

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Robert Anthony Molloy

2. **Position**: State the position for which you have been nominated.

United States District Judge for the District Court of the Virgin Islands

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Superior Court of the Virgin Islands
R.H. Amphlett Leader Justice Complex
RR1 9000, Second Floor
Kingshill, Virgin Islands 00850

4. **Birthplace**: State year and place of birth.

1975; Christiansted, St. Croix, United States Virgin Islands

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2002 – 2004, American University Kogod School of Business; M.B.A. (Finance), 2004

2000 – 2003, American University Washington College of Law; J.D., 2003

1993 – 1997, Hampton University; B.S., Business Management, 1997

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2013 – present
Judiciary of the Virgin Islands

Superior Court of the Virgin Islands
R.H. Amphlett Leader Justice Complex
RR1 9000, Second Floor
Kingshill, Virgin Islands 00850
Judge of the Superior Court, U.S. Virgin Islands

2007 – 2013
Government of the Virgin Islands
Office of Collective Bargaining
5001 Chandler's Wharf, Suite 10
Christiansted, Virgin Islands 00820
Assistant Attorney General – Labor

2005 – 2007
United States District Court of the Virgin Islands
Chambers of Raymond L. Finch
Almeric L. Christian Federal Building
3013 Estate Golden Rock, Suite 219
Christiansted, Virgin Islands 00820
Judicial Law Clerk

2004 – 2005
Circuit Court of Arlington County
1425 North Courthouse Road
Arlington, Virginia 22201
Judicial Law Clerk

2004
Williams & Connolly, LLP
725 12th Street, NW
Washington, DC 20005
Contract Attorney

Summer 2002
Reed Smith, LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042
Summer Associate

Fall 2001
U.S. Department of Justice
Civil Rights Division – Special Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Fall Extern

Summer 2001
Prince George's County Circuit Court
Chambers of Judge Maureen Lamasney
14735 Main Street
Upper Marlboro, Maryland 20772
Summer Law Clerk

1998 – 2000
U.S. General Services Administration
Office of the Chief Financial Officer
Office of Financial Management
1941 Jefferson Davis Highway, 11th Floor
Arlington, Virginia 22202
Financial Analyst

1997 – 1998
U.S. General Services Administration
Mid-Atlantic Region
Office of Human Resources
100 South Independence Mall West
Philadelphia, Pennsylvania 19106
Management Intern

Summer 1997
Legislature of the Virgin Islands
Office of Legal Counsel
#1 Lagoon Street Complex
Frederiksted, Virgin Islands 00840
Summer Researcher

Other Affiliations (uncompensated):

2006 – present
Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc.
P.O. Box 25631
Christiansted, Virgin Islands 00824
President (2007 – 2011)
Treasurer (2007)
Parliamentarian (2006 – 2007)

2012 – 2013
Legal Services of the Virgin Islands, Inc.
#3017 Estate Orange Grove
Christiansted, Virgin Islands 00820
Board Member

2008 – 2013

Boys & Girls Clubs of the Virgin Islands, Inc.

(now Caribbean Centers for Boys & Girls of the VI, Inc.)

#7 Market Street

Christiansted, Virgin Islands 00820

Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

While attending college at Hampton University, I enrolled in the Reserved Officers' Training Corps (ROTC) Program. However, during basic training in the summer of 1995 at Fort Knox, Kentucky, I was medically evaluated, which revealed that I had a knee injury (sustained while in high school) that prevented me from continuing with the program. As a result, I was medically discharged.

I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Virgin Islands Office of Collective Bargaining Employee of the Year (2008, 2009)

Selected to the American University Washington College of Law *Journal on Gender, Social Policy, and the Law* based on a writing competition (2001)

Caneel Bay Academic Scholarship (1993)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2006 – 2017)

Virgin Islands Bar Association (2006 – present)

Judiciary Committee (2012)

Unauthorized Practice of Law Committee (2010)

Bar Journal Committee (2006-2007)

Virgin Islands Commission on Judicial Disabilities (2007-2008)

Virgin Islands Judicial Management Advisory Council (2017 – present)

Virgin Islands Judiciary Advisory Committee on Rules (2016 – present)
Chairman (2017 – present)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Virginia, 2003
District of Columbia, 2006
United States Virgin Islands, 2006

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Third Circuit (2010)
United States District Court of the Virgin Islands (2007)

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Alpha Phi Alpha Fraternity, Inc. (1998 – present)
Iota Sigma Lambda Chapter (2006 – present)
President (2007 – 2011)
Treasurer (2007)
Parliamentarian (2006 – 2007)
Zeta Omicron Lambda Chapter (1998 – 1999)

American Youth Soccer Organization (AYSO), Volunteer Coach (2010 – 2012)

Boys & Girls Club of the Virgin Islands, Inc., Board Member (2008 – 2013)

Generation NOW!, Inc. (2007 – 2013)

Guidance Sports Club, Inc., Volunteer Basketball Coach (2015 – present)

Legal Services of the Virgin Islands, Board Member (2012 – 2013)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Alpha Phi Alpha Fraternity, Inc. is a fraternity that does limit its membership to men, although there are several equivalent affiliated organizations that admit women. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

On February 18, 2016, and November 16, 2016, I testified on behalf of the Superior Court of the Virgin Islands before the Legislature of the Virgin Islands pertaining to Bill No. 31-0244, which sought to amend certain provisions of the

Virgin Islands Code pertaining to retirement benefits for members of the Virgin Islands Judiciary. A copy of my written testimony is attached.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 2, 2018: Speaker, Project Alpha Program, Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., University of the Virgin Islands, St. Croix, U.S. Virgin Islands. I spoke to young males between the ages of 12 and 18 on topics relating to respect for women, the disadvantages of early fatherhood, drug use, sexually transmitted diseases, and benefits of having a college degree. I have no notes, transcript, or recording. The address for Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. is P.O. Box 25631, Christiansted, Virgin Islands 00824.

February 4, 2017: Guest Speaker, "The Legal Justice System," St. Croix Alumnae Chapter of Delta Sigma Theta Sorority, Inc., University of the Virgin Islands, St. Croix, U.S. Virgin Islands. I spoke to young males between the ages of 12 and 18 about careers in the legal justice system and law enforcement. I have no notes, transcript, or recording. The address for St. Croix Alumnae Chapter of Delta Sigma Theta Sorority, Inc. is P.O. Box 8024, Christiansted, Virgin Islands 00823.

June 4, 2016: Keynote Speaker, "EMBODI Program," St. Croix Alumnae Chapter of Delta Sigma Theta Sorority, Inc. – EMBODI Program, University of the Virgin Islands, St. Croix, U.S. Virgin Islands. I spoke to young males between the ages of 12 and 18 about positive decision making, peer pressure, and legal consequences. I have no notes, transcript, or recording. The address for St. Croix Alumnae Chapter of Delta Sigma Theta Sorority, Inc. is P.O. Box 8024, Christiansted, Virgin Islands 00823.

March 18, 2016: Panelist and Presenter, "Effective Advocacy in a Territorial Jurisdiction: The Repudiation of the Restatements in the Virgin Islands and Emerging Issues of Political Status in the Territorial and Insular Jurisdictions of the United States," Stetson Law Review Symposium, Stetson University College of Law, Gulfport, Florida. I was a panelist on a discussion regarding the impact of the decision of the Supreme Court of the Virgin Islands in *Banks v. Int'l Rental & Leasing Corp.*, 55 V.I. 967 (2011), on the practice of law in the Territory of the Virgin Islands. I have no notes, transcript, or recording. The address for the Stetson University College of Law is 1401 61st Street South, Gulfport, Florida 33707.

February 27, 2016: Speaker, "Project Alpha," Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., University of the Virgin Islands, St. Croix, U.S. Virgin Islands. I spoke to young males between the ages of 12 and 18 on topics relating to respect for women, the disadvantages of early fatherhood, drug use, sexually transmitted diseases, and benefits of having a college degree. I have no notes, transcript, or recording. The address for Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. is P.O. Box 25631, Christiansted, Virgin Islands 00824.

May 29, 2015: Panelist, "Burdens of Statehood (Without the Benefits): The Commerce Clause & the U.S. Virgin Islands," Virgin Islands Bar Association, Mid-Year Meeting/CLE Seminar, St. Thomas, U.S. Virgin Islands. I was a panelist on a discussion regarding the Virgin Islands personal use tax and the Commerce Clause. I have no notes, transcript, or recording. The address for the Virgin Islands Bar Association is 2155 King Cross Street, Suite 2, P.O. Box 224108, Christiansted, Virgin Islands 00822.

May 30, 2014: Panelist, "Virgin Islands Bar Association CLE Program," Divi Carina Bay Resort & Casino, St. Croix, U.S. Virgin Islands. I served as a panelist with judges and spoke to attorneys on best practices for litigators. I have no notes, transcripts, or recordings. The address for the Virgin Islands Bar Association is 2155 King Cross Street, Suite 2, P.O. Box 224108, Christiansted, Virgin Islands 00822.

February 2, 2013: Speaker, "Project Alpha Program," Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., University of the Virgin Islands, St. Croix, U.S. Virgin Islands. I spoke to young males between the ages of 12 and 18 on topics relating to respect for women, the disadvantages of early fatherhood, drug use, sexually transmitted diseases, and benefits of having a college degree. I have no notes, transcript, or recording. The address for Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. is P.O. Box 25631, Christiansted, St. Croix, Virgin Islands 00824.

October 22, 2011: Speaker, Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. - Project Alpha Program – Virgin Islands Cardiac Center, St. Croix, U.S. Virgin Islands - spoke to young males between the ages of 12-18 on topics relating to respect for women, the disadvantages of early fatherhood, drug use, sexually transmitted diseases, and benefits of having a college degree. I have no notes, transcript, or recording. The address for Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. is P.O. Box 25631, St. Croix, Virgin Islands 00824.

February 26, 2011: Speaker, Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. - Project Alpha Youth Forum – Virgin Islands Cardiac Center, St. Croix, U.S. Virgin Islands - spoke to young males between the ages of 12-18 on

topics relating to respect for women, the disadvantages of early fatherhood, drug use, sexually transmitted diseases, and benefits of having a college degree. I have no notes, transcript, or recording. The address for Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. is P.O. Box 25631, Christiansted, Virgin Islands 00824.

February 6, 2009: Panelist, "Special Report: Public Sector Bargaining in the Virgin Islands," American Bar Association, St. Thomas, Virgin Islands. I was an invited speaker that discussed public sector bargaining in the United States Virgin Islands. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue NW, Washington, DC 20036.

