

The Virgin Islands Consortium

Man Arrested After Admitting To Not Declaring Firearm at Airport Released By the Court; Judge Cites Unclear, Ambiguous Laws

Crime / **Published On July 23, 2023 07:15 AM /**

Janeka Simon **July 23, 2023**



ST. CROIX — A man found with a weapon at a traffic stop had firearm possession charges dismissed, after he told police that he didn't know he was supposed to declare the weapon to authorities at the airport.

Last Thursday, police responded to the scene of an auto collision on Northside Road, near the GMAX service Station, after reports that one of the drivers was becoming “very aggressive”.

Officers made contact with the driver, who told them that he had his licensed firearm in the vehicle under his seat, and handed over a concealed carry permit from Philadelphia Pennsylvania. He had come to the territory about a week ago, he told police, and was staying for two more weeks.

The man said that he did not know that he was required to declare his firearm when he arrived at the airport, and thus had not done so. He admitted to bringing the weapon into the territory on two previous occasions, and declaring it neither time. His brother, an off-duty auxiliary officer, arrived on the scene and advised the man to hand the weapon over to the investigating officer, which he did. The forensic technician who arrived to process the scene identified the gun as a .40 caliber Glock 23 pistol, with a legible serial number. The weapon was loaded with a round in the chamber and an additional 10 rounds in the magazine.

Police found no local records of firearms or ammunitions issued to the man, and further found several conspicuous signs posted at the Henry E. Rohlsen airport advising incoming passengers that they are legally required to declare all firearms and ammunition immediately upon arrival at the police substation located at the airport. Designed in bright red, blue and yellow colors, the signs are posted on the floor and walls of the airport corridors, including passenger arrival areas and the baggage claim area, according to police.

The man was arrested and charged with unauthorized possession of a firearm, and bail was initially set at \$25,000. Police also proffered charges of unauthorized possession of ammunition under, and failure to report a firearm.

However, in court on Friday, the latter charge was withdrawn by prosecutors. Ultimately, Magistrate Judge Ernest Morris Jr. did not find probable cause to support either of the two remaining charges, citing the “unclear and somewhat ambiguous language of the statutes in question,” and noting the man’s valid firearm license from the state of Pennsylvania.

Judge Morris dismissed the charges without prejudice, leaving the door open for the state to refile the charges should they be able to present a stronger case. Bail was then exonerated, leaving the man free to go.