

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

In Re:

Case Number: **SX-2020-MC-00042**

Action: **Miscellaneous**

**PROTOCOLS FOR IN-PERSON
PROCEEDINGS IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS**

**NOTICE of ENTRY
of
Administrative Order**

To: Justices of the Supreme Court

Judges & Magistrates of the Superior Court

Judges & Magistrates of the District Court

Hon. Albert Bryan, Jr., Governor of the V.I.

Hon. Novelle Francis, Pres. 33rd Legislature

Nesha Christian-Henrickson, Esq., VIBAR

Hinda Carbon, VIBAR

Regina Petersen, Administrator of Courts

Veronica Handy, Esq Clerk of the Supreme Ct.

Tamara Charles, Clerk of the Superior Court

Glenda Lake, Esq., Clerk of the District Court

Samuel Joseph, Esq., Chief Terr. Pub. Def.

Denise George, Esq., Attorney General

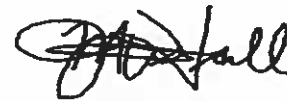
Judicial Branch of the V.I.

Please take notice that on June 12, 2020
a(n) _____ Order
dated June 11, 2020 was/were entered
by the Clerk in the above-titled matter.

Dated: June 12, 2020

Tamara Charles
Clerk of the Court

By:



Judith M. Ward-Hall
Court Clerk Supervisor

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

IN RE:

**PROTOCOLS FOR IN-PERSON
PROCEEDINGS IN THE SUPERIOR
COURT OF THE VIRGIN ISLANDS.**

SX-2020-MC-00042

ORDER

WHEREAS, the Chief Justice of the Virgin Islands, by administrative order entered on May 28, 2020, authorized the resumption of all in-person court proceedings, other than jury trials, in the courts of the Virgin Islands effective 12:00 a.m. on June 15, 2020, provided that it is possible to hold the in-person proceeding while complying with social distancing protocols, federal and territorial public health regulations, and the policies enacted by the Judicial Branch Administrative Office; and

WHEREAS, the Chief Justice has authorized the Presiding Judge to take any action not inconsistent with the May 28, 2020 administrative order to ensure the health and safety of judicial officers, court staff, and the public, and to otherwise facilitate the transition to the full resumption of Judicial Branch operations; and

WHEREAS, the remote hearing protocol remains in effect and its utilization is strongly encouraged prior to in-person hearings; and

WHEREAS, in preparation for the imminent resumption of all in-person court proceedings, other than jury trials, it is necessary to enact protocols to govern such proceedings, in a manner consistent with the May 28, 2020 administrative order; and

WHEREAS, in order to promote the safety, health and well-being of all persons seeking entry into the Superior Courts of the Virgin Islands, including but not limited to: Court personnel, attorneys, litigants, witnesses, security personnel, vendors, contractors and any persons having business with the Superior Court, protocols must be established.

NOW, THEREFORE, IT IS HEREBY ORDERED, that **effective June 15, 2020, at 12:00 a.m.**, the following protocols shall apply to all in-person proceedings in the Superior Court of the Virgin Islands in addition to all other applicable rules and procedures.

1. The common areas of the Superior Courts shall include the following: courtrooms, public corridors, restrooms, lobbies, stairwells, entrance and exit areas, parking areas, and other areas generally accessible to the public.

2. Consistent with protocols established by the Judicial Branch Administrative Office, all persons attending an in-person proceeding, whether as a party, attorney, court employee, or member of the public, shall wear a face mask or other facial covering, unless the person is exempt from wearing a mask or face covering pursuant to the protocols established by the Judicial Branch Administrative Office or who provide medical documentation showing that they are unable to do so; or, the person is two years old or less. During the proceeding, the judicial officer may authorize removal of such masks or face coverings for purposes of witness testimony, defendant identification, making an appropriate record, or other appropriate reasons as deemed necessary by the judicial officer. Any person who is required to wear a mask or covering who refuses to do so shall be removed from the courtroom and may be held in contempt or otherwise sanctioned.
3. All persons in the courtroom, whether participating in the hearing or attending as a spectator, must adhere to the appropriate social distance protocol, which shall include being seated at least six feet from all other individuals. Floor tape, signs, markers, barriers, or other appropriate indicators will be placed in each courtroom to indicate where attendees/participants may permissibly sit or stand. Any person who refuses to appropriately social distance shall be removed from the courtroom and may be held in contempt or otherwise sanctioned.
4. Each courtroom in which an in-person proceeding may be held shall conspicuously post the maximum permitted capacity outside the entrance, which will reflect the maximum number of persons who can be in the courtroom at the same time while still maintaining appropriate social distancing.
5. No more than one attorney shall appear in the courtroom on behalf of a client or group of jointly represented clients unless authorized by the judicial officer at least twenty-four (24) hours before the hearing. Any additional attorneys who appear on behalf of the same client or client group shall be seated, on a space-available basis, in the same manner as members of the public.
6. Public seating areas in courtrooms will be marked to designate places in which persons may sit, and such seats will be at least six feet apart in all directions. Under no circumstances may any member of the public sit in a seat that is not designated, and any person who does so shall be removed from the courtroom and may be held in contempt or otherwise sanctioned.

