people at

[4] In *Morissette*, the Supreme Court undertook an extensive historical analysis detailing the paradigm shift in the criminal law which took place in the aftermath of the industrial revolution:

> Traffic of velocities, volumes and varieties unheard of came to subject the wayfarer to intolerable casualty risks if owners and drivers were not to observe new cares and uniformities of conduct. Congestion of cities and crowding of quarters called for health and welfare regulations undreamed of in simpler times… Such dangers have engendered increasingly numerous and detailed regulations which heighten the duties of those in control of particular industries, trades, properties or activities that affect public health, safety or welfare. While many of these duties are sanctioned by a more strict civil liability, lawmakers, whether wisely or not, have sought to make such regulations more effective by invoking criminal sanctions to be applied by the familiar technique of criminal prosecutions and convictions. This has confronted the courts with a multitude of prosecutions, based on statutes or administrative regulations, for what have been aptly called 'public welfare offenses.' These cases do not fit neatly into any of such accepted classifications of common-law offenses, such as those against the state, the person, property, or public morals. Many of these offenses are not in the nature of positive aggressions or invasions, with which the common law so often dealt, but are in the nature of neglect where the law requires care, or inaction where it imposes a duty. Many violations of such regulations result in no direct or immediate injury to person or property but merely create the danger or probability of it which the law seeks to minimize. While such offenses do not threaten the security of the state in the manner of treason, *they may be regarded as offenses against its authority, for their occurrence impairs the efficiency of controls deemed essential to the social order as presently constituted*. In this respect, whatever the intent of the violator, the injury is the same, and the consequences are injurious or not according to fortuity.

342 U.S. at 254-56 (emphasis added).

large."). A violation of these laws constitutes an offense against the authority of the state and consequently damages the people's confidence in the ability of their government to protect them from danger and to provide a safe, stable environment in which to conduct their lives. Criminal violations of traffic laws, in particular, undermine the public's confidence that they will be able to safely traverse the roads and highways of the territory.

In addition to the abstract injury suffered by the general public, it is also worth noting the very concrete, individual injuries that the Legislature, by enacting the challenged statutes, has sought to prevent. In the modern world, it is undeniable that automobiles are, potentially, exceptionally dangerous instrumentalities. *See, e.g.*, *Mequet v. Algiers Mfg. Co.*, 84 So. 904, 905 (La. 1920) (describing automobiles as "dangerous agencies carrying such great possibilities of harm"); *see also Pueblo v. Yip Berrios*, No. CE-93-735, 1997 WL 53457 (P.R. Jan. 30, 1997) ("It is a well-known fact that the automobile is a highly dangerous instrument that has the potential for causing serious injury or death when used incorrectly."). Registration requirements such as those found in 20 V.I.C. § 331 help ensure that all vehicles are safe to operate on the roads and, in the event that use of an automobile does result in some injury, afford a means by which authorities may identify the vehicle and its owners. *See* 20 V.I.C. § 461 ("Before issuing a registration license to the owner of any motor vehicle, the Director of Motor Vehicles shall see that it is in satisfactory condition to insure safety on the public highways[.]"); *see also Bridges v. Hart*, 18 N.E.2d 1020, 1022 (Mass. 1939) (holding "the main purpose of registration is to afford identification of the owner and of the motor vehicle"). Similarly, the compulsory insurance provision contained in 20 V.I.C. § 712 safeguards the public against potential economic damages suffered at the hands of other motorists encountered on the road. *See* 20 V.I.C. § 703 (mandating that automobile insurance policies "insure . . . against loss from the liability imposed by law for damages arising out of the

ownership, maintenance, or use of such vehicle"). Requiring all drivers to obtain liability insurance policies serves to ensure that, in the event of an automobile accident, injured parties will have some viable means of seeking compensation for their injuries no matter the personal finances of the other driver or drivers involved. *See Gov't of the V.I. v. Cover*, 16 V.I. 321, 326 (V.I. Super. Ct. 1979) ("The primary purpose of compulsory motor vehicle liability insurance is to compensate innocent victims who have been injured by the negligence of financially irresponsible motorists."). In this sense, while there may not yet be any actual victims of George's failure to register or insure his vehicle, the number of potential victims is vast, and the consequences of such failure are potentially dire.

