

**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](mailto: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:

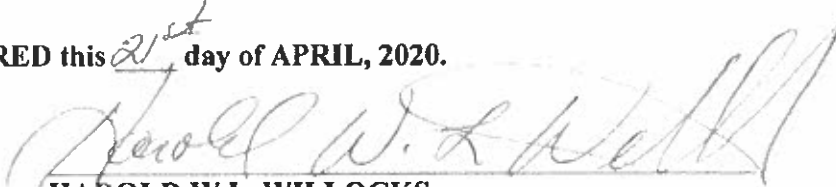
- (a) Any medical conditions that make the defendant more susceptible to contracting COVID-19 or that may be exacerbated as a result of contracting COVID-19. The defendant shall attach documentation of these medical conditions from a correctional institution, health care provider, or doctor's report.
- (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 21<sup>st</sup> 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, 33<sup>rd</sup> Legislature  
Nesha R. Christian-Hendrickson, Esq., President, V.I. Bar Association  
Hinda Carbon, Executive Director, VI. Bar Association  
Regina D. Petersen, Administrator of Courts  
Veronica J. Handy, Esq., Clerk of Supreme Court  
Tamara Charles, Clerk of the Superior Court  
Glenda L. Lake, Esq., Clerk of the District Court  
Samuel L. Joseph, Esq., Interim Chief Territorial Public Defender  
Denise N. George, Esq., Attorney General  
Judicial Branch