

The Virgin Islands Consortium

VI Supreme Court Upholds Judgement Of Man Accused Of Shooting Victim 19 Times

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ST. THOMAS -- The Supreme Court of the Virgin Islands has released an opinion upholding first-degree and second-degree murder, as well as possession of an unlicensed firearm charges against Jamal J. Fahie, whom the Superior Court found guilty of shooting Omari Baltimore 19 times on November 9, 2011, while the victim was walking up Bunker Hill in the vicinity of Garden Street.

Fahie's lawyers argued in court that the evidence was insufficient to convict their client, that the trial court erred in denying Fahie's motion for judgment of acquittal under Rule 29 of the Federal Rules of Criminal Procedure, that the trial court erred in giving improper jury instructions, and that the trial court erred in admitting prejudicial photographic

evidence.

However, the Supreme Court, in affirming the Superior Court's decision, said it found that no reversible error was committed during trial and that the evidence was sufficient to convict Fahie on all charges.

Below, see the account of how the incident that led to the arrest and conviction of Fahie unfolded, according to court documents.

On November 19, 2011, at approximately 5:30 p.m. Omari Baltimore was shot 19 times while walking up Bunker Hill in the vicinity of Garden Street on St. Thomas.

Simultaneously, Carol Kelly was walking up Bunker Hill when she witnessed the murder and shooting of Baltimore. She immediately called 911 to report the shooting.

Subsequently, Kelly identified Kamaal Francis as the shooter from a police photo array.

The police arrested Francis the following day and charged him with first-degree murder and several other crimes. Francis initially denied any involvement in the shooting and claimed that he was gambling at a location miles away from Bunker Hill at the time of Baltimore's murder. However, Francis later recanted this statement and informed the police that he was at the scene of the shooting but that it was Jamal Fahie who shot Baltimore. Francis further stated that Fahie was perturbed at seeing Baltimore, who is from the Savan area of the island, in the Garden Street area because there existed gang-related animosity between the residents of the two areas. Additionally, Francis claimed that he was not initially truthful with his version of events surrounding Baltimore's murder because he feared that his life would be in jeopardy if he was labeled a "snitch."

Francis gave a detailed description of how Fahie committed Baltimore's murder as well as a description of what clothing Fahie was wearing at the time of the murder, including long black pants, a white shirt, a blue and black New York Yankees cap, and a ski mask. Police authorities later found these items secreted in Fahie's residence. The trial record reflects that gunshot residue particles were found on the clothing retrieved from a bedroom inside Fahie's residence. Francis also testified that a Glock firearm was used in the commission of Baltimore's murder, which was corroborated by the People's expert witness.

The defense called Fahie's cousin, Shakir Davis, as an alibi witness. Davis testified that Fahie was with him at his home when the murder occurred. However, Davis did not immediately tell anyone of Fahie's whereabouts around the time of Baltimore's murder or after Fahie's arrest. It was eleven months after the murder when Davis first told Fahie's attorney of Fahie's whereabouts on the night of Baltimore's murder.

Francis was arrested and charged with several crimes, including aiding and abetting in the first-degree murder of Baltimore. Francis consummated a plea agreement with the People, pursuant to which he was allowed to plead guilty to the crime of being an accessory after the fact in exchange for his testimony against Fahie. Fahie was charged in a fifth amended information and was subsequently convicted of first and second-degree murder, three counts of unauthorized use of a firearm, and assault in the first degree. This appeal ensued.

For the High Court's full opinion, go [here](#).

