

The Virgin Islands Consortium

Dept. of Justice Agrees to Community Service For Marvin Blyden in Lieu of Prosecution; Next Status Conference Set for June 22

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Senator Marvin Blyden By. V.I. LEGISLATURE

The V.I. Superior Court has set June 22 as the date for the next status conference in the case involving Sen. Marvin Blyden, after the V.I. Dept. of Justice agreed to Mr. Blyden's pre-trial intervention request that would see the senator performing community service work with My Brother's Workshop and a Covid-19 aid program in lieu of prosecution.

"The People have made the pre-trial intervention agreement with the defendant," reads a response from the V.I. Dept. of Justice in a court filing regarding Mr. Blyden's request.

The court then approved the request.

The document, seen [here](#), does not state whether the D.O.J.'s original stance of a \$5,000 fine to accompany the pre-trial intervention approval was still in place. Mr. Blyden had objected to the fine, contending it "is particularly inappropriate when the maximum fine for the crime charged is \$200." Attempts to reach D.O.J. Media Relations Director, Sandra Goomansingh were unsuccessful.

D.O.J. [late Sept. charged Mr. Blyden](#) with willfully exposing the public to a contagious disease after he flouted Covid-19 protocols when he attended an event before completing his quarantine period required by the V.I. Dept. of Health. The senator faced a fine of \$200 and not more than one year in prison.

However, on May 4 Mr. Blyden filed court documents seeking pre-trial intervention. In his filing, the senator cites what he described as a 1975 "dramatic policy shift" of the V.I. Legislature relative to criminal law, with the aim to make society less punitive and more restorative. The policy shift sought to rehabilitate those who committed certain crimes by enrolling those individuals into community-oriented programs without losing the general deterrent effect of the criminal justice system.

Certain crimes may not qualify as part of the program, including murder, kidnapping, first and second-degree assault, first-degree rape and first-degree arson.

According to the court filing, Mr. Blyden "has never been convicted of any crime. There is no outstanding arrest warrant for Mr. Blyden. Mr. Blyden has agreed to serve his community service hours with the My Brother's Workshop program, and Jenny Hawkes from My Brother's Workshop has agreed to have Mr. Blyden participate. Alternately, Mr. Blyden has also confirmed that Tuwana Anderson, founder of Malik Adams James Foundation, Inc., a nonprofit that works with Covid relief efforts also agrees to have Mr. Blyden participate for his hours of community service."

The filing adds that the only remaining requirements is that Mr. Blyden appear in court to waive the statute of limitations and his right to a speedy trial, and for the court to determine whether the senator would benefit from diversion and whether diversion serves the community's interest.

"As this is a crime involving endangering the community by exposing them to a communicable disease, participation in a community program that requires direct interaction with the community is a particularly appropriate approach as it will provide Mr. Blyden with the opportunity to work directly with those who were endangered by his actions," reads the court document filed by Mr. Blyden. "Further, the community interest is served by providing such an opportunity to learn from past mistakes and grow through gaining new perspectives from meeting diverse people, something Mr Blyden's participation in My Brother's Workshop would accomplish."

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 a function at Tillet Gardens using a government-owned, Legislature-issued, LEG 5 vehicle on the night of Saturday, Sept. 18.

The senator has since [acknowledged in part his wrongdoing](#) and profusely apologized to the public when the matter became public. Mr. Blyden said he had a "terrible lapse of judgement for failing to set an example as a community leader" when he attended the function at Tillet Gardens after testing positive for Covid-19.