

**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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**FORTY-SECOND ORDER CONCERNING OPERATIONS OF
THE DISTRICT COURT OF THE VIRGIN ISLANDS
DURING THE COVID-19 OUTBREAK**

UPON CONSIDERATION of the current conditions surrounding the Coronavirus Disease (“COVID-19”) cases in the Virgin Islands, this General Order will continue Court operations as indicated herein. This Order will take effect on September 1, 2022, and will remain in effect through September 30, 2022, unless modified or terminated earlier or extended by further Order of the Court.

WHEREAS, in response to the spread of COVID-19, the President of the United States declared a national emergency under the National Emergencies Act (50 U.S.C. §§ 1601 *et seq.*), which was extended by the President on February 18, 2022. The United States remains under a State of Emergency due to 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 periodic General Orders concerning the operations of the Court beginning on March 17, 2020, and extended through August 31, 2022, 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, in its various General Orders, the Court has recognized—and continues to recognize—that the continuing danger and threat to public health and safety that COVID-19 poses

and the unpredictability and uncertainty of the COVID-19 impact in the Territory at any given time require, *inter alia*, the continued monitoring of the COVID-19 climate in the Virgin Islands and the continental United States; the continued implementation of precautionary and preventive measures aimed at addressing the exigencies of the circumstances presented; and the flexibility to adjust the Court's operations in light of the COVID-19 situation in the Territory, the capacity of the Court, and the needs of particular matters before the Court; and

WHEREAS, based on the Court's continued monitoring of the COVID-19 climate in the Virgin Islands, the Court has adjusted its operations during the course of the COVID-19 pandemic as the circumstances warranted; and

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.

- a. The United States Attorney's Office is authorized to conduct Grand Jury proceedings.
- b. Central Violations Bureau proceedings may be conducted.
- c. In-person Naturalization Ceremonies may be conducted as approved by the presiding judicial officer.
- d. Clerk's Office counter services will continue, except that payments in cash will not be accepted. Payments may be made by personal check, credit and debit cards, money order, or certified bank check, except that criminal debts cannot be paid by personal check or credit and debit cards.

2. The District Court shall continue to conduct civil and criminal jury trials before any judge or magistrate judge in either Division of the Court, as determined and scheduled by the presiding judge.

3. With regard to criminal matters, the time period of September 1, 2022 through September 30, 2022, 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 September 1, 2022 through September 30, 2022 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 September 1, 2022 through September 30, 2022 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.

4. The September 1, 2022 through September 30, 2022 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)).

5. As applicable, teleconference and videoconference hearings shall be permitted in accordance with the Thirty-Ninth Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings, entered on June 28, 2022.

6. 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.

7. For any federal inmate released from imprisonment during the period of September 1, 2022 through September 30, 2022, the Standard Condition of Release which requires such inmates to submit to one drug test within 15 days of release is waived.

8. By its terms, the Thirty-Ninth Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings, entered on June 28, 2022, shall remain in effect for 90 days from the date of that Order, unless terminated earlier or extended.

9. This Order shall remain in effect for the period of September 1, 2022 through September 30, 2022, unless it, or any portion thereof, is modified or terminated earlier or extended by further Order of the Court.

SO ORDERED.

Date: August 31, 2022

/s/Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge