

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. CROIX and ST. THOMAS/ST. JOHN**

IN RE:)	
)	General Order
)	
DISTRICT COURT OPERATIONS)	
DURING THE COVID-19)	Miscellaneous No. 2020-0001
OUTBREAK)	
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**FIFTEENTH ORDER CONCERNING OPERATIONS OF
THE DISTRICT COURT OF THE VIRGIN ISLANDS
DURING THE COVID-19 OUTBREAK**

UPON CONSIDERATION of the recent surge in coronavirus disease (“COVID-19”) cases in the Virgin Islands and the associated circumstances described herein, the instant General Order supersedes the Court’s November 30, 2020 Fourteenth Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak, for the period December 12, 2020 through January 15, 2021, and reinstates the restrictions on Court operations imposed at the outset of the pandemic. This Order is effective immediately and will remain in effect through January 15, 2021, unless modified or terminated earlier or extended by further Order of the Court.

WHEREAS, in response to the spread of COVID-19, a national emergency, under the National Emergencies Act (50 U.S.C. §§ 1601 *et seq.*), and a public health emergency were declared by the President of the United States and the Secretary of the United States Department of Health and Human Services, respectively; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and other public health authorities have advised public and private agencies to take necessary and appropriate precautions to reduce exposure to COVID-19 and slow the spread of the disease; and

WHEREAS, in response to the spread of COVID-19, the Governor of the Virgin Islands declared a State of Emergency on March 13, 2020, which has been extended on multiple occasions and continues in effect until rescinded or superseded by Executive Order; and

WHEREAS, in Executive Orders, Supplements thereto, and public announcements issued from March 2020 to the present, the Governor of the Virgin Islands directed and urged various precautionary and preventive actions, designed to respond to, mitigate, and avoid the further spread of COVID-19, while at the same time altering the nature and level of restrictions imposed based on an assessment of the circumstances presented by the COVID-19 pandemic; and

WHEREAS, in light of the serious public health concerns that COVID-19 presents, the District Court of the Virgin Islands entered General Orders concerning the operations of the Court on March 17, 2020, March 20, 2020, April 9, 2020, April 16, 2020, April 30, 2020, May 12, 2020, June 12, 2020, July 8, 2020, July 14, 2020, August 31, 2020, September 30, 2020, October 6, 2020, October 31, 2020, and November 30, 2020, designed to allow the Court to continue to effectively perform its mission of fairly and impartially administering justice, while at the same time doing so in a manner consistent with the adoption of precautionary and preventive measures aimed at reducing exposure to COVID-19 and slowing the spread of the disease; and

WHEREAS, from mid-March 2020 through September 2020, the precautionary and preventive measures imposed by the Court included, *inter alia*, the continuance of all civil and criminal bench and jury trials; the limitation of in-person court proceedings to those required by law and not amenable to continuance; and the conduct of videoconference and teleconference proceedings to the greatest extent practicable and permitted by law; and

WHEREAS, in the Court's Eleventh Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on September 30, 2020, and implemented effective October 1, 2020, the Court announced a "soft reopening" of operations, which consisted of the resumption of grand jury proceedings; the conduct of in-person court proceedings for any matters that do not involve large numbers of persons in the courtroom; the

conduct of Central Violations Bureau proceedings; and the resumption of Clerk’s Office counter services; and

WHEREAS, in its Thirteenth Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on October 31, 2020—as continued by its Fourteenth Order entered on November 30, 2020—the Court extended the “soft-reopening” of Court operations to include the incremental resumption of civil and criminal jury trials; and

WHEREAS, notwithstanding the incremental resumption of Court operations, the Court recognized that the continuing danger and threat to public health and safety that COVID-19 poses counseled in favor of a cautious, step-by-step approach, with the flexibility to adjust the Court’s operations at any given time in light of the COVID-19 circumstances in the Territory; and

WHEREAS, on November 24, 2020 the Governor of the Virgin Islands announced a “soft two-week” shutdown—which included mandated and recommended remote and staggered employee work schedules—and a moratorium on permits for large gatherings, with limited exceptions, until further notice; and

