

UNITED STATES DISTRICT COURT
DISTRICT OF THE VIRGIN ISLANDS

CRIMINAL JUSTICE ACT PLAN

Revised 2011

CRIMINAL JUSTICE ACT PLAN

I.	Authority	1
II.	Statement of Policy	1
	A. Objectives	1
	B. Compliance	1
III.	Definitions	1
	A. Representation	1
	B. Appointed Attorney	1
IV.	Provision of Representation	2
	A. Circumstance	2
	1. Mandatory	2
	2. Discretionary	3
	B. Timely Appointment of Counsel	3
	C. Number and Qualifications of Counsel	3
	1. Number	3
	2. Qualifications	4
	D. Eligibility for Representation	4
	1. Factfinding	4
	2. Disclosure of Change in Eligibility	5
V.	Federal Public Defender Organization	5
	A. Recognition of Existing Organization	5
	B. Supervision of Defender Organization	5

VI.	Private Attorneys	5
	A. Establishment of CJA Panel	5
	B. Organization	5
	C. Ratio of Appointments	5
VII.	Duties of Appointed Counsel	5
	A. Standards	5
	B. Professional Conduct	6
	C. No Receipt of Other Payment	6
	D. Continuing Representation	6
VIII.	Duties of Law Enforcement and Related Agencies	6
	A. Presentation of Accused for Appointment of Counsel	6
	B. Pretrial Services Interview	6
	C. Notice of Indictment or Criminal Information	6
IX.	Miscellaneous	7
	A. Forms	7
	B. Claims	7
	C. Supersession	7
X.	Effective Date	7

APPENDICES:

- I. PS Form 1 (Rev. 6/94) Notice To Defendants
- II. Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act
- III. Procedures for Submission of Interim Vouchers

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS
CRIMINAL JUSTICE ACT PLAN

I. AUTHORITY

Under the Criminal Justice Act of 1964 as amended (CJA), section 3006A of title 18, United States Code, and the Guidelines for Administering the CJA and Related Statutes (CJA Guidelines), Volume 7A of the Guide to Judiciary Policy, the judges of the United States District Court for the District of the United States Virgin Islands, adopt this Plan for furnishing representation in federal court for any person financially unable to obtain adequate representation in accordance with the CJA.

II. STATEMENT OF POLICY

A. Objectives.

1. The objective of this Plan is to attain the ideal of equality before the law for all persons. Therefore, this Plan will be administered so that those accused of a crime, or otherwise eligible for services under the CJA, will not be deprived, because they are financially unable to pay for adequate representation, or any element of representation necessary to an adequate defense.
2. The further objective of this Plan is to particularize the requirements of the CJA, the USA Patriot Improvement and Reauthorization Act of 2005 (recodified at 18 U.S.C. § 3599) and the CJA Guidelines in a way that meets the needs of this district.

B. Compliance.

1. The court, its clerk, the Federal Public Defender Organization, and private attorneys appointed under the CJA must comply with the CJA Guidelines approved by the Judicial Conference of the United States and/or its Committee on Defender Services and with this Plan.
2. Each private attorney will be provided by the clerk of court with a then current copy of this Plan upon the attorney's first appointment under the CJA or designation as a member of the Panel of Private Attorneys under the Criminal Justice Act (CJA Panel). The clerk will maintain a current copy of the CJA guidelines for the use of members of the CJA Panel and will make known to such attorneys its availability. A copy of the Plan will also be posted on the court's website.

III. DEFINITIONS

- A. "Representation" includes counsel and investigative, expert, and other services.
- B. "Appointed attorney" includes private attorneys, the federal public defender and staff attorneys of the Federal Public Defender Organization.

