

**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 OUTBREAK)	Miscellaneous No. 2020-0001
)	
)	

**THIRTY-EIGHTH 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, specifically, a significant rise in active cases, infection rates, and positivity rates, this General Order will reinstate certain restrictions with regards to Court operations. This Order will take effect immediately, and will remain in effect through June 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 continues to remain under a State of Emergency due to the COVID-19 pandemic; and

WHEREAS, in response to the spread of COVID-19, the Governor of the United States Virgin Islands declared a State of Emergency on March 13, 2020, which has been extended on multiple occasions. The United States Virgin Islands continues to remain 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 May 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

WHEREAS, over the past several weeks, the Virgin Islands has been experiencing a surge in COVID-19 cases. The Virgin Islands Department of Health (“DOH”) has reported, as of May 25, 2022, there are currently 960 active COVID-19 cases in the U.S. Virgin Islands. Additionally, as reported by the DOH, 3,093 new positive test results were recorded out of 36,797 tests administered from April 28, 2022, to May 25, 2022, corresponding to a positivity rate of 8.41% and a daily infection rate of 114.56 cases over this 27-day period; and

WHEREAS, according to the Virgin Islands Department of Health, as of May 25, 2022, 57,078 individuals are fully vaccinated and 70,191 individuals in the Virgin Islands have obtained at least one dose of a vaccine; and

WHEREAS, the Court recognizes that jury selection in the District of the Virgin Islands frequently involves large jury venire pools, which often consist of individuals in—or caring for those

in—the age categories identified by the CDC as being especially at risk; individuals who are otherwise at enhanced health risks for other recognized reasons; and parents or guardians of school age children who remain involved in at-home virtual learning, thus increasing the likelihood of the unavailability of a significant number of potential jurors and the challenges of convening a representative jury venire; and

WHEREAS, in light of the serious public health concerns that COVID-19 presents, the recent spike in COVID-19 cases in the Virgin Islands, and the well-publicized concerns regarding the danger and heightened transmissibility of the COVID-19 variants, the District Court finds it necessary to reinstate previously-imposed restrictions;

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.

2. With the exception of trials conducted remotely, all civil and criminal jury and bench trials scheduled before any judge or magistrate judge in either Division of the Court, from June 1, 2022, through June 30, 2022, 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. Sitting grand juries in each Division of the Court are not authorized to meet from June 1, 2022, through June 30, 2022, and no new grand juries will be empaneled during this period.

4. With regard to criminal matters, the time period of June 1, 2022, through June 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 June 1, 2022 through June 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 June 1, 2022 through June 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.

5. The June 1, 2022 through June 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)).

6. All Central Violations Bureau proceedings from June 1, 2022, through June 30, 2022, are continued pending further Order of the Court.

7. All in-person court proceedings shall be limited to those that are required by law and are not amenable to continuance. All judicial officers are encouraged to conduct proceedings by teleconference or videoconference where practicable and as permitted by law. As applicable, teleconference and videoconference hearings shall proceed in accordance with the Thirty-Fifth Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings, entered on March 30, 2022.

8. 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.

9. All judicial officers and employees are authorized to conduct proceedings and to work from remote locations to the greatest extent practicable, unless their physical presence at the Ron de Lugo Federal Building and Courthouse on St. Thomas and the Almeric L. Christian Federal Building and Courthouse on St. Croix is necessary by virtue of the in-person nature of the proceedings or work.

10. Judicial officers and Court personnel will remain available to conduct the business of the Court consistent with the provisions of this Order. Please utilize the following contact information, as applicable, to communicate orally with the Court:

Division of St. Thomas

General Operational Questions: 340-775-8005

Criminal matters: 340-775-8004

Jury matters: 340-775-8001

Civil matters: 340-775-8005

Division of St. Croix

General Operational Questions: 340-712-7115

Criminal matters: 340-712-7104

Jury matters: 340-712-7106

Civil matters: 340-712-7103

The Court will provide any updates to this contact information that may be necessary on its website at www.vid.uscourts.gov. Accordingly, please refer to the Court's website if you are unable to contact the Court using any of the contact numbers listed above.

11. The established contact information for arrests and related proceedings remains in place.

12. Electronic filing remains available through CM/ECF, the District Court's electronic case management system. *Pro se* litigants who are not CM/ECF filing users may file documents with the Court via email at vidoperations@vid.uscourts.gov or by mailing the documents to the Court at the applicable address below:

Division of St. Thomas/St. John

District Court of the Virgin Islands

Ron de Lugo Federal Building and Courthouse

5500 Veterans Drive, Room 310

St. Thomas, VI 00802

Division of St. Croix

District Court of the Virgin Islands

Almeric L. Christian Federal Building and Courthouse

3013 Estate Golden Rock, Suite 219

St Croix, VI 00820

13. For the period of June 1, 2022, through June 30, 2022, there will be no in-person counter services at the Clerk's Office. Any payment of fees, fines, or restitution should be mailed to the Clerk's Office at the applicable address above.

14. All bail bonds must be presented in the form of a certified check or money order.

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

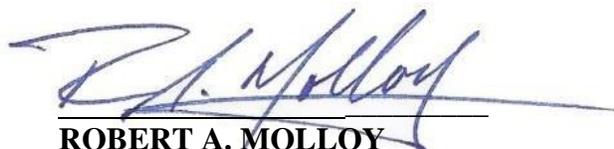
16. Except as otherwise stated in, or inconsistent with, this General Order, the First, Second, Fourth, Sixth, Seventh, Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Fifteenth, Seventeenth, Eighteenth, Nineteenth, Twenty-First, Twenty-Second, Twenty-Third, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Ninth, Thirtieth, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Sixth, and Thirty-Seventh Orders Concerning Operations of the District Court of the Virgin Islands During the COVID-19 Outbreak, which are set to expire on May 30, 2022, shall be extended and continue in full force and effect through June 30, 2022.

17. By its terms, the Thirty-Fifth Order Concerning Operations of the District Court of the Virgin Islands, Video and Teleconferences for Criminal Proceedings, entered on March 30, 2022, shall remain in effect for 90 days from the date of that Order, unless terminated earlier or extended.

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

SO ORDERED.

Date: May 31, 2022


ROBERT A. MOLLOY
Chief Judge