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USVI Court Backlog Grows Longer With 800 Pending Cases; Chief Public Defender Calls For Swift Action

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The U.S. Virgin Islands needs legislation to facilitate quicker, more efficient trials. That's the recommendation of the territory's chief public defender Samuel Joseph, whose office currently has approximately 800 cases pending.

Mr. Joseph believes a speedy trial law will significantly reduce the length of time it takes to try cases in the territory. "I think it's necessary in any jurisdiction. When you look at most other states, on a state level they have their own version of a speedy trial act and we don't have it. What that does is it expands the timeframe that a case could be potentially held before the court," he told legislators on the Senate Committee on Homeland Security, Justice and Public Safety on Wednesday.

According to data provided by the Office of Territorial Public Defender (OTPD), as of February 28th, 2023, there were 516 cases pending in the St. Croix district and 354 cases pending in the St. Thomas/St. John district. As of that same date, there were 48 new cases appointed in the St. Croix district and 53 new cases in the St. Thomas/St. John district.

The OTPD represents people who cannot afford legal counsel. The chief public defender said that on average attorneys can cover anywhere from 50 up to 120 cases each month. So far this year, the OTPD has 29 murder cases before it - 20 on St. Croix and 9 on St Thomas - and Mr. Joseph said it generally takes about two years before such cases can get to the trial stage.

He believes that these people also deserve the right to a speedy trial, engraved in the Constitution but not in the VI Code. Delays, for which he blames state prosecutors, come at a high cost to stakeholders including the police and the legal office, Mr. Joseph added.

“My intent is not to cast any aspersions but I see a lot of the cases being bottle necked or not being resolved quick enough based on the AG’S [Attorney General] action,” he said.

Meanwhile, Mr. Joseph said there are people who have been incarcerated for even longer periods than usual because of their mental health challenges. “A lot of times you have to go through evaluations after evaluations; you have to make a determination as to whether or not this person may be NGRI, what we call not guilty by reason of insanity.”

“And then oftentimes, we have a number of individuals who are in mental health facilities off-island. So, while the case is technically resolved, it’s not really resolved because you have to keep doing updates and follow-ups on those individuals,” he said.

Senator Alma Francis-Heyliger, who said that she too had been working on legislation to quicken trials, asked the chief defender what he thought would resolve mentally ill people from being incarcerated, to which he responded that proper documentation is key.

“There are a number of things that can be done but it still comes down to mental health facilities and practitioners within the territory because it’s really just a handful,” he shared.

Apart from legislation to streamline the trials process, Mr. Joseph also suggested that hiring additional attorneys – ideally two per courtroom – would also help to reduce the backlog of cases.