IV. PROVISION OF REPRESENTATION

A. Circumstance.

1. Mandatory. Representation shall be provided for any financially eligible person who:
 - a. is charged with a felony or with a Class A misdemeanor;
 - b. is a juvenile alleged to have committed an act of juvenile delinquency as defined in section 5031 of title 18, United States Code;
 - c. is charged with a violation of probation, or faces a change of a term or condition of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
 - d. is under arrest, when such representation is required by law;
 - e. is entitled to appointment of counsel in parole proceedings (see: Guide, Vol 7A, § 210.20.10(a)(5));
 - f. is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
 - g. is subject to a mental condition hearing under chapter 313 of title 18, United States Code;
 - h. is in custody as a material witness;
 - i. is seeking to set aside or vacate a death sentence under sections 2254 or 2255 of title 28, United States Code;
 - j. is entitled to appointment of counsel in verification of consent proceedings pursuant to a transfer of an offender to or from the United States for the execution of a penal sentence under section 4109 of title 18, United States Code;
 - k. is entitled to appointment of counsel under the Sixth Amendment to the Constitution (see: Guide, Vol 7A, § 210.20.10 (a)(9)); or
 - l. faces loss of liberty in a case and federal law requires the appointment of counsel (see: Guide, Vol 7A, § 210.20.10 (a)(9)).

2. Discretionary. Whenever a judge or United States magistrate judge determines that the interests of justice so require, representation may be provided for any financially eligible person who:
- a. is charged with a petty offense (Class 8 or C misdemeanor, or an infraction) for which a sentence to confinement is authorized;
 - b. is seeking relief, other than to set aside or vacate a death sentence under sections 2241, 2254, or 2255 of title 28, United States Code (see: Guide, Vol 7A, § 210.20.20 (a)(2));
 - c. is charged with civil or criminal contempt who faces loss of liberty;
 - d. has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
 - e. is proposed by the United States attorney for processing under a pretrial diversion program;
 - f. is held for international extradition under chapter 209 of title 18, United States Code.

Representation may also be furnished for financially eligible persons in ancillary matters appropriate to the proceedings under subsection (c) of the CJA.

B. Timely Appointment of Counsel.

Counsel shall be provided to eligible persons as soon as feasible after they are taken into custody, when they appear before a magistrate judge or judge, when they are formally charged or notified of charges if formal charges are sealed, or when a magistrate judge or judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest.

C. Number and Qualifications of Counsel.

1. Number. More than one attorney may be appointed in any case determined by the court to be extremely difficult. In a capital case, the following applies:
- a. Federal Capital Prosecutions: Under 18 U.S.C. § 3005, a person charged with a federal capital offense is **entitled** to the appointment of two attorneys, at least one of whom must be learned in the law applicable to capital cases. Under 18 U.S.C. § 3599(a)(1)(B), if

necessary for adequate representation, more than two attorneys may be appointed to represent a defendant in such a case.

- b. Habeas Corpus Proceedings. Under 18 U.S.C. § 3599(a)(2), a financially eligible person seeking to vacate or set aside a death sentence in proceedings under 28 U.S.C. §§ 2254, or 2255 is **entitled** to appointment of one or more qualified attorneys. Due to the complex, demanding, and protracted nature of death penalty proceedings, judicial officers should consider appointing at least two counsel.

2. Qualifications. Qualifications for appointed counsel shall be determined by the court. In capital cases the following also applies:

- a. Appointment of Counsel Prior to Judgment. Under 18 U.S.C. § 3599(b), at least one of the attorneys appointed must have been admitted to practice in the court in which the case will be prosecuted for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court. Under 18 U.S.C. § 3005, at least one of the attorneys appointed must be knowledgeable in the law applicable to capital cases.

Under 18 U.S.C. § 3005, in appointing counsel in federal capital prosecutions, the court shall consider the recommendation of the federal public defender or, if no such organization exists in the district, of the Administrative Office of the United States Courts.

- b. Appointment of Counsel After Judgment. Under 18 U.S.C. § 3599(c), at least one of the attorneys appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in felony cases in the court.
- c. Attorney Qualification Waiver. Under 18 U.S.C. § 3599(d), the presiding judicial officer, for good cause, may appoint an attorney who may not qualify under 18 U.S.C. § 3599(b) or (c), but who has the background, knowledge, and experience necessary to represent the defendant properly in a capital case, giving due consideration to the seriousness of the possible penalty and the unique and complex nature of the litigation.

D. Eligibility for Representation.

- 1. Factfinding. The determination of eligibility for representation under the CJA is a judicial function to be performed by a federal judge or magistrate judge after making appropriate inquiries concerning the person's financial condition.

