

# The Virgin Islands Consortium

## St. Thomas Man Who Allegedly Punched Another Man Multiple Times Causing Injuries Faces 5 Years on Assault Charge

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**Mugshot of Olaniyan Garnette By. THE VIRGIN ISLANDS POLICE DEPARTMENT**

ST. THOMAS — A St. Thomas man who allegedly struck another male on July 23 in the Thomasville community parking lot with a closed fist is facing up to five years in prison.

The suspect, Olaniyan Garnette, 29, appeared before Magistrate Judge Henry Carr, III via teleconference with his attorney for his advisement hearing on Friday. It was Garnette's first contact with the criminal justice system.

Garnette was charged with third-degree assault, simple assault, and disturbance of the peace.

Although Garnette made bail on July 23 in the amount of \$25,000, his attorney Clive Rivers made a motion to dismiss the charges since Garnette's first appearance before the court was 14 days later, claiming that there was prejudice for not being brought before the court "immediately and without unnecessary delay," Attn. Rivers said. He cited a criminal proceeding rule in support of his motion. However, the judge denied his motion, did not dismiss the charges, and the proceeding continued.

According to the probable cause fact sheet, the witness stated that when the male victim left her home and was walking towards his car in the Thomasville parking lot, she observed Garnette run towards the victim and strike him with a closed fist multiple times in the face.

According to the victim's statement to police, he heard Garnette walk up to him and say, "I want this one" in an aggressive manner and punched him in his right eye. As a result, on Monday, July 26, the victim told investigating officers that his jaw was broken and that he had surgery done to his right eye on Sunday, July 25. Attn. Barraco stated at the hearing that the victim's jaw was wired shut.

Since medical records were not included along with the probable cause fact sheet at the time of the advisement hearing, the Mayhem charge was dropped.

According to Title 14 V.I.C. Subsection 1341 (a) (1) and (3), mayhem is defined as whoever willfully and with intent to commit a felony or to injure, disfigure or disable, inflicts upon the person of another any injury which:

(1) seriously disfigures his person by any mutilation thereof;

(3) seriously diminishes his physical vigor by the injury of any member or organ— shall be imprisoned not more than 15 years.

Details brought up in Friday's advisement hearing by Attn. Rivers painted a picture of building tension between both parties. He alleged that the day before the incident the alleged victim punched and damaged Garnette's ear drum. The judge asked if a police report was made on that matter. Attorney Rivers was unsure as to whether one existed and said he would provide it to the court if so.

According to Attn. Rivers, "This was just an incident where he had had enough of this particular person just harassing him and just tormenting him."

Judge Carr ruled on the following release conditions:

- Bail was maintained at \$25,000 as already posted since no travel restrictions were imposed
- Must sign a waiver of extradition
- Must provide travel itinerary and contact information before leaving the territory as Garnette travels for his employment
- Reside with a third-party custodian
- No contact with victim or any witnesses

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