

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

WHEREAS, the Governor of the Virgin Islands, by Executive Order issued on March 13, 2020, declared a state of emergency effective that date for the Virgin Islands in response to the spread of COVID-19; and

WHEREAS, deeming such state of emergency necessary “to respond to and combat the COVID-19 pandemic” the state of emergency for the Virgin Islands was extended through July 11, 2020, by Executive Order issued by the Governor of the Virgin Islands on May 4, 2020, and a

subsequent request has been made by the Governor to the 33rd Legislature of the Virgin Islands to extend the state of emergency for 60 days—through September 9, 2020;

WHEREAS, in Executive Orders and Supplements thereto issued from March 13, 2020 through July 1, 2020, 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; and

WHEREAS, in light of the serious public health concerns that COVID-19 presented, 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, and July 8, 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, in the Sixth Supplemental Executive Order and Proclamation issued on April 29, 2020, the Governor of the Virgin Islands relaxed—with specified conditions—certain precautionary and preventive actions previously imposed, while continuing others in full force and effect; and

WHEREAS, in the Eighth Supplemental Executive Order and Proclamation issued on May 30, 2020, the Governor of the Virgin Islands, effective June 1, 2020, further relaxed certain precautionary and preventive actions previously imposed as the “Open Doors Phase of the State of Emergency” was initiated; and

WHEREAS, due to the “danger and threat” that COVID-19 continued to present, and the recognition that COVID-19 is a “serious public health matter,” the initiation of the Open Doors Phase was accompanied by the imposition of specific guidelines and restrictions for the re-opening

and/or operation of various businesses and churches which were deemed “vital to the protection, health, safety, and welfare” of all who live in, or are visitors to, the Virgin Islands; and

WHEREAS, according to the Virgin Islands Department of Health COVID-19 report, as of June 11, 2020, there were 72 persons in the Virgin Islands who had tested positive for COVID-19, 6 persons who had died of the disease, and 6 persons who were awaiting test results; and

WHEREAS, in view of the initiation of the Open Doors Phase of recovery in the Virgin Islands on June 1, 2020, and the minimal increase in positive COVID-19 cases in the Territory between mid-May and mid-June, the District Court entered its Seventh General Order on June 12, 2020, which continued the implementation of the precautionary and preventive measures previously imposed, while taking the first steps toward a gradual return to full operations by rescinding the teleworking authorization for Court personnel effective June 15, 2020, and relaxing the suspension of grand jury sessions and the empanelment of new grand juries; and

WHEREAS, during the past approximately two weeks, there has been a sharp spike in positive COVID-19 cases in the Virgin Islands, resulting in an increase from 81 cases on June 28, 2020, to 122 cases on July 7, 2020, to 217 cases on July 13, 2020; and

WHEREAS, as a result of the recent spike in positive COVID-19 cases, the District Court has reinstated the authorization of teleworking for all Court personnel and has placed a pause on grand jury proceedings, which shall remain in effect, be modified, or be terminated at any time as determined by the Chief Judge of the District Court, without further Order of the Court; and

WHEREAS, in the Ninth Supplemental Executive Order and Proclamation issued on July 1, 2020, and subsequent pronouncements, the Governor of the Virgin Islands announced tightened restrictions, including for travelers by sea or air, and with regard to beaches and bars; and

WHEREAS, in view of the recent sharp increase in positive COVID-19 cases in the Virgin Islands; the serious public health concerns that COVID-19 continues to present; the need for

protocols to be considered, developed and instituted by the General Services Administration and the District Court; and the need for those protocols to be effectively disseminated and implemented so as to facilitate the safe reopening to the public of, and resumption of full Court operations at, the Almeric L. Christian Federal Building and Courthouse on St. Croix and the Ron de Lugo Federal Building and Courthouse on St. Thomas (collectively, “Federal Courthouses”), the District Court finds it necessary to continue the implementation of precautionary and preventive measures previously imposed;

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, it is hereby **ORDERED** as follows:

1. The Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on March 17, 2020, the Second Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on March 20, 2020, the Fourth Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on April 16, 2020, the Sixth Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on May 12, 2020, and the Seventh Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on June 12, 2020, which are set to expire on July 16, 2020, shall be extended and continue in full force and effect through August 31, 2020, except—as noted earlier—that teleworking for Court personnel has been reinstated and the reconvening of grand jury proceedings has been paused;

2. With regard to criminal matters, the time period of July 16, 2020 through August 31, 2020 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 discussed above. Such exclusion is necessary as to any cases scheduled for trial during the July 16, 2020 through August 31, 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 July 16, 2020 through August 31, 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. Further, such exclusion of time is necessary in the grand jury context to ensure 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.

3. For any federal inmate released from imprisonment during the period July 16, 2020 through August 31, 2020, the Standard Condition of Release which requires such inmates to submit to one drug test within 15 days of release is waived.

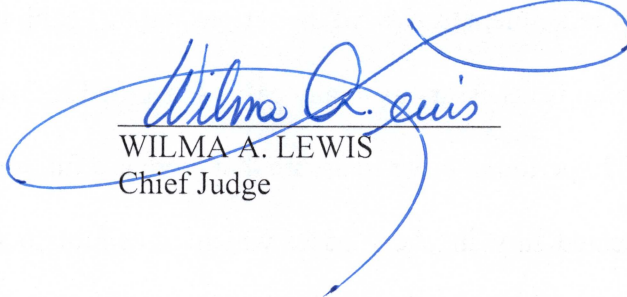
4. By its terms, the Eighth Order Concerning Operations of the District Court of the Virgin Islands concerning Videoconferences and Teleconferences for Criminal Proceedings, entered on

July 8, 2020, shall remain in effect for 90 days from the date of that Order, unless terminated earlier or extended.

5. This Order shall remain in effect for the period July 16, 2020 through August 31, 2020 unless it, or any portion thereof, is modified or terminated earlier or extended by further Order of the Court.

SO ORDERED.

Date: July 14, 2020



WILMA A. LEWIS
Chief Judge