2. Disclosure of Change in Eligibility. If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel will advise the court.

V. FEDERAL PUBLIC DEFENDER ORGANIZATION

A. Recognition of Existing Organization.

1. The Federal Public Defender Organization of the United States District of the Virgin Islands, previously established in this district pursuant to the provisions of the CJA, is hereby recognized as the Federal Public Defender Organization for this district.
2. The Federal Public Defender Organization shall be capable of providing legal services throughout the district and shall maintain an office in St. Thomas and St. Croix, Virgin Islands.

- B. Supervision of Defender Organization. The federal public defender will be responsible for the supervision and management of the Federal Public Defender Organization. Accordingly, the federal public defender will be appointed in all cases assigned to that organization for subsequent assignment to staff attorneys at the discretion of the federal public defender.

VI. PRIVATE ATTORNEYS

- A. Establishment of CJA Panel. The existing, previously established panel of attorneys (CJA panel) who are eligible and willing to be appointed to provide representation under the CJA is hereby recognized.
- B. Organization. The Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act is found at Appendix II of this CJA Plan.
- C. Ratio of Appointments. Where practical and cost effective, private attorneys from the CJA Panel will be appointed in a substantial proportion of the cases in which the accused is determined to be financially eligible for representation under the CJA. "Substantial" will usually be determined as approximately 25% of the appointments under the CJA annually throughout the district.

VII. DUTIES OF APPOINTED COUNSEL

- A. Standards. The services to be rendered a person represented by appointed counsel will be commensurate with those rendered if counsel were privately employed by the person.

- B. Professional Conduct. Attorneys appointed under the CJA must conform to the highest standards of professional conduct, including but not limited to the provisions of the American Bar Association's Model Rules of Professional Conduct, the American Bar Association's Model Code of Professional Conduct and other standards for professional conduct adopted by the Court.
- C. No Receipt of Other Payment. Appointed counsel may not require, request, or accept any payment or promise of payment or any other valuable consideration for representation under the appointment unless such payment is approved by order of the court.
- D. Continuing Representation. Once counsel is appointed under the CJA, counsel will continue the representation until the matter, including appeals or review by certiorari (as governed by the circuit CJA plan provisions concerning representation on appeal) is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed pro se; or until the appointment is terminated by court order.

VIII. DUTIES OF LAW ENFORCEMENT AND RELATED AGENCIES

- A. Presentation of Accused for Appointment of Counsel. Federal law enforcement and prosecutorial agencies, probation officers, and pretrial services officers in this district, and those acting on their behalf, must promptly ask any person who is in custody, or who otherwise may be entitled to counsel under the CJA, whether he or she is financially able to secure representation, and must, in such cases in which the person indicates that he or she is not able, notify the federal public defender who will discuss with the person the right to representation and right to appointed counsel, and if appointment of counsel seems likely, assist in the completion of a financial affidavit (Form CJA 23) and arrange to have the person promptly presented before a United States magistrate judge or judge of this court for determination of financial eligibility and appointment of counsel.
- B. Pretrial Services Interview. Prior to the initial appearance, any person held in custody and to be interviewed by pretrial services shall be informed by pretrial services of his or her rights as an accused. Such information shall include but not be limited to that which is contained on Pretrial Services PS Form I (Rev. 6/94) "Notice To Defendants," attached as Appendix I and incorporated herein, with modification. It may also be advisable for the federal public defender to assist pretrial services in the interview process.
- C. Notice of Indictment or Criminal Information. Upon the return or unsealing of an indictment, the filing of a criminal information, or the filing of a petition to modify or revoke probation, the United States attorney or the probation officer, as appropriate, must immediately mail or otherwise deliver a copy of the document to appointed counsel or to the defendant if he is without counsel, at the address shown on defendant's bond papers or to the jail in which the defendant is incarcerated.