WHEREAS, there has been a recent record-breaking surge in COVID-19 cases in the continental United States, together with well-publicized concerns regarding the potential for further spread of the virus in the wake of travel and family gatherings during the holidays; and

WHEREAS, according to the Virgin Islands Department of Health COVID-19 reports, there has been a recent spike in COVID-19 cases in the Virgin Islands, resulting in an increase from 1563 positive cases and 43 active cases on December 1, 2020, to 1791 positive cases and 179 active cases on December 11, 2020; and

WHEREAS, in light of the serious public health concerns that COVID-19 presents, the record-breaking surge in COVID-19 cases in the continental United States, the recent spike in COVID-19 cases in the Virgin Islands, and the well-publicized concerns regarding the potential

for further spread of the virus with the anticipated travel and family gatherings during the holidays, the District Court finds it necessary to reinstate the restrictions imposed on the operations of the Court at the outset of the pandemic;

NOW, THEREFORE, in order to continue to promote public health and safety, and the health and safety of Court personnel and those with whom they interact in conducting the business of the Court, counsel, litigants, other case participants, jurors, persons with other business at the courthouse, and the general public, and consistent with the accomplishment of the Court's mission and the circumstances discussed herein, it is hereby **ORDERED** as follows:

1. The District Court of the Virgin Islands will remain open for official business in both the St. Croix and the St. Thomas/St. John Divisions of the Court, subject to the conditions set forth in this Order.

2. With the exception of trials conducted remotely, all civil and criminal jury and bench trials scheduled before any judge or magistrate judge in either Division of the Court, from December 12, 2020 through January 15, 2021, are **CONTINUED** pending further Order of the Court. The Court may issue further Orders concerning future general continuances of any matters as may be deemed necessary and appropriate. All trials impacted by this Order will be reset by further Order of the assigned judicial officer.

3. Sitting grand juries in each Division of the Court are not authorized to meet from December 12, 2020 through January 15, 2021, and no new grand juries will be empaneled during this period.

4. With regard to criminal matters, the time period of December 12, 2020 through January 15, 2021 shall be "excluded time" under the Speedy Trial Act for purposes of determining when an information or indictment must be filed or when a trial must commence pursuant to 18 U.S.C. § 3161(h)(7)(A), because the Court specifically finds that the ends of justice served by taking such

action materially outweigh the best interests of the public and any defendant in a speedy trial and speedy indictment in view of the serious public health impact of COVID-19 as discussed herein and in the Court's prior General Orders. Such exclusion is necessary as to any cases scheduled for trial during the December 12, 2020 through January 15, 2021 period in order to assure that there is a full, unhindered, continuously serving jury venire and seated jury in every case, which is central to the sound administration of justice. Such exclusion of time is also necessary in cases that are set for trial outside of the December 12, 2020 through January 15, 2021 time period, as well as cases that are not yet set for trial, in order to address the reasonably anticipated difficulties in defense counsel communicating or visiting with clients; the difficulties that the parties are likely to face in undertaking all of the tasks necessary to fully prepare for trial; and the inherent delay in the scheduling of further trials as a consequence of the exclusion periods in the Court's COVID-19 General Orders. Further, such exclusion of time is necessary in the grand jury context due to the uncertainty surrounding the ability of the grand juries to form a quorum. The Court may by further Order extend the period of exclusion as circumstances warrant, and the assigned judicial officer may by Order also do so as to any specific proceeding.

5. The December 12, 2020 through January 15, 2021 continuances granted in criminal matters as discussed above shall also apply to the time limits established by the Interstate Agreement on Detainers, 18 U.S.C. app. 2, § 2 (art. III), in that the detainee shall be deemed to be "unable to stand trial" for that period pursuant to 18 U.S.C. app. 2, § 2 (art. VI(a)).

6. All Central Violations Bureau proceedings from December 12, 2020 through January 15, 2021 are continued pending further Order of the Court.

