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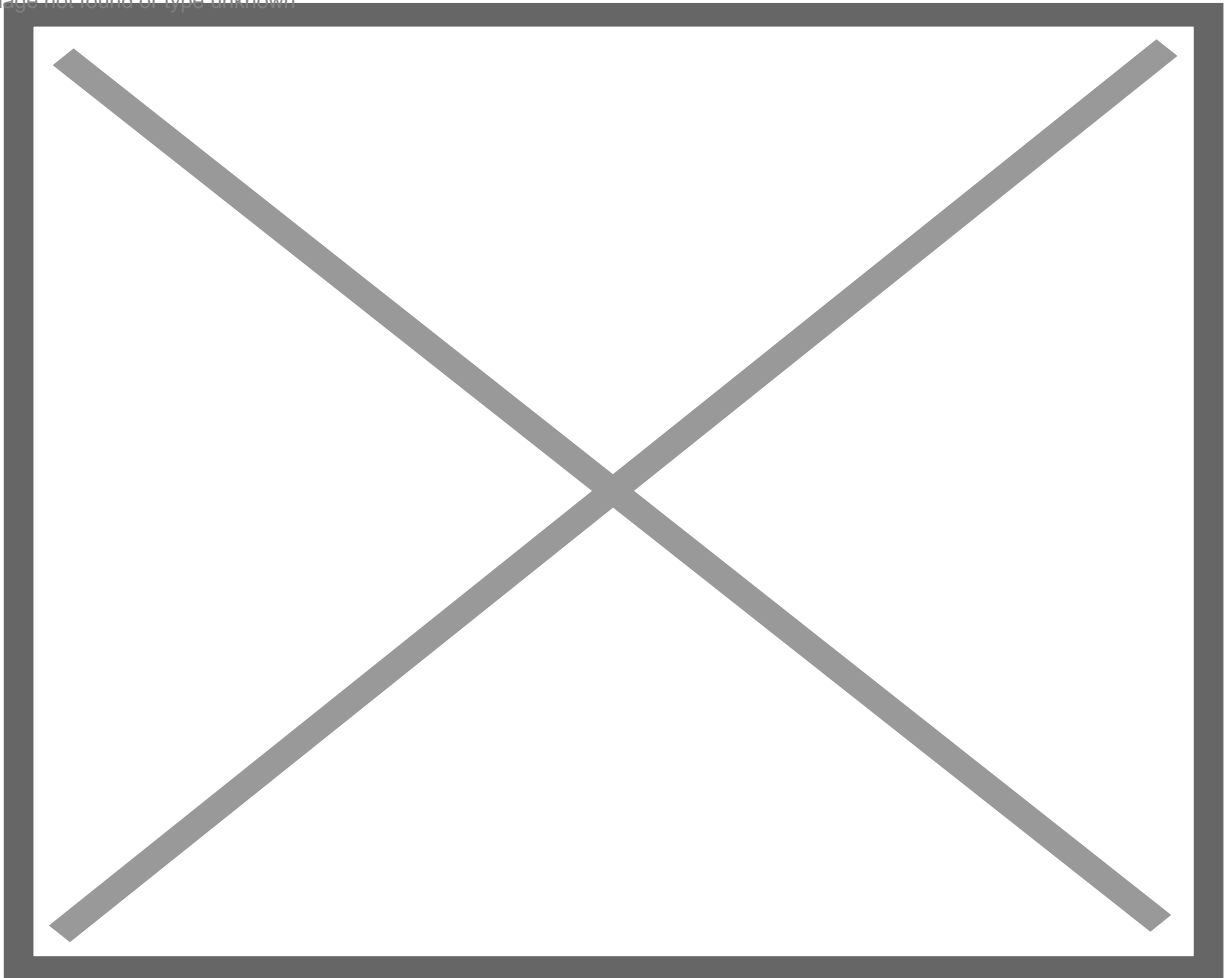
Court Probing How Former Prison Warden Left Detainee In Jail For Almost A Year After His Case Was Dismissed

BOC's Misstep Leads to Extended Jail Time for Cleared Individual

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John A. Bell Correctional Facility on St. Croix By. V.I. CONSORTIUM

Michael Gomez-Belardo, wrongfully incarcerated for almost a year despite a court-ordered release, was freed after officials at the Bureau of Corrections (BOC) realized their mistake. The oversight, which kept Gomez-Belardo in jail long after Magistrate Ernest Morris Jr. dismissed his trespassing charges in September 2022, has prompted an internal investigation and procedural changes within the BOC to prevent such errors in the future.

As the court seeks a detailed explanation from BOC officials, it remains to be determined how the Bureau will be held accountable for this lapse.

On September 30, 2022, Magistrate Ernest Morris Jr. dismissed misdemeanor trespassing charges against Gomez-Belardo, with prejudice. “Any bail posted in this matter is exonerated, and all conditions of release are vacated,” the judge wrote in his order. He further stipulated that a copy of the order be furnished to officials in the Department of Justice, the Bureau of Corrections and the John A. Bell Correctional Facility, and other agencies involved directly or tangentially in the matter.

Almost a year later, it was discovered that Gomez-Belardo was still in jail. When BOC officials discovered that he was still in custody “on or about September 19, 2023,” they hastily released him. However, in early October, the court issued a “show cause” order, requiring BOC to investigate why Gomez-Belardo’s release from custody suffered such a protracted delay, and to explain why they should not be held in contempt for their oversight.

The investigation revealed that the dismissal and release order issued by the court was duly transmitted by the BOC’s Classification Office to the prison warden for the John Bell Correctional Facility. The order was received on the same day it was signed by Magistrate Morris, and sent to the warden’s email address. That individual – Ben Adams, who no longer works for the BOC – “failed to act on Mr. Belardo’s release order,” according to lawyers of the V.I. government, and because Adams took action on a second release order for a different prisoner that was sent in the same email, the lapse likely happened “through inadvertence.”

While a man ordered freed by the court languished in prison, Adams ended his tenure with the Bureau in April of this year, replaced by Acting Warden Dana Grant, who according to the response by the government was not aware of the situation until the court made inquiries in September 2023.

Oddly enough, neither Gomez-Belardo nor his attorney, who both purportedly were issued copies of the release order, notified officials that he remained in custody.

In asking the court not to be held in contempt, the Bureau says it has changed its policies to ensure that this kind of lapse does not happen again. Now, rather than the warden having the sole responsibility to action a prisoner’s release request once it has been sent by the Classification Office, the classifications supervisor will now have to countersign to ensure that all releases sent up for the warden’s approval are subsequently followed through.

Additionally, emails containing court orders are now sent to a distribution list of relevant BOC officials to ensure that the responsibility for receiving and handling orders from the court no longer rests with one person.

These changes were implemented long before the BOC became aware of Gomez-Belardo’s ongoing detention, according to a previously-sealed affidavit from the BOC Assistant Director Riel Faulkner, dated October 31. In fact, the first adjustment in procedure came in response to the opposite problem – the inadvertent release of an inmate not scheduled for freedom, an incident which occurred in 2022, disclosed Mr. Faulkner.

BOC officials were scheduled to appear in court on Monday to receive a more detailed explanation regarding how the series of events transpired.