IX. MISCELLANEOUS

- A. Forms. Standard forms, pertaining to the CJA and approved by the Judicial Conference of the United States or its Committee on Defender Services and prescribed and distributed by the Director of the Administrative Office of the United States Courts, shall be used, where applicable, in all proceedings under this Plan.
- B. Claims. Claims for compensation of private attorneys providing representation under the CJA must be submitted on the appropriate CJA form, to the office of the clerk of the court. That office will review the claim form for mathematical and technical accuracy and for conformity with the CJA Guidelines, and, if correct, will forward the claim form for the consideration of the appropriate judge or magistrate judge. The court will exert its best effort to avoid delays in reviewing payment vouchers and in submitting them for further processing. In any case where disposition by change of plea or verdict is not reasonably anticipated to take place within 120 days of the initial appearance or the appointment of counsel, whichever first occurs, interim vouchers may be submitted for approval and payment. The procedures for submitting such interim vouchers shall be as provided in Appendix III, attached hereto and incorporated herein.
- C. Supersession. This Plan supersedes all prior Criminal Justice Act Plans of this court.

X. EFFECTIVE DATE.

This Plan shall become effective when approved by the Judicial Council of the Third Circuit.

APPENDICES:

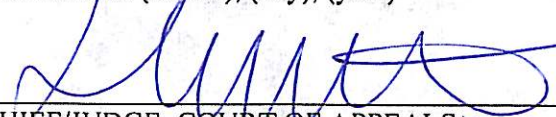
- I. PS Form I (Rev. 6/94) "Notice To Defendants"
- II. Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act
- III. Procedures for Submission of Interim Vouchers

ENTER FOR THE COURT on (month), (day), (year)



CHIEF JUDGE, DISTRICT COURT

APPROVED BY THE JUDICIAL COUNCIL OF THE
CIRCUIT on (month), (day), (year)



CHIEF/JUDGE, COURT OF APPEALS

09/06/2011

PRETRIAL SERVICES

NOTICE TO DEFENDANT

I, _____,
Print Name (First, Middle, Last)

am being asked questions about myself by a pretrial services officer. I will not be questioned about the charges, and I should avoid talking about them at this time. I understand that I am under no obligation to provide any information and do not have to answer any questions.

Any answers to these questions will be used by the court to decide whether I will be released or kept in jail pending any further proceedings. The information will be made available to the court, to my attorney, and to the prosecuting attorney.

Any information I provide should be truthful. Providing false information is a separate crime and could be used to deny my release before trial or increase my sentence if I am convicted.

If I am found guilty, either after trial or after pleading guilty, the information I provide here will be available to a U.S. probation officer for the purpose of preparing a presentence report and may affect my sentence in this or another case.

I know I have the right to speak with a lawyer before answering any questions. If I cannot afford a lawyer, one will be appointed to represent me. Asking for a lawyer will not hurt my chance for pretrial release, but may delay the decision on whether or not I will be released until counsel is obtained.

I have read this form, or had it read to me, and I understand what it means.

I do _____ I do not _____ want a lawyer during this interview.

DATE: _____

DEFENDANT'S SIGNATURE

PRETRIAL SERVICES OFFICER

NOTES:

SERVICIOS PREVIOS AL JUICIO

NOTIFICACIÓN A LOS ACUSADOS

Mi nombre es _____.

Entiendo que un oficial de Servicios Previos al Juicio va a preguntarme de mis datos generales. No se me preguntará sobre los cargos, y debo evitar hablar sobre ellos en estos momentos. También entiendo que no estoy obligado a dar información y que no tengo que contestar ninguna pregunta.

Cualquier respuesta a estas preguntas será utilizada por el tribunal para decidir si yo seré puesto en libertad o detenido mientras se tramita el juicio. Esta información estará disponible en el tribunal para mi abogado y el fiscal.

Cualquier información que yo proporcione deberá ser verídica. Dar información falsa es un delito independiente, y ello se podría utilizar para negarme la libertad provisional bajo fianza o para aumentar mi condena si se me encuentra culpable.

Si me encuentran culpable, ya sea después de juicio o después de haberme declarado culpable, la información que yo de estará disponible a un Oficial de Libertad Condicional (probación) de los Estados Unidos, con el propósito de preparar un informe de presentencia que podría afectar mi sentencia en este o en otra causa.

Entiendo que tengo el derecho de hablar con un abogado antes de contestar cualquier pregunta. Si no puedo pagar un abogado, uno será nombrado para que me represente. El requerir de un abogado no perjudicará mi posibilidad de lograr salir en libertad previa al juicio, pero sí puede demorar la decisión sobre si voy a quedar libre o no mientras se consigue un abogado.

