

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
District of St. Croix

**In Re: Order Governing the Procedures
for Motions for Pre-trial Release and
Pre-sentenced Defeeendants in
Response to Corona Virus Disease 2019
(COVID-19)**

Case Number: SX-2020-MC-00032
Action: Miscellaneous

**NOTICE of ENTRY
of
ADMINISTRATIVE ORDER**

To: Justices of the Supreme Court
Judges & Magistrate Judges of the
Superior Court
Judges & Magistrate Judges of the
District Court
Hon. Albert Bryan, Gov of the VI
Hon. Novelle Francis, Pres. 33rd Leg.
Nesha Christian-Hendrickson, VIBAR
Hinda Carbon, VIBAR
Regina Petersen, Admin of Courts
Veronica Handy, Clerk of the
Supreme Court

Tamara Charles, Clerk of Superior Court
Glenda Lake, Clerk of District Court
Samuel Joseph, Interim Chief
Territorial Public Defender
Denise George, Attorney General
Judicial Branch

Please take notice that on April 21, 2020
an ADMINISTRATIVE ORDER
dated April 21, 2020 was entered
by the Clerk in the above-titled matter.

Dated: April 21, 2020

Tamara Charles
Clerk of the Court
By:



Sioned Hernandez
Court Clerk

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

IN RE:

**ORDER GOVERNING THE PROCEDURES
FOR MOTIONS FOR PRE-TRIAL RELEASE
AND PRE-SENTENCED DEFENDANTS IN
RESPONSE TO CORONA VIRUS DISEASE
2019 (COVID-19)**

SX-2020-MC-00032

ADMINISTRATIVE ORDER

WHEREAS, the Court is concerned with the outbreak of COVID-19 in detention and correctional facilities and has received several motions for release based upon the pandemic virus;

WHEREAS, the Court anticipates numerous motions for release to be filed based upon the COVID-19 pandemic;

WHEREAS, in anticipation of the numerous filings, there is a need for a general procedural order to promote judicial economy;

NOW THEREFORE, IT IS HEREBY ORDERED, this Order shall govern the procedure for motions for release of pre-trial and pre-sentence defendants based upon the COVID-19 pandemic. For the purpose of this Order, the Court incorporates the findings in Administrative Order SX-2020-MC-00030. It is further

ORDERED that **effective 12:00 A.M. on April 22, 2020** prior to filing any motion, the People and the counsel for defendant must confer with one another to determine whether they agree on the Defendant's release and the conditions of release. It is further

ORDERED that if the release plan includes release to a third-party, the third-party shall appear by remote access or provide an affidavit in which the third-party custodian states that he/she understands the responsibility of a third-party custodian and the consequences. It is further

ORDERED that if the defendant intends to rely on medical conditions in support of his/her motion and does not have such medical documentations, he/she shall submit a motion under seal for an order to

disclose medical information. This motion shall include a proposed order, in Microsoft Word format, with the following information:

- a. Name and date of birth of the defendant;
- b. The identity of the entity that is believed to have such records; and
- c. The pertinent date range for the records. It is further

ORDERED that the Court shall address these orders on an expedited basis and the defendant shall obtain and file the records as soon as possible. Filings of confidential medical information must be made under seal and either emailed to the Clerk of the Court at tamara.charles@viccourts.org or deposited into the drop boxes located at the exterior of the entrance at all Court buildings. No motion for permission to file under seal is required for this documentation. It is further

ORDERED that motions for release based on the COVID-19 pandemic shall:

- (a) Be made on expedited basis. The defendant need not file a separate motion for expedited consideration. Instead, defendant shall include a request for expedited consideration in their motion for release.
- (b) Address the relevant factors for release.
- (c) Identify the release plan as specifically as possible.
- (d) The defendant must advise the assigned judicial officer's chambers via email that such a request has been filed. It is further

ORDERED that the following information will be filed under seal:

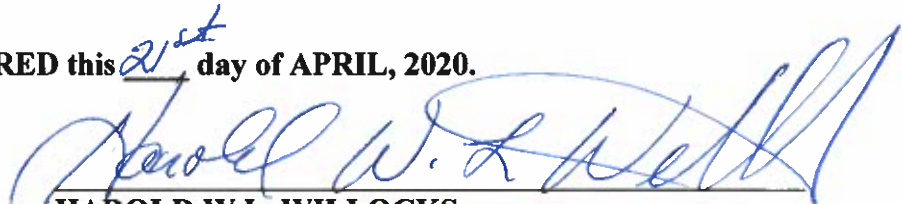
- (a) Any medical conditions that make the defendant more susceptible to contracting COVID-19 or that may be exacerbated as a result of contracting COVID-19. The defendant shall attach documentation of these medical conditions from a correctional institution, health care provider, or doctor's report.
- (b) If no medical documentation is available, or if the defendant declines to seek an order for production of medical documentation, the defendant shall so state. In lieu of or in addition to medical documentation, defendants may submit affidavits, declarations, or other evidence to support their claims. It is further

ORDERED that unless otherwise ordered by the Court, the People shall have two (2) business days from the motion being filed to file their response. The People shall state its position as to whether or not it supports or opposes the movant's release, and the reason therefore. It is further

ORDERED that no replies to responses are permitted, unless otherwise ordered by the Court. It is further

ORDERED that the Court shall review the motion, any medical documentation and the response, and determine whether to schedule a hearing or decide on the filings. This hearing will be held as soon as practicable. Such hearings shall be conducted by remote access; unless otherwise authorized by the Presiding Judge.

DONE AND SO ORDERED this 21st day of APRIL, 2020.



HAROLD W.L. WILLOCKS

Presiding Judge of the Superior Court of the Virgin Islands

ATTEST:

Tamara Charles,
Clerk of the Court

By: 

 Court Clerk Supervisor

Dated: 4/21/2020

Copies to:

Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Judges & Magistrate Judges of the District Court
The Honorable Albert Bryan, Governor of the Virgin Islands
The Honorable Novelle E. Francis, Jr., President, 33rd Legislature
Nesha R. Christian-Hendrickson, Esq., President, V.I. Bar Association
Hinda Carbon, Executive Director, VI. Bar Association
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