

United States District Court

District of Arizona

United States of America,)
Plaintiff)

v.)

RKH

John Coach, a single individual;)

Jimmy Jim, a single individual;)

Defendants)

Case No. CR-3279 Destination 1 PHX

ORDER ON JURISDICTION

Defendants have moved to dismiss this action for lack of personal and subject-matter jurisdiction. The government invoked special territorial jurisdiction.

This Court Has Jurisdiction Over the Charged Crimes.

Congress is empowered “[t]o define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations.” U.S. Const. art. I, § 8, cl. 10. See *United States v. Smith*, 18 U.S. (5 Wheat.) 153, 158–59 (1820).

Territorial Jurisdiction. A vessel “subject to the jurisdiction of the United States” includes “a vessel without nationality.” 46 U.S.C. § 70502(c)(1)(A)(Maritime Drug Law Enforcement Act). A vessel is stateless when the master claims registry but “the claimed nation of registry does not affirmatively and unequivocally assert that the vessel is of its nationality.” *Id.*, § 70502(d)(1)(C)

[S]tateless vessels are “international pariahs.” *United States v. Caicedo*, 47 F.3d 370, 372 (9th Cir. 1995). Stateless vessels “represent ‘floating sanctuaries from authority’ and constitute a potential threat to the order and stability of navigation on the high seas.” *United States v. Marino-Garcia*, 679 F.2d 1373, 1382 (11th Cir. 1982) (quoting Herman Meyers, *The Nationality of Ships* 318 (1967)). “By attempting to shrug the yoke of any nation’s authority, they subject themselves to the jurisdiction of all nations.” *Caicedo*, 47 F.3d at 372.

United States v. Marin, 90 F.4th 1235, 1241 (9th Cir. 2024).

[A]ll that can be required of a State is that it should not overstep the limits which international law places upon its jurisdiction; within these limits, its title to exercise jurisdiction rests in its sovereignty.

S.S. Lotus (1927), PCIJ (Ser. A) No. 9, at 19. Understanding the purpose of international law to be “regulat[ing] the relations between ... co-existing independent communities,” the Permanent Court of International Justice (“PCIJ”) found “no rule of international law” regarding the specific jurisdictional question there at issue and thus concluded the disputed exercise of criminal jurisdiction was not “contrary to the principles of international law.” *Id.* at 18, 30–31. Here, “no rule of international law” addresses whether a state may consider a vessel to be without nationality and exercising jurisdiction

Marin, 90 F.4th at 1242. Consequently, the *Lotus* principle permits the exercise of jurisdiction over stateless vessels under international law. *Id.* If not registered, the *Black Pearl* is a stateless vessel. No one has claimed the *Black Pearl* is registered.¹

The “special maritime and territorial jurisdiction of the United States” also includes:

“Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States”.

18 U.S.C. § 7(7). Destination is a Charter world outside the jurisdiction of any nation. John Coach, Jimmy Jim, and Jonny Walker are each a national of the United States. Crimes on Destination are prosecuted on Earth by agreement with EX Corp, the Charter owner of Destination.

The *Black Pearl* and the defendants are subject to the territorial jurisdiction of the United States.

Subject-matter Jurisdiction

Under the Charter for Destination, crimes committed on Destination are prosecuted on Earth. As the Charter owner, EX Corp. can invoke any applicable state or federal law.

Defendants assert the court’s jurisdiction is limited. Yet defendants concede, as they must, that jurisdiction extends to murder.

Within the special maritime and territorial jurisdiction of the United States, whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life.

18 USC § 1111(b).

Racketeering includes as predicate acts certain felonies under state law. Consequently, state law felonies can be tried in this court.

In addition, murder for hire expressly includes murder under state law involving travel in foreign commerce.

¹ The “special maritime and territorial jurisdiction of the United States” includes:

Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard.

18 U.S.C. § 7(6) (emphasis added). If on the registry of the United States, the *Black Pearl*, is subject to jurisdiction in this court.

Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, ... with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, ... if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

18 U.S.C. § 1958(a) (emphasis added).

Other crimes charges in the indictment also extend to conduct outside the U.S. For example, there is extraterritorial federal jurisdiction over witness tampering. 18 U.S.C. § 1512(h).

The Special Territorial Jurisdiction Limitation

The government has charged conspiracy to transport stolen property—helium-3 produced during the operation of Wide Mine. Defendants argue the only property crime in the “special territorial jurisdiction” the government has invoked is theft of personal property—helium-3 removed from the ground and processed into a marketable commodity.

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding \$1,000, or is taken from the person of another, by a fine under this title, or imprisonment for not more than five years, or both; in all other cases, by a fine under this title or by imprisonment not more than one year, or both.

18 U.S.C. § 661.

The helium-3 processed at Wide Mine is personal property. Helium is a mineral. *Spurlock v. Santa Fe Pacific Railroad*, 143 Ariz. 469, [694 P.2d 299](#), 311 (App. 1985). Once removed from the ground, and moveable apart from the ground, helium-3 is considered personal property. UCC. § 2-107(1) (“A [contract](#) for the [sale](#) of minerals or the like (including oil and gas) ... to be removed from realty is a contract for the sale of [goods](#) within this Article if they are to be severed by the [seller](#) ...”); Property, Black’s Law Dictionary 1096 (5th ed. 1979) (“Personal property. ...any right or interest which one has in things movable.”).

Defendants offer no authority 18 U.S.C. § 661 preempts charges based on 18 U.S.C. § 2314 (transportation of stolen property) or any other federal (or state) law crimes, regardless of whether or not the charge specifically invokes the “special maritime and territorial jurisdiction of the United States.”

/Signed/

U.S. District Court Judge

