

FOR PUBLICATION

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX  
APPELLATE DIVISION**

**BRYAN FELIX,** )  
Appellant, ) D.C. CRIM. APP. NO. 2001/016  
v. ) Re: T.C. CRIM. NO. F402/1999  
**GOVERNMENT OF THE VIRGIN ISLANDS,** )  
Appellee. )

On Appeal from the Territorial Court of the Virgin Islands

Considered: September 6, 2002

Filed: December 16, 2002

**BEFORE:** **RAYMOND L. FINCH**, Chief Judge, District Court of the Virgin Islands; **THOMAS K. MOORE**, Judge of the District Court of the Virgin Islands; and **AUDREY L. THOMAS**, Judge of the Territorial Court, Division of St. Thomas and St. John, Sitting by Designation.

**APPEARANCES:** **Eric S. Chancellor, Esq.**  
St. Croix, U.S. Virgin Islands  
*Attorney for Appellant*

**Richard S. Davis, Esq., AAG**  
Virgin Islands Department of Justice  
St. Thomas, U.S. Virgin Islands  
*Attorney for Appellee*

**ORDER OF THE COURT**

PER CURIAM.

**AND NOW** this 16 day of December 2002, having considered the arguments and submissions of the parties, and for the reasons set forth in the Court's accompanying opinion of even date, it is

hereby

**ORDERED AND ADJUDGED** that the Judgment and Commitment entered against Appellant on February 28, 2001 is **VACATED**; and finally

**ORDERED AND ADJUDGED** that this matter is **REMANDED** for a new trial in accordance with this Court's Opinion of even date.

**DONE AND SO ORDERED** this 16 of December 2002.

**A T T E S T:**  
**WILFREDO F. MORALES**  
Clerk of the Court

/s/

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**By: Deputy Clerk**

**Copies (with accompanying opinion) to:**

Judges of the Appellate Panel  
The Honorable Jeffrey L. Resnick  
The Honorable Geoffrey W. Barnard  
Judges of the Territorial Court  
Eric S. Chancellor, Esq.  
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