

The Virgin Islands Consortium

Nearly 800 Cases Pending in USVI With No Set Date For Resumption of Jury Trials; Four People Have Been Murdered Since 2020 Awaiting Court Date

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A closeup of a statue of the blindfolded Lady Justice photographed with a very shallow depth of field. By. GETTY IMAGES

The Virgin Islands court system has not heard any criminal cases requiring a jury trial since the onset of the Covid-19 pandemic, leaving 773 cases pending as of July 31 2021, the Office of the Territorial Public Defender made known at a Senate budget hearing Friday. During that time, at least four individuals were killed while awaiting trial, stated O.T.P.D. Chief Defender Samuel Joseph.

With a sense of urgency that shifted the focus of the budget hearing toward the issue, Senator Kurt Violet, who chairs the Finance Committee, asked Mr. Joseph whether he had received any correspondence from the court system relative to when jury trials would resume. Mr. Joseph said he had not received any direct correspondence, however he said the territory's public defenders are part of the V.I. Covid-19 Task Force and discussions were being had to determine a resumption date.

"At this point in time there has been talk about potentially September but all of that is dependent on where we are as a territory from a Covid numbers standpoint."

[In July](#), when Mr. Violet brought up the issue to Superior Court Presiding Judge Harold Willocks, the judge said the court system was aiming for "the end of September" to resume jury trials, a response that did not please Mr. Violet.

Mr. Violet asked Mr. Joseph whether he knew of any court system in the nation that had not conducted a single jury trial since March 2020. In response, Mr. Joseph said he has had discussions with other public defenders whose offices resumed trials since the "initial months of the pandemic shutdown" in 2020.

The Finance Committee chair, who has chastised the court system for the backlog, asked Mr. Joseph whether the territory's District Court had resumed jury trials, and Mr. Joseph said the District Court had indeed resumed.

Mr. Violet further sought to learn how many clients had been awaiting trial and were murdered during that time, Mr. Joseph stated, "Unfortunately that is something that happens within this realm. I want to say within the last year probably about four or five of them."

The senator then passionately defended his line of questioning. "For the life of me I can't understand why our court system can't come up with a plan to be able to resume jury trials. It's only been a year and months; it's only 30-something million dollars we are funding the court system, but we have had no case," he said.

Mr. Violet said he hoped there would not be many continuances when the jury trials resume, and he asked Mr. Joseph whether the O.T.P.D. was ready to handle the caseload. Mr. Joseph said his directive to attorneys during the extended pause on jury trials is "to work every single case up until the point of readiness for trial, so that's where we are," he said.

"I literally can pick up almost any file that has been pending for some time and as long as we have received everything that we need from the prosecution, we are ready to go to trial," he added.

Mr. Violet called out to the court system. "We cannot continue to use Covid as a reason why we are not having trials. If Covid is here until next year, what are we going to do? We're going to continue not having any trials, not resolving issues and increasing the murder rate by individuals who should have been tried in court [but are] instead staying on the street and getting killed, or killing again?"

Senator Janelle Sarauw echoed the sentiments of her colleague. "It becomes a budget issue when we are paying millions for a consent decree and we continue to complain that

the B.O.C. doesn't have enough correctional officers per the population."

She said the Alexander Farrelly Criminal Justice Complex in the St. Thomas-St. John District as of Friday had 77 inmates, while the Golden Grove Correctional Facility on St. Croix had 73.

"[There are] 150 people in custody with 136 being detainees and the rest are sentenced, so our prisons are full of people awaiting trial and of course you wouldn't need all these corrections officers and this consent decree and everything else if we were moving cases. So it does become a budget issue because the cost to do that falls on this government."

Ms. Sarauw asked what was the longest time a person spent in prison while awaiting a trial date. Mr. Joseph said he was co-counsel on a case where an individual spent three years in prison while awaiting trial.

Twenty-two of the pending cases are murder cases, with the STT-STJ and STX Districts each having 11 of those cases. In the STX District there were 421 pending cases, while in the STT-STJ district there were 352 cases pending as of July 31. A majority of the caseload in both districts are felonies: 67 percent in the STX district and 58 percent in the STT-STJ district, according to statistics provided by the O.T.P.D.

In his closing statement, Mr. Violet said, "I hope that with the Covid Task Force that you are sitting on that we will be able to make recommendations to immediately resume jury trial so that the third branch of government can begin to resolve some of these outstanding issues that we have. It's totally ridiculous that we have not had a jury trial since March of last year. I know that this is the only court system in the nation that just can't figure out how to have a jury trial and begin to resolve these cases."

According to the Post Audit Analysis, the governor of the Virgin Islands has recommended a General Fund appropriation of \$5,230,554 for Fiscal Year 2022 for the Office of the Territorial Public Defender.