October 25, 2008: Speaker, Project Alpha - University of the Virgin Islands, St. Croix, U.S. Virgin Islands - spoke to young males between the ages of 12-18 on topics relating to respect for women, the disadvantages of early fatherhood, drug use, sexually transmitted diseases, and benefits of having a college degree. I have no notes, transcript, or recording. The address for Iota Sigma Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. is P.O. Box 25631, Christiansted, Virgin Islands 00824.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Fiona Stokes, *Governor Renominates One Judge, Suggests Two Attorneys for V.I. Superior Court Bench*, The Virgin Islands Daily News, July 27, 2013. Copy supplied.

Lou Mattei, *Court Ruling Reverses Reinstatement of Fired Assistant AG*, The Virgin Islands Daily News, Nov. 28, 2012. Copy supplied.

Joy Blackburn, *Negotiations to Resume in Luis Hospital Labor Dispute*, The Virgin Islands Daily News, May 12, 2012. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From October 2013 to present, I have served as a judge for the Superior Court of the Virgin Islands. I was nominated to this position by then Governor John P. deJongh, Jr. on July 26, 2013, and later confirmed by the 30th Legislature of the Virgin Islands on September 26, 2013. The Superior Court is a court of general jurisdiction with original jurisdiction over criminal (misdemeanors and felonies), civil, traffic, and juvenile cases. The Superior Court also considers appeals from decisions of administrative agencies.

On at least ten (10) occasions, I have served as a Designated Supreme Court Justice for the Supreme Court of the Virgin Islands to sit and hear cases appealed from the Superior Court of the Virgin Islands. I have also been designated as an appellate court judge for the Appellate Division of the District Court of the Virgin Islands.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

As a judge of the Superior Court, I have presided over approximately nineteen cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	68%
bench trials:	32% [total 100%]
civil proceedings:	37%
criminal proceedings:	63% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See Appendix 13(b).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *People of the Virgin Islands v. Whyte*, Super. Ct. Crim. No. SX-13-CR-026, 62 V.I. 95 (Super Ct. 2015)

This case presented the first prosecution in the Virgin Islands under a statute prohibiting employees or contractors working at a prison or detention facility from having sexual relations with a person in custody. Corrections officers from the Virgin Islands Bureau of Corrections Gang Intelligence Search Team at the Golden Grove Adult Correctional Facility confiscated a cell phone from the cell of an inmate. The cell phone contained a video of the defendant, who at the time was employed as a corrections officer, engaging in a sexual act with the inmate. The People of the Virgin Islands subsequently charged the defendant in a single-count Information with Sexual Relations with a Detainee in violation of 14 V.I.C. § 667. The defendant moved to dismiss the charge contending that the Information was insufficient and that the statute was unconstitutionally vague. I issued an opinion finding that the Information sufficiently charged her with an offense and that the statute gave her fair warning of the prohibited conduct and therefore, was not unconstitutionally vague. Shortly after I issued my opinion

denying her motion to dismiss, the defendant entered into a plea agreement with the People of the Virgin Islands. I sentenced the defendant in accordance with the terms of the plea agreement placing her on probation without conviction in accordance with section 3711(c) of title 5 of the Virgin Islands Code. Subsequently, she successfully completed the terms of her probation and the records of her arrest, charge, and plea were expunged.

Counsel for the People of the Virgin Islands:

Heather M. Baker (no longer with office)
Office of the Attorney General
6040 Estate Castle Coakley
Christiansted, Virgin Islands 00821
(340) 773-0295
(current contact information unknown)

Defense Counsel:

Pamela L. Colon
Law Offices of Pamela Lynn Colon, LLC
2155 King Cross Street, Suite 3
Christiansted, Virgin Islands 00820
(340) 719-7100

2. *People of the Virgin Islands v. Alphonso Butler*, Crim. No. SX-12-CR-387, 2014 V.I. LEXIS 83 (V.I. Super. Ct. Oct. 3, 2014)

The defendant was accused of robbing several patrons and employees at gunpoint at a restaurant located on the north side of the island on St. Croix and then engaging in a gun fight with police officers, resulting in the officers sustaining serious gunshot wounds throughout their bodies. He was later arrested and charged with multiple criminal offenses ranging from attempted murder to first degree robbery. Prior to trial, the defendant filed a motion to suppress certain evidence arguing that the evidence seized as well as statements made were obtained in violation of his constitutional rights under the Fourth and Fifth Amendments to the United States Constitution. After conducting a suppression hearing, I issued an opinion denying his motion. The case proceeded to trial by jury. The jury acquitted the defendant on one count but was unable to reach a unanimous verdict on the remaining nineteen counts. The matter proceeded to a second trial, wherein a second jury found the defendant guilty on seventeen counts in the Fifth Amended Information. After ruling on several post-trial motions, I held a sentencing hearing and sentenced the defendant to a period of incarceration of over 90 years. Butler appealed his conviction and sentence. The Virgin Islands Supreme Court subsequently dismissed the appeal for lack of prosecution.

Counsel for the People of the Virgin Islands:

Eric S. Chancellor
Office of the Attorney General
6040 Estate Castle Coakley
Christiansted, Virgin Islands 00821
(340) 773-0295

Counsel for the Defendant:

Hon. Jomo Meade
Then with Law Office of Jomo Meade
Superior Court of the Virgin Islands
R.H. Amphlett Leader Justice Complex
RR1 9000, Second Floor
Kingshill, Virgin Islands 00850
(340) 778-9750

3. *People of the Virgin Islands v. Khadeem C. Rosario*, Crim. No. SX-14-CR-012, 62 V.I. 429 (Super. Ct. 2015), and *People of the Virgin Islands v. Dimitrious A. Jefferson*, Crim. No. SX-14-CR-176 62 V.I. 429 (Super. Ct. 2015).

Khadeem C. Rosario was arrested and later charged with committing aggravated assault and battery, disturbance of the peace, and destruction of property, all as acts of domestic violence. Dimitrious A. Jefferson was arrested and later charged with committing aggravated assault and battery and simple assault and battery, both acts of domestic violence. Mr. Rosario and Mr. Jefferson (collectively “Defendants”) had been detained without bail pursuant to section 99 of title 16 of the Virgin Islands Code pending advice of rights and a bail hearing. The Defendants each filed a motion challenging the constitutionality of section 99, claiming the statute violated due process and other constitutional rights extended to the Territory through the Revised Organic Act. In resolving the motions, I consolidated the two cases for the sake of judicial economy and denied them. The People moved to voluntarily dismiss the charges against Mr. Jefferson without prejudice, which was granted. Rosario entered into a global plea agreement involving three other cases pending in the Superior Court of the Virgin Islands and was sentenced by another Superior Court judge to a year of supervised probation.

Counsel for the People of the Virgin Islands:

Damon Watson-Willis (no longer with office – current address unknown)
R. Oliver David
Office of the Attorney General
Virgin Islands Department of Justice

6040 Estate Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295

Counsel for Defendant Kadeem Rosario:

Nesha Christian-Hendrickson (no longer with office)
Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill
Kingshill, Virgin Islands 00850
(340) 778-6823
(current contact information unknown)

Counsel for Defendant Dimitrious Jefferson:

Amelia B. Joseph
Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill
Kingshill Virgin Islands 00850
(340) 778-6823

4. *Alleyne, et al. v. Diageo USVI, Inc. et al.*, Civ. No. SX-13-CV-143, 63 V.I. 384
(Super. Ct. 2015)

Blackening fungus crept through the plaintiffs' property, leaving them concerned for their health and value of their real estate. The plaintiffs filed a class action suit, with more than 1,000 members, against the rum producers allegedly responsible for the fungus. The defendants moved to dismiss, arguing that the claims were preempted and that the plaintiffs had failed to state a claim. I held that the Clean Air Act did not preempt the plaintiffs' claims, and I granted in part and denied in part the motion to dismiss. The case remains pending.

Counsel for the Plaintiffs:

Williams F. McMurry
William F. McMurry & Associates
624 W Main Street, Suite 600
Louisville, Kentucky 40202
(502) 326-9000

Vincent Colianni
Vincent Colianni, II
Colianni & Colianni
1138 King Street

Christiansted, Virgin Islands 00820
(340) 719-1766

Counsel for Defendant Diageo USVI, Inc.:

Joel H. Holt
Law Offices of Joel H. Holt
2132 Company Street
Christiansted, Virgin Islands 00820
(340) 773-3444

Counsel for Defendant Cruzan VIRIL, Ltd.:

Chad C. Messier
Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade
St. Thomas, Virgin Islands 00802
(340) 774-4422

5. *Lenore Der Weer as Personal Representative of the Estate of John Der Weer v. Hess Oil Virgin Islands Corporation, et al.*, Super. Ct. Civ. No. SX-05-CV-274, 61 V.I. 87 (Super. Ct. 2014), 64 V.I. 107 (Super. Ct. 2016), and 64 V.I. 160 (Super. Ct. 2016)

The plaintiff sued an oil refinery and approximately thirty contractors and suppliers for wrongful death, claiming that her husband had been exposed to asbestos during his employment at the oil refinery which resulted in him developing lung cancer. One of the defendants filed a third-party complaint for contribution and indemnification against another ten or so suppliers and manufacturers. The litigation concluded in 2016 before trial, after the parties settled the matter in mediation; I was the judge assigned to the case, but the parties consented to me serving as the mediator in an attempt to resolve the dispute. The plaintiff and the two remaining defendants agreed to settle the case.

