

**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 20<sup>th</sup> day of March, 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:

---

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.

Counsel for Appellant  
Maria T. Hodge, Esq.

Counsel for Appellee  
Jennifer Lynn Augspurger, Esq.

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.

Counsel for Appellant  
Kele Onyejekwe, Esq.

Counsel for Appellee  
Jennifer Lynn Augspurger, Esq.

---

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.

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.

---

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.

---

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>1</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 30<sup>th</sup> day March, 2013.

**FOR THE COURT:**  
*/s/ Rhys S. Hodge*  
**RHYS S. HODGE**  
Chief Justice

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

---

<sup>1</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.