

The Virgin Islands Consortium

Self-Represented Defendant Wins Assault Case, Prompting Senate Scrutiny of Prosecutors

Despite courtroom outbursts and multiple attorneys withdrawing over hostile conduct, Franklin Xavier beat his assault charge after arguing that prosecutors failed to prove injury—prompting a senator to request the bar results of DOJ attorneys.

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Franklin Xavier. By. THE VIRGIN ISLANDS POLICE DEPARTMENT.

On Monday, a St. Croix man was found not guilty by a jury after successfully defending himself against assault charges.

Franklin Xavier was [arrested in January 2024](#), accused of pepper-spraying someone in the face. He was charged with second-degree assault. He was initially assigned a public defender but soon began filing motions pro se, claiming that there was “a tremendous conflict of interest” between himself and the Office of Public Defender.

He asked to have a private attorney appointed on his behalf, a request to which the Superior Court agreed. However, like the public defender, that attorney soon petitioned the court to withdraw, citing Xavier's tendency to berate him and his staff with “extremely profane and unacceptable language...in both English and Spanish.”

A second private attorney was appointed on Xavier's behalf, but he reportedly continued corresponding with the court himself, requesting discovery documents. He also sought to dismiss the second private attorney appointed to represent him, but the court was not responsive to that request.

In addition to his alleged ill-treatment of defense counsel, prosecutors also complained about Xavier's behavior. A motion to the court sought to compel him to only communicate via letter or e-mail, as the VIDOJ alleged harassing behavior on his part; abusive phone calls and in-person visits, as well as sexual harassment of staff.

Before the court could rule on that motion, however, Monday's trial date arrived. Despite having to be warned more than once against speaking out loud in the presence of the Jury, Xavier successfully argued that prosecutors failed to prove that he caused injuries to his alleged victim.

When all witnesses had been called and questioning and cross-examinations completed, it was 5 p.m. The jury took almost two hours in deliberation before returning a unanimous not-guilty verdict, and Xavier was a free man.

During Wednesday's meeting of the Senate Committee on Budget, Appropriations and Finance, Senator Franklin Johnson inquired about the matter with the V.I. Department of Justice's Criminal Chief for St. Croix, Amie Simpson. When Simpson confirmed that government prosecutors had indeed lost their case against a man with no formal legal qualification, he demanded that their bar examination results be forwarded to the committee. However, bar exam scores are confidential and maintained by the Virgin Islands Board of Bar Examiners—not the court or the Department of Justice. While an attorney's licensure status is public, exam scores are protected and cannot be disclosed without the attorney's consent.