Counsel for Plaintiff Lenore Der Weer:

Thomas Alkon
Thomas Alkon, P.C.
2115 Queen Street
Christiansted, Virgin Islands 00820

Jerry H. Evans
Richardson, Patrick, Westbrook, & Brickman, LLC
1037 Chuck Dawley Boulevard, Building A
Mount. Pleasant, South Carolina 29464
(843) 727-6534

Counsel for Defendants:

Britain H. Bryant
Retired

Sunshine S. Benoit
(current contact information unknown)

Walter G. Latimer
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
100 SE Second Street, Suite 3800
Miami, Florida 33131

W. Mark Wilczynski
Law Offices of W. Mark Wilczynski
Palm Passage, Suite C20-22
St. Thomas, Virgin Islands 00804

James L. Hymes, III
Law Offices of James L. Hymes, III, P.C.
7736 Estate Elizabeth, 33-1
St. Thomas, Virgin Islands 00804

Richard H. Hunter
Hunter & Cole
1138 King Street, Suite 3
Christiansted, Virgin Islands 00820

Simone R.D. Francis
Ogletree, Deakins, Nash, Smock & Stewart, LLC
Tunick Building, Suite 202
1336 Beltjen Road
St. Thomas, Virgin Islands 00802

Douglas L. Capdeville
Law Offices of Douglas L. Capdeville, P.C.
2107 Company Street, Lot #4
Christiansted, Virgin Islands 00822

Wilfredo A. Geigel
Deceased

John H. Benham
Law Office of Benham & Chan
1001 Frederiksberg Gade

St. Thomas, Virgin Islands 00801

Kevin A. Rames
K.A. Rames, P.C.
2111 Company Street, Suite 3
Christiansted, Virgin Islands 00820

Michael J. Sanford
Thomas G. Kraeger
Sanford, Amerling & Associates
2191 Church Street
Christiansted, Virgin Islands 00820

Hayley M. Cotter
Hodge & Hodge
1340 Taarnenberg
St. Thomas, Virgin Islands 00802

Carol G. Hurst
Carol G. Hurst, P.C.
No. 62 Honduras
3562 Honduras, Suite 7
St. Thomas, Virgin Islands 00803

Bernard C. Pattie
Law Offices of Bernard C. Pattie, P.C.
1244 Queen Cross Street, Suite 5
Christiansted, Virgin Islands 00820

6. *People of the Virgin Islands v. Williams*, Super. Ct. Crim. No. SX-10-CR-594 and SX-10-CR-656.

In these consolidated cases, the government charged the defendant with multiple criminal violations of Virgin Islands law stemming from allegations of a drive-by shooting and killing of one individual and the attempted murder of a police officer at a police roadblock. The cases proceeded to trial, and the jury was able to reach a unanimous verdict on 4 of the 21 counts. The jury unanimously found the defendant guilty of unauthorized possession of a firearm in a vehicle, possession of stolen property, and unauthorized use of a motor vehicle. The jury found him not guilty of alteration of identifying marks of a weapon. I declared a mistrial on the remaining seventeen counts and scheduled a re-trial. The defendant subsequently filed a motion for judgment of acquittal to dismiss the remaining charges on grounds of double jeopardy. I denied that motion, and the defendant then filed an interlocutory appeal with the Supreme Court of the Virgin Islands. The appeal remains pending. A copy of my order regarding the jury's verdict and declaration of mistrial is attached.

Counsel for the People of the Virgin Islands:

Eric S. Chancellor
Assistant Attorney General
Virgin Islands Department of Justice
6040 Estate Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295

Counsel for the Defendant:

Michael A. Joseph
Plot 45C Estate Glynn
P.O. Box 3259
Kingshill, St. Croix, Virgin Islands 00851
(340) 692-0832

7. *People of the Virgin Islands v. Cannergeiter*, Super. Ct. Crim. No. SX-15-CR-400, 65 V.I. 114 (Super. Ct. 2016)

This case presented a question of first impression in the Virgin Islands on the issue of whether decriminalizing the possession of one ounce or less of marijuana prohibited law enforcement officers from establishing probable cause to search a vehicle based on the smell of marijuana. Officers had stopped a car after one officer smelled marijuana, and the officers searched the car and found marijuana and a firearm. The defendant sought to suppress that evidence. After conducting a suppression hearing, I held that decriminalizing the possession of one ounce or less of marijuana had no effect on the Virgin Island Police Department's ability to stop vehicles based solely on the detection of an odor of marijuana emanating from the vehicle. Despite the constitutionality of stopping a defendant based on a marijuana odor emanating from his car, I concluded that the prosecution was not able to prove that the officers possessed a reasonable suspicion to perform an investigatory stop when the officers did not detect an odor emanating from the defendant's vehicle. Thus, I granted Defendant's motion to suppress all the evidence discovered as a result of his seizure. The government later moved to dismiss the case, which I granted. Neither party appealed the dismissal.

Counsel for the People of the Virgin Islands:

Damon Watson-Willis (no longer employed at this office)
Assistant Attorney General
Virgin Islands Department of Justice
6040 Castle Coakley
Christiansted, Virgin Islands
(340) 773-0295

(current contact information unknown)

Counsel for the Defendant:

Amelia B. Joseph
Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill, Second Floor
Kingshill, Virgin Islands
(340) 778-6823

8. *People of the Virgin Islands v. David Stevens*, Super. Ct. Crim. No. SX-12-CR-504

In the early morning hours of January 5, 2012, officers from the Virgin Islands Police Department were executing a high-risk warrant at the home of a murder suspect. During the execution of the warrant, a police officer had an encounter with the target of the warrant, resulting in the officer shooting and killing the target. The government later charged the officer with involuntary manslaughter and third degree assault based on the use of excessive force. The officer claimed that he shot the target in self-defense. The case proceeded to trial, and concluded with the jury finding the officer not guilty on all charges. I presided over the trial and a majority of the pre-trial proceedings. Judgment supplied.

Counsel for the People of the Virgin Islands:

Mark Webb (no longer employed at this office)
Assistant Attorney General
Virgin Islands Department of Justice
34-38 Kronprindsens Gade
St. Thomas, Virgin Islands 00802
(340) 774-5666
(current contact information unknown)

Counsel for the Defendant:

David J. Cattie
The Tunick Building, Suite 201
1336 Beltjen Road
St. Thomas, Virgin Islands 00802
(340) 714-1235

9. *People of the Virgin Islands v. Gonzalves*, Super. Ct. Crim No. SX-13-CR-400.

The defendant was charged by information with aggravated rape second degree, unlawful sexual contact, and child abuse for sexually assaulting his minor daughter while she was visiting him on an overnight stay. The matter proceeded to a jury trial, and the jury found the defendant guilty of aggravated rape second degree and child abuse. I sentenced the defendant to 10 years incarceration for aggravated rape second degree and 10 years incarceration for child abuse, with the sentences to run concurrently. The defendant has appealed. The Virgin Islands Supreme Court affirmed the judgment and sentence. A copy of the Judgment and Commitment is attached.

Counsel for the People of the Virgin Islands:

Eric S. Chancellor
Assistant Attorney General
Virgin Islands Department of Justice
6040 Estate Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295

Counsel for the Defendant:

Martial Webster, Sr.
116 Queen Cross Street
Frederiksted, Virgin Islands 00841
(340) 772-3555

10. *People of the Virgin Islands v. Rodriguez*, Super. Ct. Crim. No. SX-07-CR-195

The defendant was charged with certain criminal violations associated with kidnapping a minor with whom he was acquainted and later raping her. The government charged the defendant, who was a police officer at the time of the events, with kidnapping for rape (Count One), rape in the first degree (Count Two), unlawful sexual contact in the first degree (Count Three), child abuse (Count Four), and two counts of interfering with an officer discharging his duty (Counts Five and Six). The matter proceeded to trial. At the conclusion of the trial, the jury found the defendant guilty of kidnapping for rape (Count One), unlawful sexual contact in the first degree (Count Three), child abuse (Count Four), and interfering with an officer discharging his duties (Count Five). I sentenced Mr. Rodriguez to periods of incarceration of 20 years, 7 ½ years, 10 years, and 1 year on Counts One, Three, Four, and Five, respectively. Additionally, the period of incarceration in Count One ran consecutively with the periods of incarceration in Counts Three, Four, and Five. Furthermore, the periods of incarceration in Counts Three, Four, and Five ran concurrently with each other. This sentence was memorialized in a written Judgment and Commitment dated October 26, 2015, a copy of which is attached. This case is currently on appeal

before the Virgin Islands Supreme Court and is docketed at S. Ct. Crim. No. 2015-0118.

Counsel for the People of the Virgin Islands:

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Virgin Islands Department of Justice
6040 Estate Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295
(current contact information unknown)

Counsel for the Defendant:

Martial Webster, Sr.
116 Queen Cross Street
Frederiksted, Virgin Islands 00841
(340) 772-3555

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Hawkins v. Greiner*, 66 V.I. 112 (Super. Ct. 2017)

Counsel for Plaintiffs:

Edward L. Barry
2120 Company Street, Third Floor
Christiansted, Virgin Islands 00820
(340) 719-0601

Counsel for Defendants:

Douglas L. Capdeville
Melissa Ortiz
Law Offices of Douglas L. Capdeville, P.C.
2107 Company Street, Lot #4
Christiansted, Virgin Islands 00822
(340) 773-7275

2. *People of the Virgin Islands v. Victor Cannergeiter*, 65 V.I. 114 (Super. Ct. 2016)

Counsel for the People of the Virgin Islands:

Damon Watson Willis (no longer employed at this office)
Assistant Attorney General
V.I. Department of Justice
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Christiansted, Virgin Islands 00820
(340) 773-0295
(current contact information unknown)

Counsel for the Defense:

Amelia B. Joseph
Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill
St. Croix, Virgin Islands 00802
(340) 773-6312

3. *People of the Virgin Islands v. Shaquan Prentice and Shaquielle Correa*,
64 V.I. 79 (Super. Ct. 2016)

Counsel for the People of the Virgin Islands:

Eric Chancellor
Assistant Attorney General
V.I. Department of Justice
6040 Estate Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295

Counsel for Defendant Shaquan Prentice:

Amelia Joseph
Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill
St. Croix, Virgin Islands 00802
(340) 773-6312

Counsel for Defendant Shaquielle Correa:

Charles Lockwood
Nichols, Newman, Logan, Grey & Lockwood, P.C.
1131 King Street, Suite 204
Christiansted, Virgin Islands 00820

(340) 773-3200

4. *People of the Virgin Islands v. Quanza Heath*, 63 V.I. 80 (Super. Ct. 2015)

Counsel for the People of the Virgin Islands:

Damon Watson-Willis (no longer employed at this office)
Assistant Attorney General
V.I. Department of Justice
6040 Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295
(current contact information unknown)

Counsel for the Defendant:

Hon. Jomo Meade
Then with Law Office of Jomo Meade
Superior Court of the Virgin Islands
R.H. Amphlett Leader Justice Complex
RR1 9000, Second Floor
Kingshill, Virgin Islands 00850
(340) 778-9750

5. *People of the Virgin Islands v. Sharmoy Stevens*, 63 V.I. 71 (Super. Ct. 2015)

Counsel for the People of the Virgin Islands:

Maurice K. Nwikpo-Oppong (no longer employed at this office)
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V.I. Department of Justice
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Christiansted, Virgin Islands 00820
(340) 773-0295
(current contact information unknown)

Counsel for the Defendant:

H. Hannibal O'Bryan
Deputy Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill, Virgin Islands
(340) 773-6312

6. *People of the Virgin Islands v. Khadeem Rosario and Dimitrous Jefferson*, 62 V.I. 429 (Super. Ct. 2015)

Counsel for the People of the Virgin Islands:

Damon Watson-Willis (no longer employed at this office)
R. Oliver David
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Virgin Islands Department of Justice
6040 Castle Coakley
Christiansted, Virgin Islands 00820
(340) 773-0295

Counsel for the Defendants:

Nesha Christian Hendrickson (no longer employed at this office)
Territorial Public Defender
Office of the Territorial Public Defender
1-B Clifton Hill
Kingshill, Virgin Islands 00850
(340) 773-6312
(current contact information unknown)

7. *People of the Virgin Islands v. Keisha Whyte*, 62 V.I. 95 (Super. Ct. 2015)

Counsel for the People of the Virgin Islands:

Heather M. Baker (no longer employed at this office)
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(340) 773-029
(current contact information unknown)

Counsel for the Defendant:

Pamela Lynn Colon
Law Offices of Pamela Lynn Colon, LLC
2155 King Cross Street, Suite 3
Christiansted, Virgin Islands 00820
(340) 719-7100

8. *People of the Virgin Islands v. Alphonso Butler*, 2014 V.I. LEXIS 83 (Super. Ct. Oct. 3, 2014)

Counsel for the People of the Virgin Islands:

Bruce Marshack (no longer employed at this office)
Heather M. Baker (no longer employed at this office)
Eric Chancellor, Assistant Attorney General
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(340) 773-0295

Counsel for the Defendant:

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Then with Law Office of Jomo Meade
Superior Court of the Virgin Islands
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RR1 9000, Second Floor
Kingshill, Virgin Islands 00850
(340) 778-9750

9. *People of the Virgin Islands v. Jerome Turnbull*, 2014 V.I. LEXIS 46
(Super. Ct. 2014)

Counsel for the People of the Virgin Islands:

Maurice K. Nwikpo-Oppong (no longer employed at this office)
Assistant Attorney General
V.I. Department of Justice
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Christiansted, Virgin Islands 00820
(340) 773-0295
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Counsel for the Defendant:

Mark L. Milligan
P.O. Box 223031
Christiansted, Virgin Islands 00822
(340) 773-7121

10. *Der Weer v. Hess Oil Virgin Islands Corp.*, 61 V.I. 87 (Super. Ct. 2014)

Counsel for the Plaintiff:

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Law Offices of Thomas Alkon

2115 Queen Street
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(340) 277-5865

Jerry H. Evans
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Mount Pleasant, South Carolina 29464
(843) 727-6534

Counsel for Defendants:

Britain H. Bryant (no longer employed at this office)
Sunshine Benoit (no longer employed at this office)
Bryant Barnes Blair & Benoit, LLP
1134 King Street, 2nd Floor
Christiansted, Virgin Islands 00820
(340) 773-2785
(current contact information unknown)

Walter G. Latimer
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
100 Southeast Second Street, Suite 3800
Miami, Florida 33131
(305) 374-4400

- e. Provide a list of all cases in which certiorari was requested or granted.

I am not aware of any cases in which certiorari was requested to or granted by the U.S. Supreme Court in any of my cases. The Third Circuit previously had certiorari jurisdiction over decisions from the Supreme Court of the Virgin Islands, and the Third Circuit granted certiorari regarding a decision affirming one of my cases. Companion Assurance Co., et al., v. Shawn Smith, et al., Case No. 17-2609 (3d Cir.). The Third Circuit then ruled in another case that it no longer had certiorari jurisdiction over decisions from the Supreme Court of the Virgin Islands, and the court dismissed *Companion Assurance Co.* I am aware of no other cases of mine in which certiorari to the Third Circuit was requested or granted.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

1. *People v. Davis*, SX-14-CR-0028 (V.I. Super Ct. May 21, 2014), *rev'd Jimmy*

Davis v. People of the Virgin Islands, 2014 V.I. Supreme LEXIS 40, 2014 WL 3973886 (V.I. Aug. 14, 2014)

I issued an order denying the defendant's "Emergency Motion for Request for Renewed Bail Hearing" on the grounds that the defendant presented no new arguments or changed circumstances from what was presented at an advice-of-rights hearing where another judge set his bail at \$10,000.00 on the charge of corruptly influencing a juror. The Supreme Court of the Virgin Islands reversed my decision, holding that I was required to conduct a de novo hearing on the defendant's bail request and not summarily deny his motion. A copy of my order is supplied.

2. *Joseph v. Joseph*, 2015 V.I. LEXIS 43 (V.I. Super. Ct. Apr. 23, 2015), *rev'd in part In re Meade*, 63 V.I. 681 (2015)

In this matter, I held an attorney in contempt due to his failure to appear at a scheduled status conference. I then sanctioned the attorney a fine of \$100.00 and gave him the option of paying the fine to the Clerk of the Court or to a charitable organization of his choice. On appeal, the Supreme Court upheld the contempt sanction and the \$100.00 fine but reversed my decision giving the attorney the option to pay the fine to Clerk of the Court or to a charitable organization. The Supreme Court held that the fine must be paid to the Clerk of the Court or to the opposing party.

3. *Ricardo Mitchell v. Julius Wilson, Director of Bureau of Corrections*, V.I. Super. Ct. Civ. No. SX-14-CV-120, 62 V.I. 326 (Super. Ct. 2015), *rev'd sub nom Mitchell v. Mulgrave*, 67 V.I. 953 (2017)

Ricardo Mitchell filed a petition for a writ of habeas corpus, naming Julius Wilson, the then-Director of the Virgin Islands Bureau of Corrections ("BOC"), as respondent. Rick T. Mulgrave was later substituted as nominal defendant. Mitchell was tried and convicted in the District Court of the Virgin Islands of possession of a firearm with an obliterated serial number in violation of 18 U.S.C. § 922(k), possession of a firearm with an obliterated serial number in violation of 23 V.I.C. § 481, and possession of an illegal firearm in violation of 14 V.I.C. § 2253(a). Note: The District Court of the Virgin Islands has concurrent jurisdiction with the Superior Court of the Virgin Islands over any territorial offenses that are related to federal offenses. In his petition, Mitchell claimed that having been convicted twice for possession of a firearm with an obliterated serial number (once under federal law and then under territorial law) violated double jeopardy. Before BOC responded, Mitchell filed a dispositive motion. I denied his petition, however, because I determined that the Superior Court of the Virgin Islands lacked subject-matter jurisdiction over habeas petitions when the petitioner was tried and convicted in the District Court of the Virgin Islands after 1994.

Mitchell appealed, and on appeal the Supreme Court of the Virgin Islands reversed and remanded. The Virgin Islands Supreme Court concluded that, because the Superior Court of the Virgin Islands is the successor court to the District Court of the Virgin Islands with respect to all civil actions, and because habeas corpus proceedings are civil proceedings, the Superior Court had jurisdiction over Mitchell's petition. On remand, Mitchell filed an amended petition. The matter remains pending before me.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As of May 23, 2019, I have issued a total of 40 opinions that were not designated for publication. That number represents approximately 40% of the total number of opinions I have issued to date, which is 98.

All opinions are uploaded to the Superior Court's website and picked up by LexisNexis and Westlaw. However, only those opinions expressly designated as "For Publication" or "For Official Publication" are reported in the Virgin Islands Reports, published by LexisNexis. Judges have the discretion to decide which opinions to mark for publication.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

1. *People of the Virgin Islands v. Ilarraza*, 2013 V.I. LEXIS 70 (Super. Ct. Dec. 5, 2013)
2. *Bryan v. Fawkes*, 62 V.I. 19 (Super. Ct. 2014)
3. *People of the Virgin Islands v. Felix*, 2014 V.I. LEXIS 59 (Super. Ct. Aug. 5, 2014)
4. *People of the Virgin Islands v. Turnbull*, 2014 V.I. LEXIS 46 (Super. Ct. June 23, 2014)
5. *People of the Virgin Islands v. Butler*, 2014 V.I. LEXIS 83 (Super. Ct. Oct. 3, 2014)
6. *People of the Virgin Islands v. Boyce*, 2014 V.I. LEXIS 84 (Super. Ct. Oct. 6, 2014)
7. *People of the Virgin Islands v. Turnbull*, 61 V.I. 46 (Super. Ct. 2014)
8. *People of the Virgin Islands v. Whyte*, 62 V.I. 95 (Super. Ct. 2015)
9. *People of the Virgin Islands v. Santana*, 63 V.I. 25 (Super. Ct. 2014)
10. *People of the Virgin Islands v. Stevens*, 63 V.I. 71 (Super. Ct. 2015)
11. *Mitchell v. Wilson*, 62 V.I. 326 (Super. Ct. 2015)
12. *People of the Virgin Islands v. Rosario*, 62 V.I. 429 (Super. Ct. 2015)
13. *James-St. Jules v. Thompson*, 2015 V.I. LEXIS 74 (Super. Ct. June 25, 2015)
14. *People of the Virgin Islands v. Heath*, 63 V.I. 80 (Super. Ct. 2015)
15. *Alleyne v. Diageo USVI, Inc.*, 63 V.I. 384 (Super. Ct. 2015)
16. *People of the Virgin Islands v. Prentice*, 64 V.I. 79 (Super. Ct. 2016)

17. *People of the Virgin Islands v. Francis*, 64 V.I. 149 (Super. Ct. 2016)
18. *Der Weer v. Hess Oil V.I. Corp.*, 64 V.I. 160 (Super. Ct. 2016)
19. *In re Cases Removed to the Dist. Ct. of the V.I.*, 2016 V.I. LEXIS 154 (Super. Ct. Sept. 21, 2016)
20. *People of the Virgin Islands v. Cannergeiter*, 65 V.I. 114 (Super. Ct. 2016)
21. *Ledesma v. Gov't of the Virgin Islands*, 2016 V.I. LEXIS 167 (Super. Ct. Oct. 13, 2016)
22. *Howell v. U.S.V.I. Police Dep't*, 67 V.I. 149 (Super. Ct. 2016)
23. *Laudat v. Mulgrave*, 2017 V.I. LEXIS 57 (Super. Ct. 2017)
24. *Ortiz v. People of the Virgin Islands*, 66 V.I. 124 (Super. Ct. 2017)
25. *Burke v. Herbert*, 68 V.I. 144 (Super. Ct. 2017)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I sat by designation as an appellate judge for the District Court of the Virgin Islands Appellate Division in the case styled *Donovan v. A.H. Riise Gift Shop, Inc.*, D.C. Civil App. No. 2006/0175. The opinion was authored by Judge Wilma A. Lewis in which Judge Raymond L. Finch and I agreed. The decision in this case is cited at 65 V.I. 401, 2016 U.S. Dist. LEXIS 7829 (D.V.I. App. Div. Jan. 21, 2016).

