

**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)
_____)

**SIXTH 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, in the March 13, 2020 Executive Order and subsequent Supplemental Executive Orders issued on March 20, 2020, March 23, 2020, March 30, 2020, and April 6, 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, including

school closures, cessation of business operations, limitations on gatherings, home confinement, and social distancing;

WHEREAS, in the Third Supplemental Executive Order and Proclamation issued on March 30, 2020, the Governor of the Virgin Islands—having determined that the need for the Virgin Islands to remain in a state of emergency to address the COVID-19 pandemic was paramount—extended the state of emergency from April 12, 2020 through May 12, 2020; 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, according to the Virgin Islands Department of Health COVID-19 report, as of May 11, 2020, there were 69 persons in the Virgin Islands who have tested positive for COVID-19, 5 persons who have died of the disease, and 58 persons who were awaiting test results; and

WHEREAS, in light of the serious public health concerns that COVID-19 presented, the District Court entered General Orders concerning the operations of the Court on March 17, 2020, March 20, 2020, April 9, 2020, April 16, 2020, and April 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, in view of the serious public health concerns that COVID-19 continues to present, and the need for protocols to be considered, developed and instituted by the General Services Administration and the District Court in order 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,

the District Court finds it necessary to continue the implementation of the 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, and the Fourth Order Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak entered on April 16, 2020, which are set to expire on May 13, 2020, shall be extended and continue in full force and effect through June 15, 2020, unless terminated earlier or extended.

2. With regard to criminal matters, the time period of May 13, 2020 through June 15, 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 May 13, 2020 through June 15, 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 May 13, 2020 through


June 15, 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 May 13, 2020 through June 15, 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 Third Order Concerning Operations of the District Court of the Virgin Islands concerning Videoconferences and Teleconferences for Criminal Proceedings, entered on April 9, 2020, shall remain in effect for 90 days from the date of that Order, unless terminated earlier or extended.

SO ORDERED.

Date: May 12, 2020



WILMA A. LEWIS
Chief Judge