

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

**ORDER SETTING CALENDAR OF CASES FOR CONSIDERATION AND  
FOR ORAL ARGUMENT**

The Supreme Court will convene on **Tuesday, October 9, 2018**, in the Supreme Court of the Virgin Islands - St. Thomas, 161B Crown Bay. 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, 2018.

**AND NOW**, this 10th day of September 2018, it is hereby

**ORDERED**, that the following cases are scheduled for consideration before the Supreme Court of the Virgin Islands.

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S. Ct. Civ. No. 2017-0037  
Super. Ct. Civ. No. 375/2013(STT)  
**ACTION FOR: NEGLIGENCE**

**ELBE V. BRATHWAITE,**  
Appellant/Plaintiff,

v.

**PHILLIP XAVIER D/B/A/ GARY'S MARINE SERVICE,**  
Appellee/Defendant.

Counsel For Appellant(s)  
John-Russell B. Pate, Esq.  
Dana Marie Hrelc, Esq.

Counsel For Appellee(s)  
Matthew J. Duensing, Esq.

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S. Ct. Crim. No. 2017-0051  
Super. Ct. Crim. No. F281/2012(STT)  
**ACTION FOR: 2253(A)**

**CECIL N. ROUSE,**  
Appellant/Defendant,

v.

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

Counsel For Appellant(s)  
Robert L. King, Esq.

Counsel For Appellee(s)  
Dionne Gaile Sinclair, Esq., AAG.

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S. Ct. Civ. No. 2017-0077  
Super. Ct. Civ. No. 348/2005 (STX)  
**WRIT OF MANDAMUS**

**CARL SIMON,**  
Appellant/Petitioner,

v.

**THE WARDEN OF THE BUREAU OF CORRECTIONS, CALVIN HERBERT,**  
Appellee/Respondent.

Counsel For Appellant(s)  
Carl Simon, *pro se*

Counsel For Appellee(s)  
Andrea Jeanette Gosine, Esq., AAG.

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S. Ct. Crim. No. 2017-0043  
Super. Ct. Crim. No. 448/2012 (STT)  
**ACTION FOR: 14 V.I.C. 922**

**RALPH TITRE JR.,**  
Appellant/Defendant,

v.

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

Counsel For Appellant(s)  
Peter James Lynch, Esq.

Counsel For Appellee(s)  
Dionne Gaile Sinclair, Esq., AAG.

It is further

**ORDERED** that the Court will hear **ARGUMENTS** in the above-noted cases on  
October 9, 2018, in **Supreme Court of the Virgin Islands - St. Thomas, 161B Crown Bay**, as  
follows:

Oral Arguments will commence at **10:00 AM**, in the following cases:<sup>1</sup>

- 1. Brathwaite v. Xavier et al.**  
S. Ct. Civ. No. 2017-0037
- 2. Rouse v. People**  
S. Ct. Crim. No. 2017-0051
- 3. Titre v. People**  
S. Ct. Crim. No. 2017-0043

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<sup>1</sup> Pursuant to Supreme Court Rule 27(b), each side is allotted fifteen (15) minutes to present arguments. All cases that are submitted on the record may be considered at any time or date. Counsels who would like to appear remotely from the St. Croix Court, must file a Motion for Remote Appearance, no later than (5) days prior to the date of Oral Arguments.

CASES TO BE CONSIDERED WITHOUT ORAL ARGUMENT

1. **Simon v. The Warden of the Bureau of Corrections, Calvin Herbert**  
S. Ct. Civ. No. 2017-0077

**SO ORDERED** this 10<sup>th</sup> day of September, 2018.

**FOR THE COURT:**

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

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

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