

NOT FOR PUBLICATION

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	CRIM. NO. 2004-05F/R
CRAIG M. HENDRICKS,	)	
RUSSELL ROBINSON, aka "Don,"	)	
ELROY DOWE,	)	
DANIEL FLEMING,	)	
RANNEY LARONDE, aka "Ronnie,"	)	
ANDY ANTOINE,	)	
RUDOLPH CLARKE,	)	
RAFAEL CINTRON,	)	
JACQUELYN CARR,	)	
	)	
Defendants	)	
_____	)	

**ORDER**

THIS MATTER is before the Court on United States' Emergency Motion for Evidentiary Hearing, docket item # 451. Through the instant motion, the Government essentially asks the Court to reconsider its April 26, 2004 Memorandum Opinion and Order, in which the Court granted Defendant Craig M. Hendricks' Motion for Suppression of Defendant's Statements (docket item # 323). The Court held a hearing on the Government's motion to reconsider on May 10, 2004.

When the Court originally analyzed Defendant Hendricks' suppression motion, this Court determined that the Government had presented no evidence that Defendant Hendricks waived his right to have a lawyer present while he was interrogated by law enforcement officials.

Furthermore, this Court held that Defendant Hendricks had unambiguously invoked his right to counsel by checking "NO" to the question "Do you want to make a statement without a lawyer?" on the Advise of Rights and Waiver Form that he signed.

At the hearing for the Government's motion to reconsider, the Government produced additional testimony from Attorney Joseph Mingolla and Special Agent Robert Lasky. However, again no evidence was presented that even suggested Defendant Hendricks had communicated his waiver of right to counsel to the law enforcement officials who interrogated Defendant Hendricks on April 5, 2003, while he was in custody. The Court cannot conclude that Defendant Hendricks waived his right to have counsel present during the videotaped interrogations. Therefore, the Court finds no reason to deviate from its April 26, 2004 Memorandum and Order ruling on Defendant Craig M. Hendricks' Motion for Suppression of Defendant's Statements. Defendant Hendricks' statements must be suppressed. Accordingly, it is hereby

**ORDERED** that the Government's motion to reconsider is **DENIED**.

**ENTER:**

**Dated:** May 10, 2004

\_\_\_\_\_  
**RAYMOND L. FINCH**  
**CHIEF U.S. DISTRICT JUDGE**

**Attest:**  
Wilfredo F. Morales  
Clerk of the Court

**By:** \_\_\_\_\_

**Deputy Clerk**

cc: Hon. George W. Cannon  
Patricia M. Sulzbach, Esq.  
Eric Chancellor, Esq.  
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