

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

<b>IN RE:</b>	)	
	)	<b>General Order</b>
	)	
<b>DISTRICT COURT OPERATIONS</b>	)	
<b>DURING THE COVID-19</b>	)	Miscellaneous No. 2020-0001
<b>OUTBREAK</b>	)	
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**FORTY-FOURTH 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 October 1, 2022, and will remain in effect indefinitely unless modified or vacated 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.*), and 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 September 30, 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**, the Centers for Disease Control and Prevention, in February of 2022, announced new guidance for prevention strategies based upon whether the level of COVID-19 infections in communities was low, medium or high; 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 COVID-19 pandemic as the circumstances warranted; and

**WHEREAS**, in response to the COVID-19 pandemic, the Governor of the Virgin Islands declared a state of emergency in the Territory, which expired on June 30, 2022, and was not renewed; and

**WHEREAS**, the Court notes that according to the Virgin Islands Department of Health the Territory has moved from the pandemic to the endemic phase of the virus, which means that it will follow predictable patterns and occur at an expected, baseline level, similar to the influenza virus; and

**NOW, THEREFORE**, 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.
2. The District Court shall continue Court operations and permit the following:
  - a. Grand jury proceedings may be conducted.
  - 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.

3. The District Court shall continue conducting 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. All jury trials to be conducted pursuant to this Order will be determined and scheduled by further Order of the assigned judicial officer.

4. With regard to criminal matters, where the presiding judge 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, certain time periods 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). Such exclusion may be necessary 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 may also be necessary 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 may be necessary in the grand jury context due to the uncertainty surrounding the ability of the grand juries to form a quorum. The assigned judicial officer may by further Order extend the period of exclusion as circumstances warrant as to any specific proceeding.

5. As applicable, teleconference and videoconference hearings shall be permitted in accordance with the Forty-Third Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings, entered on September 27, 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 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.

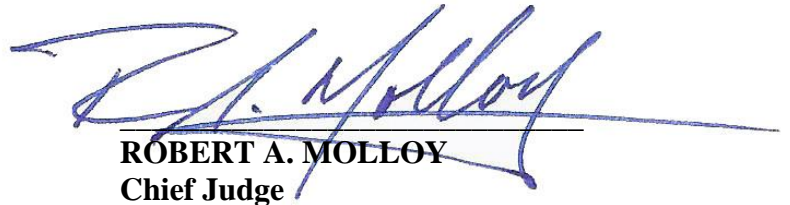
7. For any federal inmate released from imprisonment as of October 1, 2022 forward, the Standard Condition of Release which requires such inmates to submit to one drug test within 15 days of release shall be enforced.

8. By its terms, the Forty-Third Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings, entered on September 27, 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 retroactively from October 1, 2022 going forward unless it, or any portion thereof, is modified or vacated by further Order of the Court.

**SO ORDERED.**

**Date:** October 4, 2022

  
**ROBERT A. MOLLOY**  
Chief Judge