7. All in-person court proceedings shall be limited to those that are required by law and are not amenable to continuance. All judicial officers are encouraged to conduct proceedings by teleconference or videoconference where practicable and as permitted by law. As applicable,

teleconference and videoconference hearings shall proceed in accordance with the Twelfth Order Concerning Operations of the District Court of the Virgin Islands Concerning Videoconferences and Teleconferences for Criminal Proceedings, entered on October 6, 2020.

8. All deadlines set by Federal or Local Rules or Court Orders, including, but not limited to, scheduling orders in all civil and criminal cases, remain in effect unless modified by further General Order of the Court or by Order of the assigned judicial officer. Parties are encouraged to utilize teleconference, videoconference and other similar means that facilitate the effective accomplishment of assigned tasks without compromising the health and safety of those involved. Further, mediators are authorized and encouraged to permit participation in any mediation ordered pursuant to Rule 3.2 of the Local Rules of Civil Procedure via teleconference and/or videoconference. Any dispute over whether discovery, mediation, or other pretrial activities can be effectively and timely accomplished in a manner consistent with applicable health guidelines may be referred to the magistrate judge for resolution.

9. All judicial officers and employees are authorized to conduct proceedings and to work from remote locations to the greatest extent practicable, unless their physical presence at the Almeric L. Christian Federal Building and Courthouse on St. Croix or the Ron de Lugo Federal Building and Courthouse on St. Thomas is necessary by virtue of the in-person nature of the proceedings or work.

10. Judicial officers and Court personnel will remain available to conduct the business of the Court consistent with the provisions of this Order. Please utilize the following contact information, as applicable, to communicate orally with the Court:

Division of St. Croix

General Operational Questions: 340-712-7115

Criminal matters: 340-712-7104

Jury matters: 340-712-7106

Civil matters: 340-712-7103

Division of St. Thomas/St. John

General Operational Questions: 340-775-8005

Criminal matters: 340-775-8004

Jury and Bankruptcy matters: 340-775-8001

Civil matters: 340-775-8005

The Court will provide any updates to this contact information that may be necessary on its website at www.vid.uscourts.gov. Accordingly, please refer to the Court's website if you are unable to contact the Court using any of the contact numbers listed above.

11. The established contact information for arrests and related proceedings remains in place.

12. Electronic filing remains available through CM/ECF, the District Court's electronic case management system. Pro se litigants who are not CM/ECF filing users may file documents with the Court via email at vidoperations@vid.uscourts.gov or by mailing the documents to the Court at the applicable address below:

Division of St. Croix

District Court of the Virgin Islands

Almeric L. Christian Federal Building and Courthouse

3013 Estate Golden Rock, Suite 219

St. Croix, VI 00820

Division of St. Thomas/St. John

District Court of the Virgin Islands

Ron de Lugo Federal Building and Courthouse

5500 Veterans Drive, Room 310

St. Thomas, VI 00802

13. For the period December 12, 2020 through January 15, 2021, there will be no in-person counter services at the Clerk's Office. Any payments of fees, fines, or restitution should be mailed to the Clerk's Office at the applicable address above.

14. All bail bonds must be presented in the form of a certified check or money order.

15. For any federal inmate released from imprisonment during the period December 12, 2020 through January 15, 2021, the Standard Condition of Release which requires such inmates to submit to one drug test within 15 days of release is waived.

16. Except as otherwise stated in, or inconsistent with, this General Order, the First, Second, Fourth, Sixth, Seventh, Ninth, Tenth, Eleventh, Thirteenth and Fourteenth Orders Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak shall be extended and continue in full force and effect through January 15, 2021.

17. For the period December 12, 2020 through January 15, 2021, this Order supersedes the Court's Fourteenth Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on November 30, 2020, and shall remain in effect for the aforementioned period unless it, or any portion thereof, is modified or terminated earlier or extended by further Order of the Court.

SO ORDERED.

Date: December 12, 2020



WILMA A. LEWIS
Chief Judge