With these considerations in mind, the Legislature enacted sections 331 and 712 of title 20, requiring that any vehicle operated on the roadways of the territory be registered and insured. Additionally, through title 3, section 114(a)(3) of the Virgin Islands Code, the Legislature vested in the Attorney General the power and duty "to prosecute in the name of the People of the Virgin Islands, offenses against the laws of the Virgin Islands." As it well established that standing is not a jurisdictional issue in the Virgin Islands, George's argument only remains feasible insofar as we are willing to conclude that principles of judicial restraint suggest that the authority of the People to prosecute violations of the law should be conditioned upon the presentation of a victim. However, even cursory examination of these principles compels the opposite conclusion.

Though susceptible to various definitions depending on the context in which the term is used, perhaps the most commonly used definition of judicial restraint is "the principle that, when a court can resolve a case based on a particular issue, it should do so, without reaching unnecessary issues." BLACK'S LAW DICTIONARY 924 (9th ed. 2009). As applied to the doctrine of standing, principles of judicial restraint generally counsel that courts should refrain from adjudicating

disputes where no party has yet suffered any injury as such adjudication is, in a sense, unnecessary. On this theory, the resolution of such disputes is more prudently deferred until all relevant issues, including the injuries or damages actually suffered by the parties, may be presented together for resolution by the court.

However, the definition of judicial restraint perhaps most relevant to the consideration of George's argument is a "philosophy of judicial decision-making whereby judges avoid indulging their personal beliefs about the public good and instead *try merely to interpret the law as legislated* and according to precedent." *Id.* (emphasis added). To accept George's contention that the People must demonstrate concrete injury and produce a victim in order to prosecute violations of the traffic code would be tantamount to judicial invalidation of 3 V.I.C. § 114(a)(3), as well as significant portions of titles 20, and 23, and thus would be antithetical to the very principles of judicial restraint in which the doctrine of standing is rooted.[5] Therefore, George's argument, whether construed as a challenge to the jurisdiction of the court or as an appeal to principles of judicial restraint, must be rejected.[6]

[5] Following George's argument to its logical conclusion would also necessitate the invalidation of those provisions of the criminal code pertaining to inchoate offenses such as attempted murder, which are so firmly grounded in the history of the common law that none could seriously contest their validity.

[6] The authority of the Attorney General to prosecute offenses against the laws of the Virgin Islands cannot be seriously questioned. *See United States v. Ellis*, No. 2:06CR390, 2007 WL 2028908, at *2 (W.D. Pa. July 12, 2007) (dismissing challenge to the standing of the U.S. Attorney to prosecute offenses against the laws of the United States). In recent decades, legal scholars have noted the apparent difficulties in accounting for federal criminal prosecution within the framework of the Supreme Court's standing jurisprudence. *See, e.g.*, Edward A. Hartnett, *The Standing of the United States: How Criminal Prosecutions Show That Standing Doctrine Is Looking for Answers in All the Wrong Places*, 97 MICH. L. REV. 2239, 2256 (1999). However, there seems to be general agreement that this dissonance does not reflect a problem with traditional mechanisms of criminal prosecution, but instead illustrates the overbreadth of the Court's recent opinions regarding the doctrine of standing. *Id.*; *see also* Richard H. Fallon, Jr., *The Fragmentation of Standing*, 93 TEX. L. REV. 1061, 1080 (2015) ("The Supreme Court apparently never intended that the injury in fact, causation, and redressability requirements would apply to the federal and state governments in the same way as to private litigants. In perhaps the most obvious illustration, the government need not make a showing of personal injury to itself or anyone else in order to initiate a criminal prosecution.").