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a judge of the Superior Court of the Virgin Islands, I am bound by section 284 of title 4 of the Virgin Islands Code and Rule 2.11 of the Virgin Islands Code of Judicial Conduct with regards to me being disqualified from a case or having to recuse myself

from consideration. The Superior Court of the Virgin Islands does not employ an “automatic” recusal system. However, I automatically recuse myself from hearing any case in which my brother, Attorney Jeffrey B.C. Moorhead, represents a litigant. I also recuse myself from any case involving Attorney Kye Walker as she is my family attorney as well as a personal friend. Additionally, I automatically recuse myself on cases in which I previously represented the Government of the Virgin Islands in any action or proceeding involving the same issues when I was the attorney in that particular action.

In all other cases, I immediately evaluate any potential conflicts of interest and disclose the nature of any conflicts to all counsel on the record and provide them with the opportunity to place any objections to me continuing to preside over the case. I evaluate any and all objections on a case-by-case basis.

Below is a list of cases where a party moved for my recusal or where I recused myself *sua sponte*.

Moorhead, et al. v. Governor Kenneth E. Mapp, et al., Civil No. SX-13-CV-348. This case involved whether the Virgin Islands Department of Education is mandated to establish a curriculum on Virgin Islands History in the public school system. The case was reassigned to me after several judges recused themselves. Plaintiffs initially moved for me to recuse myself from this case because my brother, Gary Molloy, served as the Insular Superintendent for the District of St. Croix in the previous administration and also because of the misunderstanding that I worked for the Virgin Islands Public Employees Relations Board (PERB). At a status conference held on January 24, 2018, I disclosed to the parties that I never worked for the PERB (parties sometimes confuse the PERB with OCB) and that the fact that my brother previously worked as the Insular Superintendent would have no bearing on how I would rule in this case. The Plaintiffs thereafter withdrew their motion for recusal. I subsequently issued an order denying the motion for recusal as moot.

People of the Virgin Islands v. Amara Lopez, Crim. No. SX-17-CR-044 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant’s mother and I are family friends.

People of the Virgin Islands v. Isaiah Rodgers, Crim. No. SX-17-CR-055 – I recused myself *sua sponte* from this case because I am related to the alleged victim in the case.

People of the Virgin Islands v. Bert Scotland, Crim. No. SX-16-CR-258 – I recused myself *sua sponte* because the alleged victim was the daughter of an employee of the Superior Court who worked in the St. Croix district.

People of the Virgin Islands v. Edward Santa De Los Santos, Crim. No. SX-17-CR-094 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

People of the Virgin Islands v. Harold A. Willocks, Crim. No. SX-17-CR-302 – I recused myself *sua sponte* from this case because the defendant was the son of another judicial officer of the Superior Court in the St. Croix district.

People of the Virgin Islands v. Anthony Gumbs, Crim. No. SX-16-CR-140 – I recused myself *sua sponte* from this case because the defendant and I are family friends.

People of the Virgin Islands v. Harold Ovesen, Crim. No. SX-14-CR-399;
People of the Virgin Islands v. Ruben Rivera-Moreno, Crim. No. SX-14-CR-400 – I recused myself from the case to avoid the appearance of impropriety because a former colleague of mine, with whom I had had a brief discussion about this case after it had gone to the Supreme Court of the Virgin Islands and been remanded, was then deputized to help prosecute the case.

People of the Virgin Islands v. Jordan Green, Crim. No. SX-15-CR-398 – I recused myself *sua sponte* from this case because the alleged victims and witnesses and I are family friends.

People of the Virgin Islands v. Major Lee Womack, Crim. No. SX-15-CR-105 – I recused myself *sua sponte* from this case because the defendant and I are cousins.

People of the Virgin Islands v. Ronald Heyliger, Crim. No. SX-10-CR-619 – I recused myself *sua sponte* from this case because the defendant is my mother's godson and my godbrother.

People of the Virgin Islands v. Jimmy Davis, Crim. No. SX-15-CR-065 – I recused myself *sua sponte* from this case because of matters concerning this defendant.

Gary Molloy, et al. v. Independence Blue Cross Blue Shield of the Virgin Islands, Civ. No. SX-00-CV-195 – I recused myself *sua sponte* from this case because the plaintiff is my brother.

People of the Virgin Islands v. Paul Maynard, Crim. No. SX-14-CR-027 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

People of the Virgin Islands v. Harold A. Willocks, Crim. No. SX-13-CR-297 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant and because the defendant was the son of another judicial officer of the Superior Court in the St. Croix district.

People of the Virgin Islands v. Noel Jeffers, Crim. No. SX-14-CR-130 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

People of the Virgin Islands v. Edward Farrelly, Crim. No. SX-14-CR-201 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

Devone Languedoc, et al. v. Mid-Island Federal Credit Union, Civ. No. SX-13-CV-191 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiffs' attorney, Kye Walker, is a personal friend and my family attorney.

Trudy Fenster v. Regina DeChabert, et al., Civ. No. SX-16-CV-343 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because Attorney Kye Walker, a named defendant, is a personal friend and my family attorney.

Daniel Simmiolkjier v. Austin Nibbs, et al., Civ. No. SX-11-CV-140 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff's attorney, Kye Walker, is a personal friend and my family attorney.

Tamara Marsh v. Dr. Albert Titus, Civ. No. SX-16-CV-113 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant and I are family friends.

Renee D. Dowling, Esq. v. Virgin Islands Public Employees Relations Board, et al., Civ. No. SX-12-CV-141 and *Virgin Islands Public Employees Relations Board v. Police Benevolent Association, Local 1910*, Civ. No. SX-13-CV-332 (consolidated cases) – I recused myself *sua sponte* from these cases because, prior to becoming a judge, I represented the Government of the Virgin Islands in the underlying case that gave rise to the issues in these cases.

Gregoreese Willocks v. Arcos Dorados USVI, Inc., Civ. No. SX-18-CV-165 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff is the niece of a judicial officer of the Superior Court in the St. Croix District, with whom I have a professional and personal relationship.

St. Croix Federation of Teachers, Local 1826 v. Government of the Virgin Islands, Civ. No. SX-15-CV-178 – I recused myself *sua sponte* from this case because I represented the Government of the Virgin Islands in the underlying arbitration proceeding prior to becoming a judge.

Silver Jackson v. United Industrial Workers of Seafarers International Union, AFL-CIO, Civ. No. SX-14-CV-092 – I recused myself *sua sponte* from this case because, prior to becoming a judge, I represented the Government of the Virgin Islands in the underlying arbitration proceeding that gave rise to this dispute.

Government of the Virgin Islands v. American Federation of Teachers, Local 1826,

on behalf of Social Workers and Psychologists, Civ. No. SX-13-EMP-002 – I recused myself *sua sponte* from this case because, prior to becoming a judge, I represented the Government of the Virgin Islands in the underlying arbitration proceeding that gave rise to this dispute.

Shermira Mercado, as Mother and Next Friend to Keshyra Quinn, a minor, v. Walter Pedersen, M.D., Civ. No. SX-13-CV-371 - In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff is the sister of the Superior Court Marshal who is currently assigned to my courtroom.

People of the Virgin Islands v. Josayo Williams, Crim. No. SX-12-CR-602 – I recused myself from this case because the defendant was the son of an employee of the Superior Court who worked in the St. Croix district.

Yvette Willocks v. Treasure Bay Corporation, Civ. No. SX-13-CV-496 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff was the spouse of another judicial officer of the Superior Court in the St. Croix district, with whom I have a professional and personal relationship with.

People of the Virgin Islands v. Akeem Williams, Crim. No. SX-09-CR-237 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

Roberto James v. Albert Titus, et al., Civ. No. SX-13-CV-389 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant and I are family friends.

People of the Virgin Islands v. Athiya-Merre Laudat, Crim. No. SX-13-CR-259 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant's attorney, Kye Walker, is a personal friend and my family attorney.

Jason Battiste v. Florence Ortiz, Civ. No. SX-12-CV-246 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff and I are family friends.

People of the Virgin Islands v. Kirk Jordan, Crim. No. SX-14-CR-212 and *People of the Virgin Islands v. Johnny Encarnacion*, Crim. No. SX-14-CR-213 (consolidated cases) – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from these cases because the co-defendant, Kirk Jordan, and I are family friends.

People of the Virgin Islands v. Edgar D. Ross, Crim. No. SX-13-CR-349 - In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant is a former judicial officer who is a close personal friend of my family.

People of the Virgin Islands v. Kirk Jordan, Crim. No. SX-13-SFL-009 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant and the alleged victim and I are family friends.

Semaj Johnson v. Samantha Rodney, Civ. No. SX-15-CV-567 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff and I are family friends.

Walter Mackay, Jr. v. Government of the Virgin Islands, et al., Civ. No. SX-13-CV-272 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because a co-defendant, Albert A. Titus, and I are family friends.

Thrisha M. Byron v. Carambola Golf Club, LLC, Civ. No. SX15-CV-186 - In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff and I are family friends.

Tyrone Molyneaux v. Public Employees Relations Board, Civ. No. SX-10-CV-312 – I recused myself *sua sponte* from this case because I previously represented the Government of the Virgin Islands in the underlying dispute that gave rise to this lawsuit.

Natasha Mathurin-Phaire v. Dr. Dawn Manning, et. al., Civ. No. SX-10-CV-360 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because a co-defendant, Dr. Dawn Manning, and I are family friends.

Janet Julien v. Maritza Rios Mims, et al., Civ. No. SX-12-SM-300 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff and I are family friends.

Kirk Rake v. Virgin Islands Hospitals and Health Facilities Corp., et al., Civ. No. SX-12-CV-491 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because a co-defendant, Albert A. Titus, and I are family friends.

Gracie Julia Burke v. Rodney Richardson and Carl E. Thomas, Civ. No. SX-15-CV-245 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the plaintiff in this case. Additionally, co-defendant, Carl E. Thomas, and I are cousins.

