

IN THE SUPREME COURT OF THE VIRGIN ISLANDS
ORDER SETTING CALENDAR OF CASES FOR CONSIDERATION AND
FOR ORAL ARGUMENT

The Supreme Court will convene in its Fifth Session of its 2013 Term on **Tuesday, June 11, 2013**. Unless otherwise noted, the Honorable **RHYS S. HODGE**, Chief Justice, the Honorable **MARIA M. CABRET**, Associate Justice, and the Honorable **IVE ARLINGTON SWAN**, Associate Justice, will comprise the panel scheduled June 11, 2013.

AND NOW, this 14th day of May 2013, it is hereby

ORDERED, that the following cases are scheduled for consideration before the Supreme Court of the Virgin Islands in its Fifth Session, 2013 Term:

S. Ct. Civ. No. 2012-0137
Super. Ct. Civ. No. 542/2010(STT)
ACTION FOR DAMAGES

ELISSA MACHADO,
Appellant/Plaintiff,

v.

**YACHT HAVEN USVI, LLC D/B/A YACHT HAVEN GRANDE, ISLAND
CAPITAL GROUP, LLC, ISLANDS GLOBAL YACHTING LTD, CO., ISLAND
GLOBAL YACHTING SERVICES, LLC AND ABC COMPANY,**
Appellees/Defendants.

Counsel for Appellant
Lee. J. Rohn, Esq.
Ronald W. Belfon, Esq.
Terri Griffiths, Esq.

Counsel for Appellee
Matthew J. Duensing, Esq.
James Bernier, Jr., Esq.

S. Ct. Crim. No. 2012-0074
Super. Ct. Crim. No. F359/2010 (STT)
14 V.I.C. § 922(A)(1), 14 V.I.C. § 2253(A) – 2Cts.; 14 V.I.C. § 295(1)

CHRISTOPHER SIMMONDS,
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,
Appellee/Plaintiff.

Counsel for Appellant
Kele Onyejekwe, Esq.

Counsel for Appellee
Paul Paquin, Esq.

S. Ct. Civ. No. 2013-0012
Super. Ct. Civ. No. 360/2011(STT)
ACTION FOR DECLARATORY JUDGMENT

WILLIAM KELLEY,
Appellant/Plaintiff,

v.

GOVERNMENT OF THE VIRGIN ISLANDS, OFFICE OF TAX ASSESSOR,
Appellee/Defendant.

Counsel for Appellant
James M. Derr, Esq.

Counsel for Appellee
Kimberly L. Salisbury, Esq.

S. Ct. Crim. No. 2012-0072
Super. Ct. Crim. No. F78/2011(STT)
14 V.I.C. § 1708(1) – 2 Cts.; 14 V.I.C. § 1709 – 2Cts.

KEITH A. FRANCIS,
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,
Appellee/Plaintiff.

Counsel for Appellant
Kele Onyejekwe, Esq.

Counsel for Appellee
Kimberly L. Salisbury, Esq.

S. Ct. Civ. No. 2012-0011
Super. Ct. Civ. No. 540/1999(STX)
ACTION FOR DAMAGES

CARL SIMON,
Appellant/Plaintiff,

v.

MICHAEL A. JOSEPH,
Appellee/Defendant.¹²

Counsel for Appellant
Carl Simon, *pro se*

Counsel for Appellee
Michael A. Joseph, Esq., *pro se*

¹ Chief Justice Rhys S. Hodge being recused from consideration of this matter, the panel convened to consider this matter comprises of the Honorable Ive Arlington Swan, Associate Justice, the Honorable Brenda J. Hollar, Designated Justice, and the Honorable Verne A. Hodge, Chief Judge Emeritus.

² Associate Justice Maria M. Cabret being recused from consideration of this matter, the panel convened to consider this matter comprises of the Honorable Ive Arlington Swan, Associate Justice, the Honorable Brenda J. Hollar, Designated Justice, and the Honorable Verne A. Hodge, Chief Judge Emeritus.

S. Ct. Crim. No. 2013-0025
Super. Ct. JD. No. 81/2012(STT)
ACTION FOR: TRANSFERRED MINOR TO THE CRIMINAL DIVISION

PEOPLE OF THE VIRGIN ISLANDS IN THE INTEREST OF:

J.G., a Minor.

Counsel for Appellant
Pedro K. Williams, Esq.
Namosha Boykin, Esq.

Counsel for Appellee
Paul J. Paquin, Esq.

S. Ct. Crim. No. 2013-0024
Super. Ct. JD. No. 77/2012(STT)
ACTION FOR: GRANTING THE MOTION TO STAY OF TRANSFER ORDER

PEOPLE OF THE VIRGIN ISLANDS IN THE INTEREST OF:

K.J.F., a Minor.

Counsel for Appellant
Kele Onyejekwe, Esq.

Counsel for Appellee
Williams K. Evans, Esq.
Kimberly L. Salisbury, Esq.

S. Ct. Crim. No. 2012-0022
Super. Ct. JD. No. 78/2012(STT)
ACTION FOR: TRANSFERRED MINOR TO THE CRIMINAL DIVISION

PEOPLE OF THE VIRGIN ISLANDS IN THE INTEREST OF:

J.J.J., a Minor.

Counsel for Appellant
Carolyn P. Hermon-Percell, Esq.

Counsel for Appellee
Douglas L. Dick, Esq.
Pamela R. Tepper, Esq.

It is further

ORDERED that the Court will hear **ARGUMENTS** in the above-noted cases on **June 11, 2013, in Supreme Court of the Virgin Islands – St. Thomas, 161B Crown Bay** as follows:³

Oral Arguments will commence at **10:00 AM**, in the following cases:

1. **Machado v. Yacht Haven USVI, LLC, et al.**
S. Ct. Civ. No. 2012-0137
2. **Simmonds v. People**
S. Ct. Crim. No. 2012-0074
3. **Kelley v. Government**
S. Ct. Civ. No. 2013-0012

CASES TO BE CONSIDERED WITHOUT ORAL ARGUMENT

1. **Francis v. People**
S. Ct. Crim. No. 2012-0072
2. **Simon v. Joseph**
S. Ct. Civ. No. 2012-0011
3. **In the Interest of J.G., a Minor**
S. Ct. Crim. No. 2013-0025
4. **In the Interest of K.J.F., a Minor**
S. Ct. Crim. No. 2013-0024
5. **In the Interest of J.J.J., a Minor**
S. Ct. Crim. No. 2013-0022

³ Pursuant to Supreme Court Rule 27(b), each side is allotted fifteen (15) minutes to present arguments. Any counsel who would like to appear remotely from the St. Croix Court, must notify the Court no later than (5) days prior to the date of Oral Arguments.

SO ORDERED this 14th, day May, 2013.

FOR THE COURT:

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

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