

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

The Supreme Court will convene in its Third Session of its 2013 Term on **Tuesday, April 9, 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 April 9, 2013.

**AND NOW**, this 3<sup>rd</sup> day of April, 2013, it is hereby

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

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S. Ct. Crim. No. 2012-0071  
Super. Ct. Crim. No. 670/2011(STT)  
**14 V.I.C. § 921, 922(a), 11(a); 14 V.I.C. § 2253(a), 11(a) 3-Cts.**  
**14 V.I.C. § 921, 922(b), 11(a), 295(1), 11(a); 625(a)**

**MALIEK OSTALAZA,**  
Appellant/Defendant,

v.

**PEOPLE OF THE VIRGIN ISLANDS,**  
Appellee/Plaintiff.<sup>1</sup>

Counsel for Appellant  
Maria T. Hodge, Esq.

Counsel for Appellee  
Jennifer Lynn Augspurger, Esq.

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

S. Ct. Crim. No. 2012-0086  
Super. Ct. Crim. No. 669/2011 (STT)  
**FIRST DEGREE MURDER, UNAUTHORIZED USE OF AN UNLICENSED  
FIREARM DURING THE COMMISSION OF A FIRST DEGREE MURDER, FIRST  
DEGREE ASSAULT, UNAUTHORIZED USE OF AN UNLICENSED FIREARM  
DURING THE COMMISSION OF A FIRST DEGREE ASSAULT, RECKLESS  
ENDANGERMENT IN THE FIRST DEGREE**

**JEVERN PHILLIP,**  
Appellant/Defendant,

v.

**PEOPLE OF THE VIRGIN ISLANDS,**  
Appellee/Plaintiff.<sup>2</sup>

Counsel for Appellant  
Kele Onyejekwe, Esq.

Counsel for Appellee  
Jennifer Lynn Augspurger, Esq.

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S. Ct. Crim. No. 2012-0044  
Super. Ct. Crim. No. 194/2011 (STT)  
**14 V.I.C. § 921, 922(a)(1); 14 V.I.C. § 295(1), 625(a), 2253(a)**

**JAMES ALLISTER MORTON**  
Appellant/Defendant,

v.

**PEOPLE OF THE VIRGIN ISLANDS,**  
Appellee/Plaintiff.

Counsel for Appellant  
Dolace McLean, Esq.

Counsel for Appellee  
Paul J. Paquin, Esq.

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<sup>2</sup> Associate Justice Ive Arlington Swan being recused from consideration of this matter, the panel convened to consider this matter comprises of the Honorable Rhys S. Hodge, Chief Justice, the Honorable Maria M. Cabret, Associate Justice, and the Honorable Thomas K. Moore, Designated Justice.

S. Ct. Civ. No. 2012-0120  
Super. GU. No. 37/2008(STT)  
**ACTION FOR GUARDIANSHIP**

**IN THE MATTER OF THE GUARDIANSHIP OF:**

**LILLIAN REBECCA SMITH,  
Ward.**

Counsel for Appellant  
Beverly A. Edney, Esq.

Counsel for Appellee  
Kathryn J. Depree, Esq.

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S. Ct. Civ. No. 2012-0092  
Super. Ct. Civ. No. 278/2009(STT)  
**ACTION FOR DAMAGES**

**BETTER BUILDING MAINTENANCE OF THE VI,  
Appellant/Defendant,**

v.

**ANDREA LEE,  
Appellee/Plaintiff.**

Counsel for Appellant  
George M. Miller, Esq.

Counsel for Appellee  
Francis E. Jackson, Esq.

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It is further

**ORDERED** that the Court will hear **ARGUMENTS** in the above-noted cases on **April 9, 2013, in Supreme Court of the Virgin Islands – St. Thomas, 161B Crown Bay** as follows:<sup>3</sup>

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

1. **Ostalaza v. People**  
S. Ct. Crim. No. 2012-0071
2. **Phillips v. People**  
S. Ct. Crim. No. 2012-0086
3. **Morton v. People**  
S. Ct. Crim. No. 2012-0044
4. **Better Building Maintenance of the V.I., Inc., v. Lee**  
S. Ct. Civ. No. 2012-0092

**CASES TO BE CONSIDERED WITHOUT ORAL ARGUMENT**

1. **In Re Smith**  
S. Ct. Civ. No. 2012-0120

**SO ORDERED** this 3<sup>rd</sup> day April 2013.

**FOR THE COURT:**

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

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<sup>3</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.

**Copies to:**

Justices of the Supreme Court  
Honorable Thomas K. Moore, Designated Justice  
Judges & Magistrates of the Superior Court  
Bernard VanSluytman, Esq., Solicitor General  
Maria T. Hodge, Esq.  
Jennifer Lynn Augspurger, Esq.  
Kele Onyejekwe, Esq.  
Dolace McLean, Esq.  
Paul J. Paquin, Esq.  
Beverly A. Edney, Esq.  
Kathryn J. Depree, Esq.  
George M. Miller, Esq.  
Francis E. Jackson, Esq.  
Office of the Administrative Director of the Supreme Court  
Kevin Williams, Deputy Administrative Director for Technology Services  
Veronica J. Handy, Esq., Clerk of the Supreme Court  
Lawrence Walcott, Chief Marshal  
Glenroy George, Deputy Marshal  
Andrew Ayala, Deputy Marshal  
Junior M. Clarke, Deputy Marshal  
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