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Mon Ethos Calls for Judge's Recusal in VIPD Data Dispute Case

Attorney claims judge's prior involvement as Attorney General creates conflict of interest; recusal motion follows temporary restraining order to prevent data deletion amidst VIPD payment dispute

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Janeke Simon **August 10, 2024**

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Judge Carol Thomas-Jacobs.

Mon Ethos Pro Support attorney Alex Golubitsky has filed a motion calling for the recusal of Judge Carol Thomas-Jacobs from the VIPD temporary restraining order case against the company, claiming that in her capacity as acting Attorney General, Judge Thomas-Jacobs watched the video produced by the company and discussed it with Mon Ethos owner David Whitaker.

Because of her position at the time, Mon Ethos argues that the presiding judge “has direct personal knowledge of the services provided by MEPSVI,” at least around the time of the shooting in question. Due to this knowledge, “MEPSVI intends to subpoena the Honorable Carol Thomas-Jacobs to offer testimony” at the hearing for a preliminary injunction set for August 22, the motion advises, citing a V.I. Superior Court rule that requires judges to recuse themselves from a matter in which they are a material witness.

On August 2, the Government of the Virgin Islands sued Mon Ethos over issues stemming from an alleged breach of contract and statutory violations in its services agreement with the V.I. Police Department. On Thursday, [the court granted](#) the government’s request for a temporary restraining order, preventing the company from deleting or altering critical data relating to the VIPD. [Friday’s hearing](#) aimed to determine how Mon Ethos could turn over the requested information without risking data loss.

During the hearing, Mr. Golubitsky stated that the government’s lawsuit alleges that due to an ongoing payment dispute, Mon Ethos threatened to delete data relating to the investigation of a double homicide in front of the Lutheran church. Mon Ethos had reportedly been asked to gather and compile video footage for the investigation. “Your Honor was the Attorney General of the Virgin Islands and was directly involved with the negotiation for my client to perform those services,” Mr. Golubitsky said during Friday’s hearing.

“I don’t know what you’re talking about, attorney,” Judge Thomas-Jacobs responded. “I have no idea, at least no recollection, regarding anything with Mon Ethos.” She ultimately advised Mr. Golubitsky to file the recusal motion, a copy of which the Consortium has obtained.

The motion states that even before a formal contract was executed between Mon Ethos and the VIPD, the company had been performing work for the territory from as early as 2022. Some of this work was done at the behest of the police, while other tasks were directed by the V.I. Department of Justice alongside the VIPD.

Following the [double homicide of February 2023](#), Mon Ethos was reportedly directed to stitch together several video sources into one sequence tracking the perpetrators. “Frames from these videos were extracted and enhanced for detailed examination and evidentiary purpose,” the motion by Mon Ethos states. At a meeting that occurred within a fortnight of the shooting, the company says, the final product was delivered to officials of the VIPD and the VIDOJ – including then-Attorney General Carol Thomas-Jacobs. Before officially ascending to the bench as Superior Court Judge in October 2023, Ms. Thomas-Jacobs served as acting Attorney General from January to April of that year.

During Friday’s hearing, although they had yet to see the details of the recusal motion, attorneys for the government said they would be opposing the move. “The only thing I can conclude is this is more games, more avoidance from giving the government what the government is due,” said attorney Venetia Velasquez.

After hearing from both parties, Judge Thomas-Jacobs will decide whether or not she will remove herself from the case.

A statement from Mon Ethos issued on Friday afternoon says that the communication with which the government has reportedly taken offense was not a threat to delete data but “an urgent request for guidance,” given that the company was incurring mounting storage costs while also grappling with “severe financial constraints” due to the government’s nonpayment of invoices.

“Despite facing significant financial hardship, we continued to prioritize the integrity of the data and evidence entrusted to us. It is deeply regrettable that our responsible efforts to seek clarification and safeguard this data have been mischaracterized and led to legal action against us,” reads the statement.

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