

# The Virgin Islands Consortium

## Dunston vs Mapp: Federal Judge Extends Restraining Order Against Mapp For Two More Weeks

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ST. CROIX \_ - Federal Judge Curtis Gomez on Friday extended a two-week restraining order against Governor Kenneth Mapp by two more weeks, preventing the territory's leader [from replacing Judge Michael Dunston with Judge Harold Willocks](#) as presiding judge of the territory's Superior Court.

The order comes just two weeks after Judge Dunston [filed suit against the governor](#), calling Mr. Mapp's attempt to replace him ill-conceived, an "egregious abuse of executive power, " and misguided. The lawsuit also assailed the governor for violating the separation of powers balance.

Judge Gomez said the that the court needed more time before making a final decision on the matter, given that briefs from attorneys of both Mr. Mapp and Judge Dunston were filed on July 5.

"Given the recency of that filing; and given that the grounds for the temporary restraining order continue to exist, the Court finds that more time is required to consider the significant legal issues presented in this case. Accordingly, the Court finds that there is good cause to extend the temporary restraining order," reads the order, seen [here](#).

Judge Willocks was set to commence his tenure as presiding judge two weeks ago. 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 while announcing his decision to replace Judge Dunston.

But at the first hearing, Judge Dunston -- being represented by attorney Edward Barry -- said he did 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 if the governor is allowed such power.

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 evidence to support that statement."

Correction: July 10, 2016

Because of a text error, a previous version of this story incorrectly stated that the lawsuit against Governor Kenneth Mapp was filed by Judge Harold Willocks. The story has been updated.