7. Approaching the bench is strongly discouraged.
8. Courtroom's attendance for the particular case shall be limited to the attorneys, parties, witnesses, the media and other persons to be determine by the presiding judicial officer, however, the persons in attendance cannot exceed the maximum of occupancy posted.
9. At the end of each testimony and proceedings, the judicial officer shall ensure that the marshals clean, disinfect and sanitize the microphones, tables, and other exposed surfaces.
10. The common areas will be scheduled or managed in a manner consistent with CDC guidelines and protocols established by the Judicial Branch Administrative Office. Areas not in use will be closed.
11. Elevators shall be utilized by only those who, due to medical or physical conditions, are in need of its use. No more than two persons shall be allowed at a time and shall wear a mask or face covering pursuant to the protocols enacted by the Judicial Branch Administrative Office. Individuals who have provided medical documentation showing they are unable to wear a mask or face covering shall occupy the elevator one person at a time.
12. Protocols shall be established for the cleaning and sanitization of the public and employees' restroom. Signage shall be posted in each restroom for the user to clean the area prior to use and shall indicate the last time the bathroom was cleaned or sanitized.
13. All Superior Court employees are required to wear face mask or facial coverings while interacting with co-workers or in the common areas except when in their private office
14. The Judicial Branch Administrative Office shall establish protocols consistent with Admin-Order 2020-0010.
15. In-person proceedings must be scheduled so that it reduces the number of persons entering, leaving, or gathering at a certain time or place.
16. Participants of in-person proceedings, who are exhibiting symptoms of COVID-19 as identified by the CDC or who have been asked to self-quarantine by any doctor, hospital or health agency; or who has been diagnosed with or has had contact with anyone who has been diagnosed with COVID-19 within the last 14 days or who fall in the high risk category shall participate by remote access only.
17. The Office of the Virgin Islands Marshal shall ensure that inmates are screened for COVID-19 by the Bureau of Corrections, prior to their entering any Court facility.

18. The Office of the Virgin Islands Marshall shall prohibit anyone from entering the Court facility that has a temperature of 100.4 degrees or greater. It is further

ORDERED that this order shall be construed to supplement the May 23, 2020 administrative order of the Chief Justice, as well as any protocols adopted by the Judicial Branch Administrative Office. It is further

ORDERED that signage shall be posted outside all entry points of all Superior Courts facilities, offices or other locations where proceedings are to be held, advising the public, attorneys and employees of the court, that they shall not enter or remain on the premises unless they are wearing a mask or some other facial coverings. Such mask or facial coverings must cover both the mouth and nose. It is further

ORDERED that access to in-person proceedings that are not otherwise confidential or private must be given to members of the public and the media. Access may be provided to those individuals by remote access subject to capacity and technology limitations. It is further

ORDERED that beginning June 15, 2020, hearings shall continue to be held by remote access unless in-person hearings are deemed necessary by the presiding judicial officer. It is further

ORDERED that participants attending in-person proceedings shall enter the courthouse no earlier than ten (10) minutes before the start of the proceedings and immediately exit the courthouse upon the conclusion of the hearing or additional business with the Court. It is further

ORDERED that the divisions of the Superior Court will proceed in-person as follows:

ORDERED that criminal cases shall be a priority and the following hearings shall be subject to the protocols listed in this Order and proceed as follows:

1. That all advise of rights and arraignments shall continue by remote access unless the judicial officer deems it necessary for in-person hearings.
2. That release motions shall be held by remote access unless the judicial officer deems otherwise.
3. That change of pleas and sentencing shall be held in-person.
4. Suppression, evidentiary and extradition hearings shall be held in-person.

It is further

ORDERED that family matters will continue by remote access unless in-person hearings are deemed necessary by the judicial officer and shall be subject to the protocols listed in this Order.

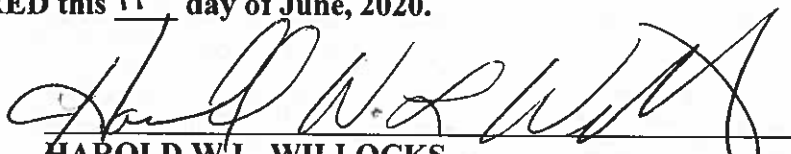
It is further

ORDERED that civil hearings shall be held by remote access, unless in-person hearings are deemed necessary by the judicial officer and shall be subject to the protocols listed in this Order.

ORDERED that the scheduling of the necessary in-person hearings shall be coordinated with the Clerk of the Court with the approval of the Presiding Judge to limit the number of co-occurring in-person proceedings in the courthouse. It is further

ORDERED that in-person hearings shall not be scheduled before **July 13, 2020** unless approved by the Presiding Judge.

DONE AND SO ORDERED this 11th day of June, 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: 6/12/2020

CERTIFIED TO BE A TRUE COPY

This 12th day of June 2020

TAMARA CHARLES

CLERK OF THE COURT

By:  Court Clerk *Sup*

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
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