

# The Virgin Islands Consortium

## Sen. Sanes Calls Lack Of AG's Office Presence For Committee Hearing A "Disgrace And Insult"

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John McCarthy **April 23, 2015**



ST. THOMAS – The Senate Committee on Rules and the Judiciary considered two bills put forward by Sen. Sammuel Sanes in the later afternoon session – the first the so-called “Good Samaritan Law” and the second a measure to allow convicted murderers under the age of 18 to be eligible for parole after serving 15 years in prison.

Sanes said the “Good Samaritan” Bill No. 31-0030 was needed because time is of the essence in a life and death situation and if an emergency care worker hesitates due to a concern about possible liability – lives will be lost. Referring to Bill No. 31-0083, he said it was not “controversial,” but was merely a way to update the V.I. Code to bring it in line with a federal mandate concerning people under the age of 18 who commit murder.

Commissioner of Health designee Dr. Phyllis Wallace said her department supports the Good Samaritan bill, but would defer to the final ruling of Acting Attorney General Terri Griffiths when it comes to the legality of the legislation. Wallace said the department had typersons who respond to an emergency and personnel when they act after working hours.



St. Croix Senator Sammuel Sanes

Sen. Novelle Francis, Jr. said that he was “a little concerned” about Bill No. 31-0083 “strong-arming” judges when it comes to dispensing justice in the territory.

“Murder, which is considered the most heinous crime is certainly malice aforethought,” Francis said, adding he wanted to know what happens when someone under 18 commits more than one murder at the same time.

Territorial Public Defender Attorney Samuel Joseph said if a minor commits more than one murder a judge should have the discretion to be able to consider that at sentencing.

“In sum, the proposed legislation essentially eliminates the possibility of a life sentence for juveniles convicted of murder while requiring a mandatory minimum period of incarceration of 15 years,” Joseph said.

Sanes, responding to Francis’ concerns, said “we are not creating a new law, we are just updating the antiquated V.I. Code,” he said.

“We are following the supreme law of the land,” Sanes said, adding that the U.S. Supreme Court ruled in 2012 that juveniles cannot automatically be sentenced to life without parole.

Police Commissioner designee Delroy Richards Sr. said he could offer “some support” to the bill but worried that “juvenile offenders will view this as an incentive to commit violent offenses to include murder.” Richards said he did support the Good Samaritan bill.

“I do, however, believe that an underage person who commits murder has a greater chance to be rehabilitated,” Richards said. “Such an individual can, while imprisoned, earn a GED, learn a trade, etc. Hopefully, the recidivism rate will decrease when these

persons rejoin the community with a different mindset.”

According to the Sentencing Project in Washington, D.C., the Supreme Court ruling means that judges must consider “the unique circumstances of each juvenile offender” at sentencing. The non-profit organization said that 2,500 people in America under the age of 18 had been sentenced to life without parole prior to the ruling.

The Good Samaritan bill passed on a vote of 4-1 and will be sent to the full Senate body for further consideration, with Sens. Jean Forde, Novelle Francis Jr., Justin Harrigan Sr. and Janette Millin Young voting “yes,” Sen. Kenneth Gittens voted “no” and Sens. Neville James and Nereida Rivera-O’Reilly were absent. Bill No. 31-0083 was voted to be held in committee by a vote of 5-2 with Forde, Francis, Harrigan, Millin Young and Gittens voting “yes,” while James and Rivera-O’Reilly were absent.

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After the voting was completed, Sanes asked Gittens for permission to speak, and when he was given the floor began by saying “I am extremely disappointed.”

Referencing the fact that Gittens had commented during the discussion of the bills that the committee chair would have liked to have had comment from the V.I. Department of Justice on the bills, Sanes said the representative from the Attorney General’s office should have stayed for the late afternoon meeting of the committee.

But Gittens replied he had excused Darien L. Wheatley, the parole board coordinator for the Department of Justice, with the other testifiers who left after discussion of the first two bills considered in committee.

“I’m extremely ticked off,” Sanes said. “It’s a disgrace and an insult to the people of the Virgin Islands.”

But Sanes insisted that the office of the V.I. Attorney General was too important to not be represented to discuss bills that speak directly to crime and punishment. He said it “disrespects this body” that a representative of the Attorney General’s office did not stay “and put in their two cents worth.” And Gittens agreed.

“Having no one here to discuss these bills is just inexcusable,” Gittens said, and promptly adjourned the meeting.