

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

WHEREAS, in response to the spread of the coronavirus disease (“COVID-19”), a national emergency and a public health emergency have been 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 and other public health authorities have advised public and private agencies to promptly take necessary and appropriate precautions to reduce exposure to COVID-19 and slow the spread of the disease; and

WHEREAS, federal, state and local governments as well as other public and private entities throughout the United States have taken various precautionary and preventive measures to address the significant public health concerns created by COVID-19; and

WHEREAS, the Governor of the Virgin Islands has declared a state of emergency effective March 13, 2020, in response to the spread of COVID-19, and has taken and urged various precautionary and preventive actions, including with regard to school closures, large gatherings, and social distancing; and

WHEREAS, the District Court of the Virgin Islands must take reasonable and prudent actions in light of the serious public health concerns that COVID-19 presents;

NOW, THEREFORE, in order to further public health and safety, and the health and safety of Court personnel, counsel, litigants, other case participants, jurors, persons with other business at the courthouse, and the general public, 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. All civil and criminal jury and bench trials scheduled before any judge or magistrate judge in either Division of the Court, from March 18, 2020 through April 16, 2020, 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. With regard to criminal matters, the time period of March 18, 2020 through April 16, 2020 shall be “excluded time” under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as 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. Such exclusion is necessary as to any cases scheduled for trial during the March 18, 2020 through April 16, 2020 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 March 18, 2020 through April 16, 2020 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 period herein. 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. Sitting grand juries in each Division of the Court are not authorized to meet from March 18, 2020 through April 16, 2020, and no new grand juries will be empaneled during this period. No exceptions may be ordered or are permitted without approval of the Chief Judge.

5. The thirty-day time period for filing an indictment shall be tolled from March 18, 2020 through April 16, 2020, pursuant to 18 U.S.C. § 3161(b). The March 18, 2020 through April 16, 2020 period shall be “excluded time” under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) because the Court specifically finds that the ends of justice served by the extension of the thirty-day period materially outweigh the best interests of the public and any defendant in a speedy trial and speedy indictment in a criminal case commenced by complaint, in view of the impact of COVID-19 discussed above, including the ability of the grand juries to form a quorum.

6. The March 18, 2020 through April 16, 2020 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)).

7. 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.

8. With the exception of ordering a jury trial, individual judges presiding over civil and criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the substantial rights of the parties. Judicial officers may therefore continue to hold hearings, conferences, sentencings, and change of plea hearings, in the exercise of their sound discretion, after such reasonable consultation with counsel as they may deem appropriate, and consistent with the principles of this Order and the sound administration of justice.

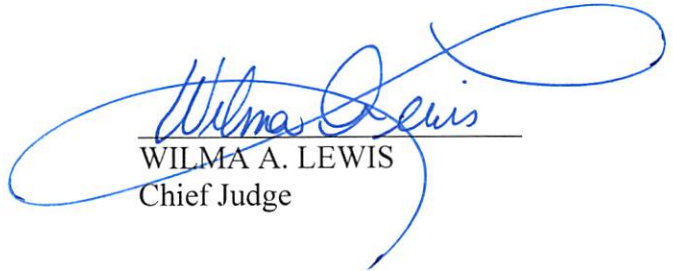
9. Criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings, and the issuance of search and other warrants, shall continue utilizing such procedures as magistrate judges may direct which are consistent with this Order and applicable law, including the use of video technology. All Central Violations Bureau proceedings from March 18, 2020 through April 16, 2020 are **CONTINUED** pending further Order of Court.

10. All judicial officers are encouraged to conduct proceedings by teleconference or videoconference where practicable and as permitted by law, and to take reasonable measures to avoid the necessity of out-of-town travel of any litigant, witness, counsel or the public. Further, all judicial officers are encouraged to consider minimizing the need for the physical appearance of a detained person for the protection of the health of such detained persons, counsel, Court and security personnel, other case participants and the public, unless such appearance is otherwise required by Rule 43 of the Federal Rules of Criminal Procedure.

11. Any request by a criminal defendant or the United States in a criminal proceeding, or of a party to any civil action, seeking case-specific relief from any provision of this Order is to be directed to the judicial officer assigned to the matter. However, no exception for convening a jury or bench trial during the March 18, 2020 through April 16, 2020 period covered by this Order may be ordered without approval of the Chief Judge after consultation with the assigned judge.

SO ORDERED.

Date: March 17, 2020



WILMA A. LEWIS
Chief Judge