B. 4 V.I.C. § 124

Title 4, section 124(b) of the Virgin Islands Code grants the Magistrate Division of the Superior Court "exclusive jurisdiction over all traffic offenses, except felony traffic offenses." In turn, the phrase "traffic offenses" is expressly defined to include "any conduct or violation of the provisions of titles 20 and 23 of the Virgin Islands Code and related regulations, relating to motor vehicles or pedestrians, or a moving or non-moving violation, which is punishable by a fine or a period of imprisonment of not more than six months." 4 V.I.C. § 124(a). Viewed in this light, George's argument that the jurisdiction of the Magistrate Division cannot be established without first defining the term "traffic" is misplaced. No matter how the word "traffic" may be defined in isolation, the Legislature has granted the Magistrate Division jurisdiction over "traffic offenses" and has provided an unambiguous definition of that term which explicitly includes the violations of the provisions of title 20 with which George was charged.

George also argues that traffic offenses properly fall under the jurisdiction of "maritime admiralty law" because "traffic" must be defined in terms of trade and commerce, and because Black's Law Dictionary defines maritime law as "that system of law which particularly relates to commerce." BLACK'S LAW DICTIONARY 1055 (9th ed. 2009). However, this argument is also misplaced. Despite George's emphasis on the presence of the word "commerce" in the definition of maritime, the distinguishing feature of maritime or admiralty law is that it concerns the regulation of commerce and navigation *at sea*. *See id*. Indeed, the word maritime itself is defined as "of or relating to navigation or commerce on the sea." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1382 (1993) (emphasis added). Because maritime admiralty law is wholly concerned

with activity *at sea* and has no bearing on the regulation of automobile traffic on the roads of the territory, George's argument is rejected.

Additionally, George asserts, without citation to supporting authority, that 4 U.S.C. § 112 — granting congressional consent "to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime" — requires that Virgin Islands traffic laws "use the same words and definitions as the other states." George failed to raise this argument before either the Magistrate Division or the Appellate Division of the Superior Court, and it is deemed waived on appeal. V.I. R. APP. P. 22(m). And, on its merits, this argument is baseless: the unambiguous language of this federal statute merely authorizes state governments to enter into agreements for cooperative law enforcement, and otherwise imposes no obligations or restrictions on state, or in this instance, territorial traffic regulation. *See Cuyler v. Adams*, 449 U.S. 433, 442 (1981) (describing effect of 4 U.S.C. § 112 as a "grant of consent under the Compact Clause").[7]

We note that George's arguments concerning the definitions of terms such as "traffic" and the discrepancies in how these terms are defined under federal and territorial law appear to be based on a fundamental misunderstanding of the nature of the authority and role of federal, as opposed to state or territorial government. Whereas the federal government is, under the Constitution of the United States, a government of limited, enumerated powers, state governments

[7] George also contends that the Magistrate Division erred in failing to define the terms "driver, motor vehicle, motor carrier, and other related terms." "Motor vehicle" is expressly defined by 20 V.I.C. § 101 to include "all vehicles propelled by power other than muscular, except those running upon rails or tracks, road rollers, tractors, and self-propelled plows and golf carts used solely for recreational purposes on golf courses and not on public roads or highways." The terms "driver" and "motor carrier" do not appear in either of the statutes George is charged with violating, and are therefore irrelevant to the resolution of this appeal. Curiously, George does not request a definition of the term "operate" — the relevant term used to define the conduct proscribed under 20 V.I.C. §§ 331 and 712. However, we recently clarified that within the meaning of title 20, the term "operate" carries its commonly understood meaning: to control the functioning of a vehicle. *Ubiles v. People*, 66 V.I. 572, 595 (V.I. 2017).