Gary A. Molloy v. Public Employees Retirement (sic) Board, Civ. No. SX-18-CV-020 – I recused myself *sua sponte* from this case because my brother, Gary A. Molloy, was the plaintiff in this case.

K&E Construction, Inc. et. al. v. New Life Resort, Inc. et. al., Civ. No. SX-15-CV-242 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C.

Moorhead, represented the plaintiff in this case.

Sindey B. Wilton v. Government of the Virgin Islands, Office of the Lieutenant Governor, et. al., Civ. No. SX-14-CV-358 – I recused myself *sua sponte* from this case because I previously represented the Government of the Virgin Islands in the underlying dispute that gave rise to this lawsuit.

Felicia P. Bryan v. Melinda V. Bryan et. al., Civ. No. SX-17-CV-370 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because two of the named defendants were employees of the Superior Court in the St. Croix district.

Efrail E. Jones et. al. v. Barbara McGregor, Civ. No. SX-09-CV-334 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented one of the plaintiffs in this case.

Bobby Joe Weber Thornbury, as Personal Representative of the Estate of Edwin Thornbury v. Anthony Gumbs, et al., Civ. No. SX-18-CV-162 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because, one of the named defendants, Anthony Gumbs, and I are personal friends.

Bank of Nova Scotia v. James Rodgers and Sandra Rodgers, Civ. No. SX-15-CV-231 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the named defendants and I are family friends.

Rene McAlpin Petersen v. Government of the Virgin Islands, Virgin Islands Department of Justice, Civ. No. SX-15-CV-233 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff was an employee of the Superior Court in the St. Croix district.

Carol A. Branker v. Sun Self Storage, Civ. No. SX-99-CV-334 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff was the mother of a close family friend.

Daria D. Byron-Wilkinson v. Clyde V. Baumann, et al., Civ. No. SX-09-CV-400 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because plaintiff and I are family friends.

Joan Paulus v. Rolando Huertas, Civ. No. SX-14-CV-471 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

Firstbank Puerto Rico v. Legacy Restaurant, LLC et. al., Civ. No. SX-17-CV-224 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because one of the named defendants, Sana Joseph, is my personal friend.

Queen's Ridge Condominium Assoc. v. Trond Osthaug, Civ. No. SX-14-CV-355 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

People of the Virgin Islands v. Gunnar G. Meiers, Crim. No. SX-16-CR-007 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

People of the Virgin Islands v. Kenya Willocks, Crim. No. SX-17-CR-181 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant is the niece of a judicial officer of the Superior Court in the St. Croix District, with whom I have a professional and personal relationship.

People of the Virgin Islands v. Jonathan Omar Santiago, Crim. No. SX-15-CR-366 - I recused myself *sua sponte* from this case because the minor witnesses and the alleged victim in this case are acquaintances of mine.

People of the Virgin Islands v. Joshua Cepeda, Crim. No. SX-16-CR-287 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

Ignatius Gerson v. Kye Walker, et al., Civ. No. SX-18-CV-178 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because Attorney Kye Walker, a named defendant, is a personal friend and my family attorney.

Jamila Russell, Individually and on behalf of Lauritz Thompson, III, a Minor, et. al. v. Superior Court Marshal Christopher Richardson, In his Official Capacity, et. al., Civ. No. SX-15-CV-185 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because defendant Richardson was an employee of the Superior Court in the St. Croix district.

Charles Moorhead et. al. v. Genevieve Whitaker et. al., Civ. No. SX-16-CV-673 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case due to a personal relationship with plaintiffs in this case.

Steven C. Mayers v. Marilyn Arroyo et. al., Civ. No. SX-15-CV-177 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because co-defendant, Marilyn Arroyo, and I are personal friends.

Yolanda Bryan v. Aubrey A. Lee, in his Official Capacity as Chairman of the Public Employees Relations Board et al., Civ. No. SX-15-CV-149 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case due to a personal relationship with plaintiff in this case. Moreover, Attorney Kye Walker, plaintiff's counsel, is a personal friend and my family attorney.

United Industrial Service, Transportation, Professional, and Government Workers of North America Seafarers International Union, AFL-CIO v. Government of the Virgin Islands et. al., Civ. No. SX-17-CV-013 – I recused myself *sua sponte* from this case because, prior to becoming a judge, I represented the Government of the Virgin Islands in the underlying proceeding that gave rise to this dispute.

American Federation of Teachers, Local 1826 v. Government of the Virgin Islands, Department of Education, Civ. No. SX-14-CV-386 – I recused myself *sua sponte* from this case because, prior to becoming a judge, I represented the Government of the Virgin Islands in the underlying proceeding that gave rise to this dispute.

Calvin Gumbs, II v. Tina M. Koopmans, et. al., Civ. No. ST-17-CV-342 – I recused myself *sua sponte* from this case because I previously served on the panel of appellate justices that issued a decision in the underlying matters referenced in the subject case.

Firstbank Puerto Rico v. Shermaine Petersen, Civ. No. SX-13-CV-164 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the defendant and I are family friends.

Kathleen Tonge et. al. v. Virgin Islands Water and Power Authority et. al., Civ. No. SX-12-CV-107 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case due to a personal relationship with plaintiffs in this case.

Frederick Espinosa v. Holland Redfield et. al., Civ. No. SX-16-CV-286 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because a co-defendant, H. Gwendolyn Hall, and I are family friends.

Charmaine P. Daley-Jeffers v. Dr. Emanuel Graham, et al., Civ. No. SX-15-CV-185 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff was an employee of the Superior Court in the St. Croix district.

Gregoreese Willocks-Gonzalez v. Public Employees Relations Board et. al., Civ. No. SX-16-CV-224 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because Attorney Kye Walker, counsel for the plaintiff, is a personal friend and my family attorney. Moreover, the plaintiff is the niece of a judicial officer of the Superior Court in the St. Croix District, with whom I have a professional and personal relationship.

Sixteen Plus Corporation v. Manal Mohammed Yousuf, Civ. No. SX-16-CV-065 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because Attorney Kye Walker, counsel for the defendant, is a personal friend and my family attorney.

Tyrone C. Hendrickson, Jr. v. Gaston Sargeant et. al., Civ. No. SX-15-CV-580 – I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead,

represented the plaintiff in this case.

Swell Inc. d/b/a Capital Mortgage Services of Texas v. Nilsa Bough et. al., Civ. No. SX-16-CV-664 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because a co-defendant, Donald Bough, and I are personal friends.

Darwin Dowling et. al. v. Bank of Nova Scotia et. al., Civ. No. SX-16-CV-440 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff was a former employee of the Superior Court in the St. Croix district and served as Chief Marshal during a segment of my tenure.

Naomi B. Joseph, as Administratrix of the Estate of Alwyn Joseph v. Kenrick Ephraim, d/b/a K & E Construction, Civ. No. SX-16-CV-393 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented the defendant in this case.

Patricia Schrader-Cooke v. Government of the Virgin Islands, Board of Education et. al., Civ. No. SX-16-CV-655 - I recused myself *sua sponte* from this case because my brother, Jeffrey B.C. Moorhead, represented one of the named defendants, Mary Moorhead, in this case.

Alexander Etienne v. VITOL Tank Terminals, et al., Civ. No. SX-16-CV-450 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because one of the plaintiffs, Redel Malone, and I are personal friends.

Gregoreese Willocks v. Interstate Realty Management Company d/b/a Harborview Apartments et al., Civ. No. SX-16-CV-224 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because the plaintiff is the niece of a judicial officer of the Superior Court in the St. Croix District, with whom I have a professional and personal relationship.

Advanced Surgical Partners and Albert Titus, M.D. v. Raymond Cintron, M.D., et al. SX-15-CV-351 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because one of the plaintiffs, Albert Titus, and I are family friends. Additionally, co-defendant Kendall Griffith and I are also personal friends.

Hisham Hamed, individually and derivatively, on behalf of Sixteen Plus Corporation v. Fathi Yusuf et al. and Sixteen Plus Corporation, Civ. No. SX-16-CV-605 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because Attorney Kye Walker, counsel for two named defendants, is a personal friend and my family attorney.

Bank of Nova Scotia v. Dennis A. Brow a/k/a/ Dennis Brow et al., Civ. No. SX-16-CV-455 – In order to avoid the appearance of impropriety, I recused myself *sua sponte* from this case because defendants, Dennis A. Brow and Joanna Brow and I are

personal friends.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 2007, I was appointed to serve on the Virgin Islands Commission on Judicial Disabilities ("Commission") by Senator Raymond Usie Richards, then President of the 27th Legislature of the Virgin Islands. On January 16, 2008, the Commission was declared unconstitutional by the District Court of the Virgin Islands. *See Kendall v. Russell*, 49 V.I. 602, 2008 WL 219762, 2008 U.S. Dist. LEXIS 3420 (D.V.I. 2008), *aff'd*, 2009 U.S. App. LEXIS 15390 (3d Cir. July 13, 2009).

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2004 to 2005, I served as a law clerk to the Circuit Court of Arlington County, where I assisted the Honorable William T. Neman, Jr., the Honorable Joanne F. Alper, and the Honorable James F. Almand.

From 2005 to 2007, I served as a law clerk to the Honorable Raymond L. Finch, United States District Court of the Virgin Islands.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or

governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2004

Williams & Connolly, LLP
725 12th Street, NW
Washington, DC 20005
Contract Attorney

2007 – 2013

Government of the Virgin Islands
Office of Collective Bargaining
5001 Chandler's Wharf, Suite 10
Christiansted, Virgin Islands 00820
Assistant Attorney General – Labor

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

None.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After finishing my judicial clerkships, I represented the Government of the Virgin Islands in labor and employment disputes against labor unions and public employees. These disputes involved legal issues pertaining to collective bargaining agreements, allegations of unfair labor practices against the Government, and violations of the American with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Family Medical Leave Act (FMLA), and Title VII of the Civil Rights Act of 1964.