He leído este formulario, o se me ha leído, y entiendo su contenido.

¿Desea tener un abogado durante la entrevista? Sí _____ No _____

Fecha: _____

FIRMA DEL ACUSADO

OFICIAL DE SERVICIOS PREVIOS AL JUICIO

Anotaciones:

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF THE VIRGIN ISLANDS

PLAN FOR THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF THE
PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT

I. CREATION OF THE REGULAR CJA PANEL

- A. There shall be a standing committee consisting of all the active resident judicial officers appointed to serve in the District of the Virgin Islands and the Federal Public Defender for the District of the Virgin Islands. The committee shall be chaired by the Chief Judge, or his/her designee.
- B. The standing committee shall solicit applications from the attorneys who are admitted to practice in the District Court of the Virgin Islands and shall compile and review all applications from interested attorneys.
- C. The committee shall approve as members of the panel those attorneys it deems qualified based upon the following factors:
 - 1. Competence and knowledge (including training).
 - 2. Interest and motivation.
 - 3. Willingness to make the commitment to the panel and provide the quality of representation deemed necessary.
- D. Final decisions regarding membership on the panel will be made by majority vote of the committee. It is anticipated that the initial panel shall consist of 3-8 members in each division.
- E. Panel members shall serve for a period of 24 months unless earlier termination is requested. Panel members may also seek subsequent appointments to the panel.
- F. All qualified attorneys are encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, sex, age, national origin or disabling condition.

CREATION OF A PENDING APPLICANT LIST

- A. A "Pending Application List" shall be established, consisting of lawyers who have applied for membership on the panel and who do not yet possess sufficient skill, knowledge, or experience to be on the CJA panel. Pending final approval of their

application, such attorneys may receive training and may serve, without compensation, in a second chair capacity to a panel attorney on a given case, or aspects of a given case, including detention hearings and sentencing proceedings.

- B. The Clerk's Office and the standing committee shall maintain the pending application list. Panel attorneys will be advised of the existence of such a list and will be expected to contact the Clerk's Office or a standing committee member to obtain the names of people seeking to serve in a second chair capacity. The standing committee shall then periodically review the pending application list and make recommendations as to which attorneys should be moved onto the regular panel.

ADDING AND REMOVING LAWYERS FROM THE CJA PANEL

A. Additions

1. The standing committee shall monitor the operation of the panel to determine whether it meets the needs of current case load requirements. Additions to the panel shall be made through the approval of new applications and by moving attorneys from the pending applications list to the regular panel. New applications shall be collected by the Clerk's office and referred to the standing committee for periodic review.
2. By majority vote, the committee shall decide which applicants need further training, thereby remaining on the pending application list, and which ones are to be on the panel. Final decisions on inclusion will be made by a majority of the standing committee.

B. Suspensions

1. Attorneys who have been suspended or disbarred from a court of any state, territory, commonwealth or possession of the United States and who are the subject of reciprocal discipline in this Court pursuant to Local Rules of Civil Procedure, Rule 83.2, or who are presented for discipline in this Court under other provisions of Local Rule 83.2, shall be suspended from the list pending disposition of the grievance proceedings.
2. If the attorney is counsel of record in a pending case, the trial Judge shall be notified by the Clerk's Office. If the attorney is suspended or disbarred in this Court, the attorney shall be removed from the CJA panel, and will be eligible to reapply only if he or she later becomes a member of the federal bar in good standing.

C. Removals

1. Any complaints about the performance or commitment of a panel attorney shall be referred to the standing committee. The standing committee shall also take notice of such deficiencies on its own. At the request of any District

Judge, the Clerk, or individual committee members, the standing committee shall review complaints about a panel member. The receipt and handling of complaints will be confidential.

2. The panel attorney shall be notified of any complaint and shall have the right to request a hearing before the committee. At the hearing, the attorney shall have all due process rights, including representation by counsel, the right to be informed of the nature of the complaint and the right to present testimony on his or her behalf. Removal of any attorney from the panel shall be by majority vote of the standing committee.

