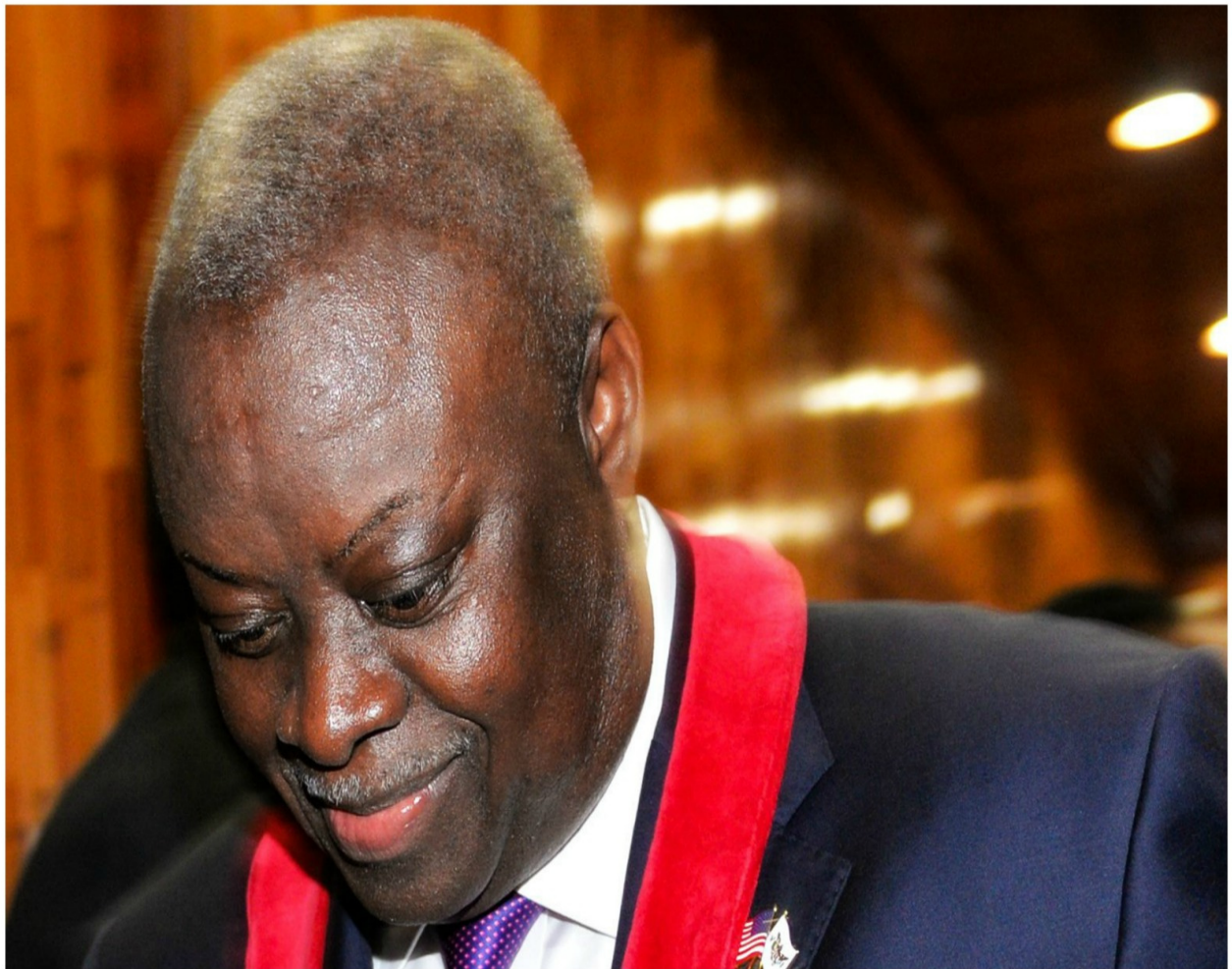


The Virgin Islands Consortium

Federal Judge Blocks Mapp's Attempt To Remove Dunston; New Hearing In Ten Days

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ST. THOMAS -- Federal Judge Curtis Gomez on Friday granted Judge Michael Dunston a 10-day restraining order against Governor Kenneth Mapp, blocking the governor from replacing Mr. Dunston with Judge Harold Willocks as presiding judge of the territory's Superior Court.

Judge Gomez has yet to schedule a preliminary injunction date, but it is expected to be set before the ten-day restraining order expires.

Judge Willocks was set to commence his tenure as presiding judge on Sunday -- just two days ahead of Friday's judgment. The governor said his decision to replace Judge

Dunston was based on the slow pace in which cases go to trial in the Virgin Islands. He said the Superior Court lost millions while attempting to computerize its system, and still remains out of sync in an age of technology. Amplifying the problem, Mr. Mapp said, some judges were failing to report to work. And while the federal judiciary has offered the Superior Court access to use its system for little to no fees, the Superior Court had yet to utilize the offer. "The Superior Court remains lethargic, non-functioning and simply, in 2016, a paper operation," Mr. Mapp said.

But at the hearing Judge Dunston, who was represented by attorney Edward Barry, said he does not intend to relinquish his role as presiding judge of the Superior Court. The governor is being represented by Assistant Attorney General Carol Thomas-Jacobs.

In his [complaint](#), Judge Dunston contends that he and the Superior Court would suffer "irreversible harm" if the governor is not stopped from "effectuating this illegal replacement of the presiding judge." Judge Dunston contends that the governor does not have the authority to replace a presiding judge, and he said court staff have expressed concern with Mr. Mapp's decision and question whether they would be able to devote their fullest attention to doing the work of the people of the territory.

The complaint addressed the governor's concern of slow movement at the Superior Court, stating that the court is currently engaged in "numerous upgrades, improvements, maintenance and repairs." And it tackled allegations made by Mr. Mapp that certain judges were failing to report to work, calling the allegations "misleading and offensive."

"In fact, I am not aware of any judge or magistrate whose work attendance is questionable," Judge Dunston said. "No one but the governor has ever made that statement to me. and neither the governor nor anyone has ever provided to me any



Superior Court Presiding Judge Michael

Dunston. (Credit: VI Legislature)

On Friday, June 17, Mr. Mapp announced the appointment of Judge Willocks to serve as presiding judge of the Superior Court of the Virgin Islands, replacing current Judge Dunston.

The Consortium described the action as one that might have been without precedent, as it's extremely rare that a governor, aside from appointing judges, becomes involved in matters of the judicial branch of government.

The governor cited Virgin Islands Code Title 4, Chapter 71, which he says gives him the authority to replace Judge Dunston with Willocks as presiding judge.

That [section of the code](#) reads:

“The Governor shall designate one of the judges of the court to serve as presiding judge of the court to preside for such term, perform such duties, and exercise such authority as may be otherwise provided by law, or by rules of the court.”

But the law, while clear on the ability of a governor to appoint a presiding judge, does not say that a governor can remove a judge from the position without the term of said judge being expired. Judge Dunston was appointed by former Governor John P. de Jongh in 2013 for a six-year term.

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