I also provided legal advice to the Chief Labor Negotiator for the Office of Collective Bargaining on all aspects of the collective bargaining process including collective bargaining negotiations and impasse and grievance arbitration.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

During my tenure as an Assistant Attorney General-Labor at the Virgin Islands Office of Collective Bargaining, I mainly represented the

executive branch agencies of the Government of the Virgin Islands, various semi-autonomous agencies, as well as top level executive branch officials including Commissioners, Assistant Commissioners, Human Resource Directors, and Managers.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

During the course of my legal career as a practicing attorney, approximately 40% of my time was spent in litigation. I was employed as an Assistant Attorney General with the Virgin Islands Department of Justice and assigned to the Office of Collective Bargaining from 2007 to 2013. During this time, I appeared in court approximately 4-5 times per month. This time mostly involved arguing motions, representing the Government of the Virgin Islands in injunction hearings, and presenting oral arguments before the Supreme Court of the Virgin Islands. This percentage does not include time spent representing the Government of the Virgin Islands before administrative agencies and in arbitration proceedings. I commenced my term as a judge of the Superior Court in 2013.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 10% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 60% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 83 cases to verdict, judgment or final decision. This number includes cases tried before the Superior Court of the Virgin Islands, the District Court of the Virgin Islands, the United States District Court for the Eastern District of New York, the Virgin Islands Public Employees Relations Board, the Virgin Islands Department of Labor Unemployment Insurance Agency, and grievance and impasse arbitration panels. I served as sole counsel in all of these cases with the exception of serving as associate counsel in a bench trial that was tried in the District Court of the Virgin Islands.

- i. What percentage of these trials were:

- | | |
|----------|----|
| 1. jury: | 0% |
|----------|----|

2. non-jury:

100%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Police Benevolent Assoc., Local 1910, et al. v. Gov't of the Virgin Islands*, Civil No. 3:2011-cv-0078; *St. Croix Federation of Teachers, Local 1826 v. Gov't of the Virgin Islands*, Civil No. 3:2011-cv-0079; *United Steel Workers Union v. Gov't of the Virgin Islands*, Civil No. 3:2011-cv-0076; *American Federal of Teachers, Local 1825 v. Gov't of the Virgin Islands*, Civil No. 3:2011-cv-0077; *International Association of Firefighters, Local 2125 v. Gov't of the Virgin Islands*, Civil No. 3:2011-cv-0081.

In these consolidated cases, I served as co-counsel for the Government of the Virgin Islands (and all public officials sued in their official capacities) in a highly controversial litigation over the constitutionality of the Virgin Islands Economic Stability Act (VIESA). The Virgin Islands Legislature passed the VIESA after determining that the Territory was undergoing a significant financial crisis. This law imposed an eight percent salary reduction on employees of the executive and legislative branches. I filed all of the pre-trial briefs (motions to dismiss and motions for summary judgment) and served as associate counsel during the trial. I was also heavily involved in filing post-trial briefs. The matter proceeded to a bench trial before Judge Curtis Gomez of the District Court of the Virgin Islands. The court issued a decision ruling that the provisions of the VIESA did not violate the U.S. Constitution and dismissed all of the plaintiffs' claims. See *United Steelworkers, et al. v. Gov't of the Virgin Islands*, 66 V.I. 631, 2012 U.S. Dist. LEXIS 43461 (D.V.I. 2012). The United States Court of Appeals for the Third Circuit reversed the decision of the district court. See *United Steelworkers v. Gov't of the Virgin Islands*, 842 F.3d 201 (3d Cir. 2015). I was not involved in the appellate litigation.

Dates of Representation:

2011 – 2013

Name of Court:

U.S. District Court of the Virgin Islands

Presiding Judge:

The Honorable Curtis v. Gomez

Co-Counsel:

G. Alan Teague
Law Offices of G. Alan Teague, P.C.
P.O. Box 147
St. Thomas, Virgin Islands 00804
(340) 344-3131
(last known contact information)

Counsel for the Legislature of the Virgin Islands:

Trudy Fenster
Law Offices of Trudy Fenster, P.C.
2155 King Street, Suite 1
Christiansted, Virgin Islands 00820
(340) 244-4689

Counsel for American Federation of Teachers, Local 1826 and Police Benevolent Association:

Nizar DeWood
The DeWood Law Firm
2006 Eastern Suburbs, Suite 102
Christiansted, Virgin Islands 00820
(last known contact information provided - current contact information unknown)

Counsel for American Federation of Teachers, Local 1826:

Emile A. Henderson, III
Office of the Governor
No. 315 Prince Street
Frederiksted, Virgin Islands 00840
(340) 772-1000

Counsel for United Steelworkers Union and International Association of Firefighters:

Michael J. Sanford
Sanford Amerling & Associates
2191 Church Street
Christiansted, Virgin Islands 00820
(340) 773-3681

Counsel for AFT, Local 1825, Virgin Islands Nures Union, and United Industrial Workers of the Seafarers International Union:

Pedro K. Williams
Law Offices of Pedro K. Williams
5212 Wimmelskafts Gade
St. Thomas, Virgin Islands 00802
(340) 774-2100

2. *United Industrial Workers Union v. Gov't of the Virgin Islands*, 746 F.3d 115 (3d Cir. 2014).

I represented the Government of the Virgin Islands in this case, which originally started out as a contract dispute over the termination of a unionized attorney for the Virgin Islands Department of Justice. The Governor of the Virgin Islands approved of the Attorney General's recommendation to terminate the employment an employee who worked as an Assistant Attorney General. The United Industrial Workers Union ("Union") and the terminated employee challenged the termination under the terms of the collective bargaining agreement and filed a demand for arbitration. After convening a hearing, the arbitrator upheld the grievance, reversed the decision to terminate, and ordered reinstatement with back pay. The Government filed an action in the Superior Court to vacate the arbitrator's award. The Union later filed an action to confirm the arbitrator's award. The Superior Court entered a Judgement confirming the arbitrator's award and ordered reinstatement with back pay. The Government appealed the decision to the Supreme Court of the Virgin Islands, which reversed the decision of the Superior Court. *See Gov't of the Virgin v. Seafarers Int'l Union*, 57 V.I. 649 (V.I. 2012). The Union then filed a petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. The Third Circuit dismissed the petition for writ of certiorari as moot because the employee died while the appeal was pending. *See United Indus., Serv., Transp. Prof'l, & Gov't Workers of N. Am. Seafarers Int'l Union v. Gov't of the Virgin Islands*, 746 F.3d 115 (3d Cir. 2014).

I represented the Government of the Virgin Islands in the arbitration proceedings and in the litigation before the Superior Court of the Virgin Islands. I also represented the Government at oral argument before the Supreme Court of the Virgin Islands and filed all of the appellate briefs. I also filed the initial appellate briefs in the proceedings before the Third Circuit Court of Appeals prior to becoming a Superior Court judge.

Dates of Representation:
2010 – 2013

Name of the Courts:
United States Court of Appeals for the Third Circuit
Supreme Court of the Virgin Islands
Superior Court of the Virgin Islands

Names of Judges for U.S. Court of Appeals for the Third Circuit:

The Honorable Robert E. Cowen
The Honorable D. Michael Fisher
The Honorable Richard L. Nygaard

Names of the Justices of the Virgin Islands Supreme Court:

The Honorable Rhys S. Hodge
The Honorable Maria M. Cabret
The Honorable Ive A. Swan

Name of Judge of the Superior Court:

Honorable Adam G. Christian (retired)

Counsel for the United Industrial Workers Union:

Pedro K. Williams
Law Offices of Pedro K. Williams
5212 Wimmelskaft Gade, Suite 200
St. Thomas, Virgin Islands 00802
(340) 774-2100

3. *Gov't of the Virgin Islands v. United Indus., Svc., Transp., Prof. & Gov't Workers Union*, District Court Case No. 2007-0059; V.I. Super. Ct. Civ. No. SX-09-CV-228.

The Union, on behalf of an employee, filed a grievance challenging the Government of the Virgin Islands Department of Human Services' decision to deny the employee benefits under the Virgin Islands worker's compensation benefits based on an alleged job-related injury. DHS denied her claim and the matter proceeded to arbitration under the parties' collective bargaining agreement. The arbitrator ruled in favor of the Union and the employee. Initially, the Government filed an action in the District Court of the Virgin Islands to vacate the arbitrator's award. The Government later voluntarily dismissed the case in the District Court and refiled the action in the Superior Court. The Superior Court of the Virgin Islands affirmed the decision of the arbitrator to sustain the grievance and award back pay. The Supreme Court of the Virgin Islands reversed the Superior Court's decision to affirm the arbitrator's award. *See Gov't of the Virgin Islands v. United Indus., Svc., Transp., Prof. & Gov't Workers Union*, 64 V.I. 312 (2016).

I represented the Government in the litigation in the Superior Court of the Virgin Islands and in the District Court. I was appointed to serve as a judge of the Superior Court while the litigation was pending before the Supreme Court of the Virgin Islands.

Dates of Representation:

2009 – 2013

Name of the Courts:

U.S. District Court of the Virgin Islands
Superior Court of the Virgin Islands

Presiding Judge:

Honorable Raymond L. Finch, Senior U.S. District Court Judge
Honorable George W. Cannon, U.S. District Court Magistrate Judge
Honorable Harold W.L. Willocks, Superior Court Judge

Counsel for the United Industrial Workers Union:

Pedro K. Williams
Law Offices of Pedro K. Williams
5212 Wimmelskaft Gade, Suite 200
St. Thomas, Virgin Islands 00802
(340) 774-2100

4. *Ronald A. Brow v. Gov't of the Virgin Islands*, Case No. 11-CV-4314, 2012 U.S. Dist. LEXIS 169223 (E.D.N.Y. Nov. 27, 2012).

I represented the Government of the Virgin Islands in lawsuit filed by a former police officer seeking to enforce a 1989 judgment issued by the Territorial Court ordering his reinstatement and back pay. The plaintiff filed a petition for writ of mandamus requesting that the court direct the Government of the Virgin Islands to pay him his back pay owed in order to reduce a debt owed to the United States Government. I argued that the petition should be dismissed for lack of subject matter jurisdiction. The court granted the motion and dismissed the case. The plaintiff appealed. On appeal, the United States Court of Appeals dismissed the appeal due to the plaintiff's failure to pay the filing fee.

Dates of Representation:

2011 – 2013

Name of Courts:

U.S. District Court for the Eastern District of New York

Name of Judge:

The Honorable Nicholas G. Garaufis

Counsel for Plaintiff:

Ronald A. Brow, pro se
P.O. Box 1845
Long Islands City, New York 11101
(last known address)

5. *Monica Boyd-Richards v. De Jongh*, District Court Case No. 11-cv-045, 2012 U.S. Dist. LEXIS 1077, 2102 WL 13682 (D.V.I. Jan. 4, 2012).

The plaintiff filed a complaint in the District Court of the Virgin Islands against the Governor of the Virgin Islands and the Commissioner of Education alleging various violations of her constitutional and statutory rights. Specifically, she alleged violations of

the American with Disabilities Act of 1990, the Family Medical Leave Act of 1993, the First Amendment, Due Process and Equal Protection Clauses of the U.S. Constitution, and statutory rights and intentional inflicted emotional distress upon her when she was terminated from her position as a teacher.