IV. APPOINTMENTS

Panel members shall be primarily considered for appointment in those cases in which there are multiple parties requiring separate representation, where the Federal Public Defender has a conflict of interest and where otherwise deemed appropriate by the appointing Judge. To the extent the existing panel is inadequate to provide representation as required, the appointing Judge may then consider the list of all attorneys admitted to practice in the District Court.

APPENDIX III

PROCEDURES REGARDING INTERIM VOUCHERS

Given the potential hardship on counsel in undertaking representation full-time in cases not reasonably anticipated to reach a plea or verdict within 120 days from the initial appearance or the appointment of counsel (whichever first occurs) without interim compensation, the following procedures for interim payments, in accordance with the *Guide to Judiciary Policy* (Guide), Volume 7, Part A, §230.73.10, will apply:

1. Submission of Vouchers

The first interim voucher should be submitted by counsel to the Clerk of the Court on an interim Form CJA 20, Appointment of and Authority to Pay Court Appointed Counsel. It should reflect all compensation claimed and reimbursable expenses incurred from the date of appointment through 60 days following such appointment, and should be submitted no later than 75 days following the date of appointment. Thereafter, the vouchers should be submitted once each month. Compensation earned and reimbursable expenses incurred from the first to the last day of each month should be claimed on an interim voucher submitted no later than the tenth day of the following month, or the first business day thereafter.

Counsel should complete Item 19 on the form for each interim voucher. Each interim voucher should be assigned a number when processed for payment. Interim vouchers should be submitted in accordance with this schedule even though little or no compensation or expenses are claimed for the respective period. All interim vouchers should be supported by detailed and itemized time and expense statements. Guide, Volume 7, § 230 outlines the procedures and rules for claims by CJA attorneys and should be followed on each voucher.

The Court will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for 80 percent of the approved number of hours. This compensation will be determined by multiplying 80 percent of the approved number of hours by the applicable rate. The Court will authorize for payment all reimbursable and properly approved expenses reasonably incurred.

At the conclusion of the representation, each counsel should submit a final voucher seeking payment of the 20 percent balance withheld from the earlier interim vouchers, as well as payment for representation provided during the final interim period. The final voucher should set forth in detail the time and expenses claimed for the entire case, including all appropriate documentation. Counsel should reflect all compensation and reimbursement previously received on the appropriate line of the final voucher, as well as the net amount remaining to be paid at the conclusion of the case. After reviewing the final voucher, the Court will submit it to the chief judge of the circuit or his or her delegate for review and approval.

2. Reimbursable Expenses

Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation. While the statute and applicable rules and regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expense item in excess of \$ 800.00 without prior approval of the court. Such approval may be sought by filing an *ex parte* application with the clerk stating the nature of

the expense, the estimated dollar cost and the reason the expense is necessary to the representation. An application seeking such approval may be filed *in camera*, if necessary. Upon finding that the expense is reasonable, the Court will authorize counsel to incur it. Recurring expenses, such as telephone toll calls, photocopying and photographs, which aggregate no more than \$800.00 on one or more interim vouchers are not considered single expenses requiring court approval.

With respect to travel outside of the Territory for the purpose of consulting with the client or the client's former counsel, interviewing witnesses, etc., the \$800.00 rule should be applied in the following manner. Travel expenses, such as air fare, mileage, parking fees, meals and lodging, can be claimed as itemized expenses. Therefore, if the reimbursement for expenses relating to a single trip will aggregate an amount in excess of \$800.00, the travel should receive prior approval of the court.

Please refer to the CJA Felony Panel Manual of the United States District Court for the District of the Virgin Islands, as amended from time to time, for further details regarding reimbursable expenses. The current Manual is posted on the District Court Website.

3. Further Guidance

Answers to questions concerning appointment under the Criminal Justice Act can generally be found in (1) 18 U.S.C. §3006A; (2) CJA Felony Panel Manual of the United States District Court for the District of the Virgin Islands, available online and through the clerk, and (3) and Guide, Vol 7A (Guidelines for Administering the CJA and Related Statutes), published by the Administrative Office of the U.S. Courts and also available online and through the clerk. Should these references fail to provide the desired clarification or direction, counsel should address their inquiries directly to the Court.