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Judge Recuses Herself from GVI vs. Mon Ethos Lawsuit Due to Prior Involvement as Attorney General

Legal teams prepare for reassigned judge to oversee evidence handover, including critical GrayKey tool and digital data

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Judge Carol Thomas-Jacobs.

Judge Carol Thomas-Jacobs has recused herself from presiding over the ongoing litigation between the Government of the Virgin Islands and Mon Ethos Pro Support.

The order recusing herself came on Tuesday, after Mon Ethos [filed a motion](#) arguing that Judge Thomas-Jacob's tenure as acting Attorney General included time spent interacting with Mon Ethos and the information they produced on behalf of the Virgin Islands Police Department — information at the center of the current lawsuit.

Mon Ethos responded to the recusal with a statement, "MEPSVI firmly believes that this decision was imperative given the judge's prior involvement in the review of our work product during her tenure as Attorney General, which has become a central focal point of the current dispute," it reads in part.

Mon Ethos Vice President Anthony Thomas, the former Dept. of Property and Procurement commissioner, said he hopes for a resolution negotiated between the two parties. "As a responsible and lifelong member of this society and former Government leader, I expect the Government of the Virgin Islands to act responsibly, engage in good faith negotiations, and resolve this matter without further unnecessary conflict," he said.

Mon Ethos argued that because of her position at the time, 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.

Judge Thomas-Jacobs says she returned the matter to the Clerk of the Court for reassignment "to prevent further delay in the return of evidence entrusted to Mon Ethos," which the company is required to hand over as the result of a temporary restraining order enacted against them. The judge's recusal is also to "avoid litigation of collateral issues which will only detract from the central issues in this matter," according to her notice of recusal.

With the judge's recusal, the way has been cleared for the return of the evidence in question, which consists of physical and digital material, as well as a tool called GrayKey, used by law enforcement officials to unlock cell phones seized in criminal investigations.?

The parties were ordered to submit plans to the court on Tuesday as to how this evidence would be returned to the VIPD. Mon Ethos proposed a plan which would include the return of the GrayKey under the court's supervision, as well as all physical evidence requested and itemized by the VIPD. The plan also allows for VIPD officials to access the Mon Ethos database and retrieve the information from their case files for up to 20 days following any order from the court.?

Attorneys for the government have asked for more information about how the data is stored by Mon Ethos, with the aim of ensuring VIPD has at least temporary control over all physical drives to facilitate data migration, as well as a comprehensive understanding of any server-side data environments, so that VIPD can determine the best procedure for data retrieval. "A prompt and complete turnover of data in its native format is necessary; this encompasses batch retrieval from both the databases and any additional storage solutions employed by Mon Ethos," said Jalicha Persad, representing the V.I. Department of Justice.

The parties now await the case's reassignment to a new judge, who will provide direction as to how to move forward.