

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2019-003**
)
AMENDMENTS TO THE RULES)
GOVERNING THE SUPERIOR COURT)
OF THE VIRGIN ISLANDS.)
_____)

ORDER OF THE COURT

THIS MATTER is before the Court pursuant to a February 12, 2019 Order of the Presiding Judge of the Superior Court, which submits, for this Court’s approval, proposed amendments to the Rules Governing the Superior Court of the Virgin Islands. Pursuant to its inherent authority and the authority granted to it by section 21(c) of the Revised Organic Act of 1954, and title 4, sections 24, 32(f), and 74a of the Virgin Islands Code, the Supreme Court of the Virgin Islands agrees with the Superior Court that these amendments are necessary to reconcile the Superior Court Rules with the Virgin Islands Rules of Criminal Procedure, Virgin Islands Small Claims Rules, and other changes to the law. Accordingly, it is hereby

ORDERED that the Amendments to the Rules Governing the Superior Court of the Virgin Islands, as proposed by the Presiding Judge of the Superior Court in the February 12, 2019 Order attached hereto, are **APPROVED**. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 15th day of February, 2019.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:
VERONICA J. HANDY, ESQ.
Clerk of the Court

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

IN RE:)	Misc No. <u>ST-19-MC-0000008</u>
AMENDMENTS TO THE RULES)	
GOVERNING THE SUPERIOR COURT)	
OF THE VIRGIN ISLANDS.)	
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ORDER

Pursuant to its inherent authority and the authority granted to it by title 4, section 32(f)(1) of the Virgin Islands Code, the Superior Court of the Virgin Islands hereby proposes the following amendments to the Rules Governing the Superior Court of the Virgin Islands, for the purpose of reconciling the Superior Court Rules with other changes in the law, including the Virgin Islands Rules of Criminal Procedure, the Virgin Islands Small Claims Rules, and the Virgin Islands Habeas Corpus Rules. Accordingly, it is

ORDERED that Superior Court Rules 7, 8, 9, 10, 10.1, 12, 13, 41, 42, 43, 45, 46, 61, 62, 63, 64, 65, 66, 67, 68, 69, 105, 113, 114, 115, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147 are **REPEALED**. It is further

ORDERED that Superior Court Rule 1(a) is **AMENDED** by inserting language as follows:

These rules govern the practice and procedure in the superior court except in cases where the Virgin Islands Rules of Civil Procedure, the Virgin Islands Rules of Criminal Procedure, the Virgin Islands Rules of Evidence, the Virgin Islands Small Claims Rules, the Virgin Islands Habeas Corpus Rules, or other rules promulgated by the Supreme Court of the Virgin Islands apply. They are intended to provide for the just determination of causes coming within the jurisdiction of the court. They shall be liberally construed to secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

It is further

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CLERK OF THE COURT

ORDERED that Superior Court Rule 3 is **AMENDED** by striking subsections (a) and (b) in their entirety and re-designating the language in subsection (c) as Superior Court Rule 3. It is further

ORDERED that Superior Court Rule 11 is **AMENDED** by striking subsection (a) in its entirety and re-designating the language in subsection (b) as Superior Court Rule 11. It is further

ORDERED that Superior Court Rule 95(d) is **AMENDED** by striking the phrase “Rule 122(c)” and replacing it with the phrase “Rule 4(b)(1) of the Virgin Islands Rules of Criminal Procedure”. It is further

ORDERED that Superior Court Rule 99 is **AMENDED** by striking the phrase “Government of the Virgin Islands” and replacing it with the phrase “People of the Virgin Islands”. It is further

ORDERED that Superior Court Rule 100 is **AMENDED** by striking all existing language in its entirety and replacing with the following new language:

Except as otherwise provided by these rules, the Virgin Islands Rules of Criminal Procedure shall apply to criminal or quasi-criminal causes assigned to the family division.

It is further

ORDERED that Superior Court Rule 106 is **AMENDED** by striking all existing language in its entirety and replacing with the following new language:

In criminal or quasi-criminal causes the judgment shall be entered in accordance with Rule 32(k) of the Virgin Islands Rules of Criminal Procedure. In civil causes the judgment shall be entered in accordance with Rules 52 and 58 of the Virgin Islands Rules of Civil Procedure.

It is further

ORDERED that Superior Court Rule 113 is **AMENDED** by striking all existing language in its entirety and replacing with the following new language:

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CLERK OF THE COURT

Rule 5-1 of the Virgin Islands Rules of Criminal Procedure shall be applicable to all criminal causes assigned to the family division.

It is further

ORDERED that Superior Court Rule 320 is **AMENDED** in the following instances:

1. Subsection (b)(3) is amended by replacing the existing language with the following new

language:

All warrants may be issued by a magistrate judge of the Superior Court. Violation of conditions of release does not require a new charging document, however, violators may be arrested and brought before the assigned judge or, if not yet assigned, before the magistrate judge who set the conditions of release. Warrants issued for violation of conditions of probation shall be heard by the sentencing judge or the judge to whom the case is assigned.

2. Subsection (b)(4) is stricken in its entirety.

It is further

ORDERED that Superior Court Rule 321 is **AMENDED** in the following instances:

1. Subsection (b) is stricken in its entirety.
2. Subsection (c)(1) is amended by striking the phrase "and submit them to the Presiding Judge for approval" and the sentence "The Presiding Judge may indicate approval, within his discretion, by entering a written Order of Assignment to a Magistrate Judge."

It is further

ORDERED that these amendments shall be effective upon approval by the Supreme Court of the Virgin Islands. It is further

ORDERED that copies of this order be directed to the appropriate parties.


SO ORDERED this 3rd day of FEBRUARY, 2019.

February 15, 2019

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

ATTEST: Estrella H. George
Clerk of the Court

by:  2/15/19
Lori Boynes-Tyson
Court Clerk Supervisor


HON. MICHAEL C. DUNSTON
PRESIDING JUDGE OF THE SUPERIOR
COURT OF THE VIRGIN ISLANDS

Copies to:

Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Chivonne A.S. Thomas, Esq., President, V.I. Bar Association
Hinda Carbon, Executive Director, V.I. Bar Association
Regina D. Petersen, Administrator of Courts
Veronica J. Handy, Esq., Clerk of the Supreme Court
Estrella H. George, Clerk of the Superior Court