

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 Seventh Session of its 2012 Term on **Tuesday, October 9, 2012**. 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 for October 9, 2012.

**AND NOW**, this 7<sup>th</sup> day of September, 2012, it is hereby

**ORDERED**, that the following cases are scheduled for consideration before the Supreme Court of the Virgin Islands in its Seventh Session, 2012 Term:

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S. Ct. Crim. No. 2012-0007

Sup. Ct. Crim. No. 474/2008 (STX)

**MURDER FIRST DEGREE; ATTEMPTED MURDER FIRST DEGREE; ASSAULT FIRST DEGREE (3 COUNTS); RECKLESS ENDANGERMENT FIRST DEGREE; POSSESSION OF AN UNLICENSED FIREARM DURING THE COMMISSION OF A CRIME OF VIOLENCE; USING A DANGEROUS WEAPON DURING THE COMMISSION OF A CRIME OF VIOLENCE.**

COLLY CASCEN,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
A. Jomo Meade, Esq.

Counsel For Appellee(s)  
Kimberly L. Salisbury, Esq.

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S. Ct. Crim. No. 2011-0114  
Super. Ct. Crim No. 377/2010(STX)

IRA GALLOWAY,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
Kelechukwu Chidi Onyejekwe,  
Esq.

Counsel For Appellee(s)  
Paul J. Paquin, Esq.

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S. Ct. Civ. No. 2012-0050  
Super. Ct. Civ. No. 457/2008(STT)

ISLAND TILE AND MARBLE, LLC.,  
Appellant/Defendant,

v.

BERYL BERTRAND, as ADMINISTRATRIX OF THE ESTATE OF JACQUES-PIERRE  
BERTRAND,  
Appellee/Plaintiff.<sup>1</sup>

Counsel For Appellant(s)  
Waldemar M. Wilczynski, Esq.

Counsel For Appellee(s)  
David A. Bornn, Esq.  
Gregory Adam Thorp, Esq.  
Paul M. Platte, Esq.

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<sup>1</sup> Chief Justice Rhys S. Hodge being recused from consideration of this matter, the panel convened to consider this matter comprises of the Honorable Maria M. Cabret, Associate Justice, the Honorable Ive Arlington Swan, Associate Justice, and the Honorable Verne A. Hodge, Chief Judge Emeritus.

S. Ct. Crim. No. 2011-0052

Super. Ct. Crim. No. 137/2010(STT)  
**14 VIC 922(A)(1), 2253(A), 297(2)**

NESTA JAMES,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
Vanessa-Nola Pratt, Esq.

Counsel For Appellee(s)  
Pamela Rae Tepper, Esq.

S. Ct. Civ. No. 2012-0018

Super. Ct. Civ. No. 677/2005(STT)  
**WRONGFUL INTERFERENCE WITH USE OF AN EASEMENT; INJUNCTIVE  
RELIEF; DECLARATORY JUDGMENT; INTENTIONAL INTERFERENCE WITH  
PERFORMANCE OF CONTRACT BY THIRD PERSON.**

CARIBBEAN HEALTHWAYS, INC., AND HUBERT KING,  
Appellants/Plaintiffs,

v.

GERRO JAMES, JANET JAMES AND GEJAN, INC.,  
Appellee/Defendants.

Counsel For Appellant(s)  
Karin A. Bentz, Esq.

Counsel For Appellee(s)  
Arturo R. Watlington, Jr., Esq.

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S. Ct. Civ. No. 2012-0022  
Super. Ct. SM. No. 438/2008 (STX)

WALTER GARDINER, M.D.,  
Appellant/Defendant,

v.

JEWEL DIAZ,  
Appellee/Plaintiff

Counsel For Appellant(s)  
Natalie B. Nelson Tang How,  
Esq.

Counsel For Appellee(s)  
Jewel Diaz, Pro Se

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S. Ct. Crim. No. 2012-0002  
Super. Ct. Crim. No. 437/2011 (STX)  
**SIMPLE POSSESSION OF A CONTROLLED SUBSTANCE**

WILLIAM T. GIBBONS,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
Pamela-Lynn Colon, Esq.

Counsel For Appellee(s)  
Tiffany V. Monrose, Esq.

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S. Ct. Civ. No. 2011-0068  
Super. Ct. SM. No. 354/2009(STX)  
**ACTION FOR DAMAGES**

MICHELLE MASO,  
Appellant/Plaintiff,

v.

YARA E. MORALES,  
Appellee/Defendant.

Counsel For Appellant(s)  
Michelle Maso, Pro Se

Counsel For Appellee(s)  
Yara E. Morales, Pro Se

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S. Ct. Crim. No. 2011-0087  
Super. Ct. Crim. No. 113/2003(STX)

LEE J. ROHN,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
Gordon C. Rhea, Esq.  
Ryan W. Greene, Esq.  
Anna M. Washburn, Esq.

Counsel For Appellee(s)  
Tiffany V. Monroe, Esq.

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S. Ct. Civ. No. 2010-0040  
Super. Ct. Civ. No. 243/2006(STT)  
**ACTION FOR DEBT**

AUBREY WALTERS,  
Appellant/Plaintiff,

v.

ELVIRA WALTERS,  
Appellee/Defendant.

Counsel For Appellant(s)  
Kent W. Rogers, Esq.

Counsel For Appellee(s)  
Mrs. Elvira Walters, Pro Se

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It is further

**ORDERED** that the Court will hear **ARGUMENTS** in the above-noted cases on October 9, 2012, in **Supreme Court of the Virgin Islands - St. Thomas, 161B Crown Bay**, as follows:<sup>2</sup>

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

- 1. Colly Cascen v. People of the Virgin Islands**  
S. Ct. Crim. No. 2012-0007
- 2. Ira Galloway v. People of the Virgin Islands**  
S. Ct. Crim. No. 2011-0114
- 3. Island Tile and Marble LLC v. Beryl Bertrand**  
S. Ct. Civ. No. 2012-0050
- 4. Nesta James v. People of the Virgin Islands**  
S. Ct. Crim. No. 2011-0052

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<sup>2</sup> 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.

CASES TO BE CONSIDERED WITHOUT ORAL ARGUMENT

1. **Caribbean Healthways, Inc. et al v. James et al**  
S. Ct. Civ. No. 2012-0018
2. **Walter Gardiner, M.D. v. Jewel Diaz**  
S. Ct. Civ. No. 2012-0022
3. **William T. Gibbons v. People of the Virgin Islands**  
S. Ct. Crim. No. 2012-0002
4. **Michelle Maso v. Yara E. Morales**  
S. Ct. Civ. No. 2011-0068
5. **Lee J. Rohn v. People of the Virgin Islands**  
S. Ct. Crim. No. 2011-0087
6. **Aubrey Walters v. Elvira Walters**  
S. Ct. Civ. No. 2010-0040

**SO ORDERED** this 7<sup>th</sup> day of September, 2012.

**FOR THE COURT:**

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

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