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Simple Marijuana Possession Convictions in USVI Being Identified For Expungement Following New Law

New law in USVI leads to review and expungement of minor marijuana cases

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Efforts are underway to identify and expunge the sentences of individuals who are currently serving time for “cannabis-related convictions” in the USVI, signaling relief for those affected.

When Act 8680 – the Virgin Islands Cannabis Use Act – was [signed into law](#) in January 2023, Governor Albert Bryan announced full and complete pardons of “all criminal convictions for the simple possession of marijuana under the Virgin Islands Code.” Estimates then were that some 300 people had been convicted of simple possession of marijuana in the last 20 years, and that announcement sparked efforts to inform those individuals of the necessary steps to receive an official pardon.

Apart from the pardon, those convicted of simple possession of up to two ounces of marijuana would have their convictions automatically expunged. During Monday's Government House press briefing, Communications Director Richard Motta revealed that the governor's Cannabis Auto-Expungement Task Force is "diligently working to identify individuals eligible for expungement of cannabis-related convictions."

"The task force is actively reviewing over 90 cases where individuals were convicted of simple possession of marijuana under Title 19 of the Virgin Islands code section 607 A, where the amounts were less than one ounce," said Mr. Motta. To ensure the community understands who qualifies and the intricacies of the expungement process, the task force "is also reaching out to individuals who believe their records may qualify for expungement due to a conviction related to marijuana possession, where the amount was greater than one ounce but less than two ounces."

The task force is simultaneously working to "review additional classifications of criminal convictions related to the possession control or sale of cannabis to be included with the auto expungement provision and Act 8680," noted Mr. Motta. The Act mandates "a thorough review of criminal records for cannabis-related convictions," the findings of which must be included in the auto-expungement report, currently scheduled for completion in early 2024. According to Mr. Motta, the task force's efforts are "a significant step toward justice reform and social equity recognizing the changing perspectives on cannabis use and its legal implications."

Headed by Positive Nelson, the governor's "[Cannabis Czar](#)", the auto-expungement task force also comprises members with "diverse legal expertise" including Julie Todman, interim chief of the Public Defender's Office, Attorney General Ariel Smith, Shelby Gaddy of Legal Services of the Virgin Islands, Dwyer Arce, president of the USVI Bar Association, Nisha Christian Hendrickson, and Casey Payton from the Virgin Island Justice Initiative.

Despite the inroads being made in the expungement of marijuana convictions, other areas relating to the legalization of marijuana in the USVI have not recorded similar strides. In March 2023, [one legal advisor warned](#) that it could be a year before a legal cannabis transaction could be completed in the territory. During Monday's briefing, Mr. Motta — who was aware that the Cannabis Advisory Board (CAB) had finally established a quorum and continues to meet — said he preferred to defer to the CAB "on what the status of that is with respect to the implementation of the rules and regulations of the law."