

The Virgin Islands Consortium

VI Courts Announce Resumption of In-Person, Non-Jury Trials Beginning Sept. 7; In-Person Jury Trials to Resume in October

Government / **Published On September 01, 2021 04:37 AM /**

Staff Consortium **September 01, 2021**



V.I. Superior Court on St. Croix By. File/ODR

The territory's courts will resume in-person hearings for non-jury trials beginning Sept. 7, according to a [new order](#) issued by V.I. Supreme Court Chief Justice Rhys Hodge. However, the order gives the courts the authority to determine whether to conduct a hearing in-person or remotely.

"Administrator of Courts, Regina Petersen, advises the public and members of the Virgin Islands Bar Association, that the temporary emergency measures implemented at all

Judicial Branch Facilities which previously went into effect at 12:00 a.m. on August 2, 2021, shall expire at 11:59 p.m. on Monday, September 6, 2021, and shall be replaced effective 12:00 a.m. on Tuesday September 7, 2021, with the new measures outlined in Supreme Court Administrative Order No. 2021-0013," stated a release issued by the V.I. Supreme Court.

The release stated that all "proceedings in the Supreme Court of the Virgin Islands, as well as proceedings before the Board on Professional Responsibility, the Commission on Judicial Conduct, the Board on the Unauthorized Practice of Law, the Committee of Bar Examiners, and the Office of Disciplinary Counsel, may be held in-person with the approval of the Chief Justice."

Relative to the Superior Court, all proceedings, except for jury trials, "may be held in-person subject to the approval of the Presiding Judge in consultation with the Administrator of Courts. It is further noted that all proceedings already scheduled for a remote hearing as of the effective date of the order shall remain set for a remote hearing until and unless otherwise directed by the presiding judicial officer."

The order states that all judicial officers, court boards, commissions, and committees retain the discretion to schedule any matter, other than a jury trial, for a remote hearing, "and are strongly encouraged to do so."

The pause on jury trials will be lifted on Monday, Oct. 4, which clears the way for the resumption of such trials. Once resumed, jury trials "shall be on staggered schedules coordinated and approved by the Presiding Judge with the assistance of the Administrative Judge and the Clerk of the Superior Court, so as to minimize the number of individuals congregating in Judicial Branch facilities," according to the release.

The new order follows criticism from lawmakers, most vocally Sen. Kurt Vialet, who has lamented the backlog of jury cases in the USVI even as most U.S. jurisdictions have been holding in-person trials since last year. 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 last month. During that time, at least four individuals were killed while awaiting trial, stated O.T.P.D. Chief Defender Samuel Joseph.

"We cannot continue to use Covid as a reason why we are not having trials," Mr. Vialet said during the hearing. "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?"

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