I served as lead counsel and coordinated the Government's defense in this litigation. I filed several pre-trial motions arguing that the complaint should be dismissed. The Court agreed and subsequently dismissed the case.

Dates of Representation:

Mar. 2011 - May 2012 (approximate)

Name of Court:

U.S. District Court of the Virgin Islands

Name of Judge:

The Honorable Harvey Bartle, III

Plaintiff:

Monica Boyd-Richards, pro se
(current contact information unknown)

6. *Angelo Hill v. De Jongh*, Super. Ct. Civ. No. 10-CV-585, 2012 V.I. LEXIS 11, 2012 WL 1439591 (Apr. 19, 2012).

The Plaintiff, a former officer of the Virgin Islands Police Department, filed a complaint against the Government of the Virgin Islands, the Governor of the Virgin Islands, and the Virgin Islands Police Department alleging causes of action for violation of the Virgin Islands Whistleblower Protection Act, breach of contract, violation of 42 U.S.C. § 1983, civil conspiracy, violation of the equal protection, and discrimination.

I filed a motion to dismiss on behalf of the Government of the Virgin Islands, the Governor of the Virgin Islands, and the Virgin Islands Police Department pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Superior Court held oral arguments. In a Memorandum Opinion, the Superior Court granted the motion and dismissed the case against my clients.

I coordinated and executed the Government's defense, prepared and filed the motion to dismiss, and argued the case before the Superior Court.

Dates of Representation:

2010 – 2012 (approximate)

Name of the Court:

Superior Court of the Virgin Islands

Presiding Judge:

The Honorable Brenda J. Hollar (retired)

Counsel for Plaintiff:

Eszart E. Wynter, Sr.

Law Offices of Eszart A. Wynter, Sr., P.C.

#27 Estate Whim

Frederiksted, Virgin Islands 00841

(340) 772-1900

Counsel for Public Employees Relations Board (PERB):

Carol Thomas Jacobs

Deputy Assistant Attorney General

Virgin Islands department of Justice

34-38 Kronprindsens Gade

St. Thomas, Virgin Islands 00802

(340) 774-5666

Counsel for Law Enforcement Supervisor's Union (LESU):

Archie Jennings

P.O. Box 442

St. Thomas, Virgin Islands 00804

(340) 776-4303

7. *Gov't of the Virgin Islands v. International Association of Firefighters, Local 2125*,
Super. Ct. Case Nos. ST-10-CV-304 and ST-10-CV-311.

The Virgin Islands Fire Service terminated the employment of a firefighter due to his failure to cut his facial hair in order to properly wear safety equipment in compliance with Occupational Safety and Health Administration regulations and departmental policy. The International Association of Firefighters, Local 212, ("Union") filed a grievance on behalf of the terminated employee, and the matter proceeded to arbitration. The arbitrator ruled in favor of the Union. The Government appealed the decision to the Superior Court by filing an action to vacate the arbitrator's award. The Union subsequently filed an action to confirm the arbitrator's award.

After the case was pending for several months, the Government ultimately decided to voluntarily dismiss the case. I represented the Government of the Virgin Islands and the Virgin Islands Fire Service during the arbitration proceedings and in the litigation in the Superior Court.

Dates of Representation:

2008 – 2010

Name of Court:

Super Court of the Virgin Islands

Name of Judge:

The Honorable Michael C. Dunston (ST-10-CV-311)
The Honorable Brenda J. Hollar (retired) (ST-10-CV-304)

Counsel for International Association of Firefighters, Local 2125:

Amos W. Carty, Jr.
9800 Buccaneer Mall – Suite 9
P.O. Box 307223
St. Thomas, Virgin Islands 00803
(340) 777-5849

8. *Sidney Elskoe v. Gov't of the Virgin Islands*, Superior Court Civ. No. SX-08-CV-161, District Ct. Case No. 2008-CV-040.

In this matter, a police officer filed complaints in the District Court of the Virgin Islands and in the Superior Court of the Virgin Islands against the Virgin Islands Police Department, the Police Benevolent Association, and the Law Enforcement Supervisor's Union, stemming from the Government's decision to rescind his promotion to police sergeant and vacating the results of a department-wide promotional examination. After several months of litigation, the parties agreed to settle the case on terms favorable to both sides. I represented the Government of the Virgin Islands serving as lead counsel and filed all of the pre-trial motions.

Dates of Representation:

2008 – 2009

Name of Court:

U.S. District Court of the Virgin Islands
Superior Court of the Virgin Islands

Presiding Judges:

The Honorable Raymond L. Finch, U.S. District Court Judge (retired)
The Honorable Julio A. Brady, Superior Court Judge (deceased)

Counsel for the Plaintiffs:

Lee J. Rohn
1101 King Street
Christiansted, Virgin Islands 00820
(340) 778-8855

9. *Gov't of the Virgin Islands v. American Federation of Teachers, Local 1826*, Super. Ct. Civ. No. SX-09-CV-013.

The Government of the Virgin Islands filed a complaint seeking a temporary restraining order, preliminary injunction and a permanent injunction to enjoin teachers at a local

junior high school from continuing to engage in a job action by refusing to teach students. The court issued a temporary restraining order and held a preliminary injunction hearing. The parties were able to resolve the matter on terms favorable to both sides prior to the court ruling on the preliminary injunction. I served as lead counsel throughout this litigation.

Dates of Representation:

2009

Name of Court:

Superior Court of the Virgin Islands

Name of Judge:

The Honorable Francis J. D'Eramo (deceased)

Counsel for AFT, Local 1826:

Emile A. Henderson, III

Office of the Governor

No. 315 Prince Street

Frederiksted, Virgin Islands

(340) 772-1000

10. *George, et al. v. V.I. Dep't of Educ.*, District Court Case No. 07-cv-110, 2007 U.S. Dist. LEXIS 78733, 2007 WL 3124923 (D.V.I. Oct. 19, 2007).

In this case, a school principal and his collective bargaining representative filed a civil complaint against the Government of the Virgin Islands, the Commissioner of the Department of Education and Insular Superintendent alleging causes of action for violation of 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the U.S. Constitution. I represented the Government and the public officials in their official capacities as lead counsel. During the course of this litigation, I filed a motion that the complaint should be dismissed because the Government is not subject to liability under § 1983 and that the plaintiffs failed to state a claim on the remaining counts. The court agreed and entered an order dismissing the complaint.

Dates of Representation:

2007

Name of Court:

U.S. District Court of the Virgin Islands

Presiding Judge:

The Honorable Curtis V. Gomez

Counsel for the Plaintiffs:

Michael J. Sanford

Sanford Amerling & Associates
2191 Church Street
Christiansted, Virgin Islands 00820
(340) 773-3681

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

One of the most significant legal activities that I have pursued involved representing the Government of the Virgin Islands in the VIESA litigation. This litigation was very controversial and impacted the lives of many of the residents of the Virgin Islands. I served as co-counsel for the Government throughout the litigation from the filing of pre-trial motions to post-trial briefs. I also served as associate counsel during the bench trial in the district court.

Another significant legal activity that I pursued involved a personal matter. On April 11, 2006, I filed a civil complaint in the District Court of the Virgin Islands against the Government of the Virgin Islands challenging the imposition of the Virgin Islands personal use tax. (I filed this lawsuit prior to working for the Government after I returned to the Virgin Islands and shipped my household items from Virginia to the U.S. Virgin Islands.) The personal use tax imposed a 4% tax on the value of all items brought into the Territory of the Virgin Islands from the U.S. mainland. On July 25, 2007, the district court (Judge Harvey Bartle, III) granted my motion for summary judgment declaring the personal use tax unconstitutional in violation of the Commerce Clause. This decision is reported at *Molloy v. Government of the Virgin Islands*, 594 F. Supp. 2d 595 (D.V.I. 2007).

I have never been a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future

for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is submitted to the Senate and I file my mandated Financial Disclosure Report, I will supplement this Questionnaire with a copy.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not have any financial arrangements or categories of litigation which would present a conflict of interest. The only conflict of interest that I know of would involve my brother, Attorney Jeffrey B.C. Moorhead, who regularly practices in the District Court of the Virgin Islands. In all other cases, I would exercise due diligence in becoming aware of any potential conflict and disclose any potential conflict of interest to counsel.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review any real or potential conflicts by reference to Title 28, Section 455 of the United States Code, Canon 3 of the Code of Judicial Conduct for United States Judges as well as all other applicable rules, regulations, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Since October 2013, I have been serving as a judge of the Superior Court of the Virgin Islands. Under Rule 3.10 of the Virgin Islands Code on Judicial Conduct (which is modeled after the ABA Model Code of Judicial Conduct), I am prohibited from practicing law or giving legal advice except to members of my family.

Similarly, from September 2007 to October 2013, I served as an Assistant Attorney General with the Virgin Islands Department of Justice assigned to the Office of Collective Bargaining. According to section 117 of title 3 of the Virgin Islands Code, Assistant Attorneys General are prohibited from engaging in the private practice of law.

However, since 2008, I have volunteered as a board member for several non-profit organizations that serve the disadvantaged. For instance, I served as a board member for the Boys and Girls Clubs of the Virgin Islands, Inc. from 2008 to 2013, as well as a board member for the Legal Services of the Virgin Islands, Inc. from 2012 to 2013. During my tenure with these organizations, I actively participated and contributed my legal knowledge in developing policy and working with the leadership of these organizations to accomplish their respective missions in serving the community.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On June 20, 2018, I received a telephone call from the President of the Virgin Islands Bar Association, Mr. Anthony Ciolli, informing me that the Office of White House Counsel was seeking names of individuals who would be interested in the federal judgeship position at the District Court of the Virgin Islands. I informed Mr. Ciolli that I was interested. I then forwarded my resume and curriculum vitae to Mr. Ciolli who, to my understanding, then forwarded those materials to the Office of White House Counsel. On June 22, 2018, I discussed my interest with Virgin Islands Delegate to Congress Stacey E. Plaskett.

On June 27, 2018, I received communication from the Office of White House Counsel to schedule an interview. On July 11, 2018, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the United States Department of Justice in Washington, D.C.

Since June 2018, I have been in communications with Virgin Islands Delegate to Congress Stacey E. Plaskett, the Office of White House Counsel, and the Office of Legal Policy at the U.S. Department of Justice with regards to my nomination.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.