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## Dept. of Health Issued No-Fly Order Against Blyden After Learning He Intended to Travel to Hawaii Following Positive Covid-19 Test, Fact Sheet Says; Judge Finds Probable Cause

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**Senator Marvin Blyden appeared in the V.I. Superior Court virtually on Friday to face a charge of Exposure in Public Place while Infected with a Contagious Disease. By. VI CONSORTIUM**

ST. THOMAS — Senator Marvin Blyden has entered a plea of not guilty on one count of Exposure in Public Place while Infected with Contagious Disease. Mr. Blyden was summoned by the Superior Court of the Virgin Islands following a criminal complaint filed by the Department of Justice on September 24. The Senator is accused of flouting quarantine directives by attending an

event at Tillet Gardens on September 18th, days after he tested positive for Covid-19. If convicted, Blyden faces a maximum imprisonment of 1 year, a fine of not more than \$200, or both.

At Friday's virtual hearing, Judge Henry Carr stated that the court found probable cause for the complaint against the senator. Mr. Blyden appeared virtually, accompanied by Attorney Dwayne Henry, who asked that his client be released on his own recognizance. Attorney Rob Barchiesi appearing for the people, raised no objection to the request, noting the senator's substantial ties to the community. Judge Carr concluded that the senator would be released on his own recognizance, noting that this has been his practice when a criminal matter is initiated by way of a summons and the defendant honors that summons, as is the case in this matter.

The matter will be heard before Judge Kathleen McKay at a subsequent date and Mr. Blyden has not waived his right to a speedy trial and a trial by jury. However, while the matter remains pending, Judge Carr warned that if Mr. Blyden is caught violating any of the conditions of his release, his bail can be revoked and he may be remanded to the Bureau of Corrections until the conclusion of the case.

As part of the conditions of his release, Mr. Blyden is prohibited from leaving the Virgin Islands without permission from the court and must report to the probation office once weekly via telephone. The judge emphasized that the senator must comply with all health regulations of the territory. Further, he must not have direct or indirect contact with any witnesses in the matter.

Multiple witnesses confirmed to law enforcement that they saw Mr. Blyden in attendance at the September 18th event at Tillet Gardens. According to the probable cause fact sheet submitted before the court, one witness who was in attendance at the event presented himself to the Department of Health after finding out of possible exposure. Another witness interviewed by police recalled seeing a dark colored SUV with Legislature license plates parked in the handicap space at the venue.

During investigations into the allegations against Mr. Blyden, law enforcement also interviewed Commissioner of Health Justa Encarnacion who confirmed that Mr. Blyden informed her on September 15th that he tested positive for Covid-19 after being tested at the Legislature. She noted that while he informed her that he had been experiencing cold-like symptoms, he believed the test administered by the Legislature was inaccurate. Arrangements were subsequently made for a PCR test on September 15th and Mr. Blyden reportedly contacted the commissioner on September 16th for assistance in interpreting the results. After informing him that the results were positive, the commissioner and V.I. Dept. of Health Territorial Epidemiologist Dr. Esther Ellis notified the senator that the PCR test taken on September 15th was a confirmatory test and he must therefore remain quarantined until September 25th.

Despite these clear orders from authorities, Mr. Blyden was spotted just days later at a public event where he could have potentially exposed scores of attendees to the infectious disease. While the senator previously claimed that he attended the event to meet with investors he invited to the territory, he provided no clear explanation of why the meeting was not held virtually given the circumstances.

After Mr. Blyden's sighting at the public event, Commissioner Encarnacion issued a public health order on September 20th, directing him to remain in quarantine. Dr. Ellis also imposed a no-fly order on Mr. Blyden following information that he intended to leave the territory on September 21st for a family vacation in Hawaii, according to the probable cause fact sheet.

The Consortium [reported exclusively on Monday, Sept. 20 that Mr. Blyden had flouted Dept. of Health Covid-19 protocols](#) when he went to an event with scores of people in attendance two days after testing positive for Covid-19. Mr. Blyden said he was first tested at the Legislature on Tues., Sept. 14 and refused to believe he was positive, so he sought another test at the V.I. Dept. of Health, which also returned positive Wednesday, Sept. 15. The senator said he was advised by D.O.H. to quarantine for 10 days. However, instead of following the health department's protocols, Mr. Blyden said he tested at home several times after and those tests came back negative. That prompted the senator to attend the function at Tillet Gardens using a government-owned, Legislature-issued, LEG 5 vehicle on the night of Saturday, Sept. 18.