

**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 2011 Term on **Tuesday, May 17, 2011**. 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 May 17, 2011.

**AND NOW**, this 13<sup>th</sup> day of April, 2011, it is hereby

**ORDERED**, that the following cases are scheduled for consideration before the Supreme Court of the Virgin Islands in its Fifth Session, 2011 Term:

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S. Ct. Civ. No. 2010-0094

Super. Ct. Civ. No. 345/2009

**ACTION FOR DEBT**

BAY ISLES ASSOCIATES, LLLP f/k/a VIRGIN ISLANDS ASSOCIATES, LLLP  
Appellant/Defendant,

v.

BRECKINRIDGE CUSTOM HOMES VIRGIN ISLANDS INC.

Counsel For Appellant(s)  
Simone R.D. Francis, Esq.

Counsel For Appellee(s)  
Matthew Duensing, Esq.

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S. Ct. Crim. No. 2010-0028  
Super. Ct. Crim. No. 470/2009  
**14 V.I.C. 295(3), 1862(2), 1863(1), 2253(A)**

RICHIE FONTAINE,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
James Bernier, Jr., Esq.

Counsel For Appellee(s)  
Matthew C. Phelan, Esq.

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S. Ct. Crim. No. 2010-0059  
Super. Ct. Crim. No. 162/2010  
**14 V.I.C. 297(2); 16 V.I.C. 91(b)(1)(2)**

THEODORA JACKSON-FLAVIUS,  
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,  
Appellee/Plaintiff.

Counsel For Appellant(s)  
Kele Onyejekwe, Esq.

Counsel For Appellee(s)  
Matthew C. Phelan, Esq.

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S. Ct. Civ. No. 2010-0067

Re: Super. Ct. Civ. No. 313/2010

**APPEAL FROM THE ORDER OF THE PUBLIC SERVICES COMMISSION**

JEFFREY J. PROSSER, DAWN PROSSER, and JEFFREY B. C. MOORHEAD,  
Appellants/Petitioners,

v.

VIRGIN ISLANDS PUBLIC SERVICES COMMISSION,  
Appellee/Respondent.

Counsel For Appellant(s)  
Jeffrey B.C Moorehead, Esq.

Counsel For Appellee(s)  
J. Daryl Dodson, Esq.  
Raymond James, Esq.

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S. Ct. Civ. No. 2009-0099

Super. Ct. CV. No. 033/2007

**WRIT OF HABEAS CORPUS**

OMAR JAMIL SUAREZ,  
Appellant/Petitioner,

v.

GOVERNMENT OF THE VIRGIN ISLANDS, VINCENT FRAZER, Attorney General of the  
U.S. Virgin Islands and ROSALDO HOSFORD, Warden, Golden Grove Adult Correctional  
Facility,  
Appellee/Respondent.

Counsel For Appellant(s)  
David Cattie, Esq.

Counsel For Appellee(s)  
Terryln M Smock, Esq.

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S. Ct. Civ. No. 2010-0083  
Super. Ct. Civ. No. 361/2001  
**ACTION FOR BREACH**

UNITED CORPORATION d/b/a PLAZA EXTRA,  
Appellant/Plaintiff,

v.

TUTU PARK LIMITED and P.I.D., INC.,  
Appellees/Defendants.

Counsel For Appellant(s)  
John K. Dema, Esq.

Counsel For Appellee(s)  
Treston E. Moore, Esq.

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It is further

**ORDERED** that the Court will hear **ARGUMENTS** in the above-noted cases on  
May 17, 2011, in **Supreme Court of the Virgin Islands - St. Thomas, 161B Crown Bay<sup>1</sup>**, as  
follows:

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

1. **Jackson-Flavius v. People**  
S. Ct. Crim. No. 2010-0059
2. **Jeffrey Prosser, et al v. PSC**  
S. Ct. Civ. No. 2010-0067
3. **Suarez v. Government, et al**  
S. Ct. Civ. No. 2009-0099
4. **United Corporation v. Tutu Park Limited, et al.**  
S. Ct. Civ. No. 2010-0083

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<sup>1</sup> All parties who are located on the island of St. Croix may appear remotely, at the Supreme Court of the Virgin Islands, No. 18 Strand Street, Frederiksted, Virgin Islands. Parties must inform the Court five (5) days prior to hearing, if they wish to use this option.

CASES TO BE CONSIDERED WITHOUT ORAL ARGUMENT

1. **Bay Isles Associates v. Breckinridge Custom Homes Virgin Islands Inc.**  
S. Ct. Civ. No. 2010-0094
  
2. **Fontaine v. People**  
S. Ct. Crim. No. 2010-0028

**SO ORDERED** this 13<sup>th</sup> day of April, 2011.

**FOR THE COURT:**

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**RHYS S. HODGE**  
Chief Justice

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