are vested with plenary police power, including the power to enact regulations providing for the safety of their citizens. *See, e.g., Panhandle E. Pipe Line Co. v. State Highway Comm'n of Kansas,* 294 U.S. 613, 622 (1935) ("The police power of a state . . . springs from the obligation of the state to protect its citizens and provide for the safety and good order of society . . . and *permits reasonable regulation of rights and property* in particulars essential to the preservation of the community from injury.") (emphasis added). As the Virgin Islands is an unincorporated territory of the United States of America, and not a state, we have previously observed that "Congress does possess such plenary police power with regard to the Virgin Islands under Article IV of the United States Constitution," but "instead of exercising that authority, Congress has chosen to vest it in the Virgin Islands Legislature." *Rennie v. Hess Oil V.I. Corp*., 62 V.I. 529, 549 (V.I. 2015) (citations omitted). Thus, while the territorial Legislature has "wide discretion to classify offenses and prescribe penalties for those offenses," see *Murrell v. People*, 54 V.I. 338, 359 (V.I. 2010), "Congress lacks a 'plenary police power that would authorize enactment of every type of legislation.'" *Rennie*, 62 V.I. at 549 (citing *United States v. Lopez*, 514 U.S. 549, 566 (1995)).

Here, George argues that traffic "means trade and commerce," citing various federal statutes and regulations concerning interstate commercial traffic. According to George, because he was not engaged in trade or commerce when he was stopped, he cannot be charged with traffic offenses. What George fails to appreciate is that the federal statutory provisions he cites must necessarily be limited in scope to regulate only traffic involving interstate commerce and trade because Congressional authority to enact such laws is derived from the commerce clause of Article I of the U.S. Constitution, which provides: "The Congress shall have the power… to regulate commerce with foreign nations, and among the several states." U.S. CONST. art. I, § 8. By contrast, the Legislature of the Virgin Islands is subject to no such limitation and may therefore enact laws

regulating traffic on the highways and public roads of the territory in any manner consistent "with [the ROA] or the laws of the United States made applicable to the Virgin Islands." *Murrell*, 54 V.I. at 359.

C. Right to Travel

The Supreme Court of the United States has established that the Constitution protects at least three distinct aspects of a "right to travel": (1) "the right of a citizen of one State to enter and to leave another State," (2) "the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State," and (3) "for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State." *Saenz v. Roe*, 526 U.S. 489, 500 (1999). And while the Supreme Court has not directly addressed the issue presented here, there is general agreement among the Circuit Courts that burdens imposed upon a single mode of transportation do not implicate the constitutional right to travel. *See, e.g.*, *Miller v. Reed*, 176 F.3d 1202, 1205 (9th Cir. 1999) (holding that there is no fundamental right to drive an automobile); *see also Matthew v. Honish*, 233 Fed. Appx. 563, 564 (7th Cir. 2007) (rejecting as meritless appellant's argument that state laws requiring licensing and registration of automobiles violate the right to travel); *City of Houston v. F. A. A.*, 679 F.2d 1184, 1198 (5th Cir. 1982) (rejecting "feeble claim that passengers have a constitutional right to the most convenient form of travel"); *Town of Southold v. Town of E. Hampton*, 477 F.3d 38, 54 (2d Cir. 2007) (affirming trial court's holding that "travelers do not have a constitutional right to the most convenient form of travel[, and] minor restrictions on travel simply do not amount to the denial of a fundamental right").

George's contention that the compulsory motor vehicle registration and insurance provisions of the Virgin Islands Code violate his constitutional right to travel lacks merit. The challenged laws do not prevent George from traveling by public transportation, by common carrier, or even by motor vehicle so long as that vehicle is registered, insured, and operated by someone licensed to drive. In essence, George urges us to break with well-established federal jurisprudence and recognize, for the first time, that the constitutional right to interstate travel also encompasses an individual right to operate an automobile. We see no reason to depart from the general consensus among the Circuit Courts of Appeal holding that this is not a fundamental right.

IV. CONCLUSION

Section 124 of title 4 of the Virgin Islands Code expressly confers upon the Magistrate Division exclusive jurisdiction over all traffic offenses including violations of title 20, and therefore George's jurisdictional challenge must be rejected. Additionally, because we find no basis in law for concluding that the constitutionally protected right to travel incorporates a fundamental right to operate a motor vehicle, George's constitutional challenge to the validity of 20 V.I.C. § 331 and 20 V.I.C. § 712 must also be rejected. Accordingly, we affirm the decision of the Appellate Division of the Superior Court.

Dated this 5th day of July, 2018.

BY THE COURT:

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court