

**SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. THOMAS AND ST. JOHN AND ST. CROIX**

IN RE:)
)
ORDER ESTABLISHING INTERIM)
PROCEDURE FOR REVIEW OF)
MAGISTRATE DECISIONS)
_____)

MISC. NO. 30/09

ORDER

AND NOW, it is hereby **ORDERED** that the following interim procedures for seeking Review of Magistrate determinations are hereby established, effective January 1, 2010. Such rules shall remain in effect until further Order of this Court.

SECTION 1. Pre-trial Matters:

All petitions for review and/or reconsideration of pretrial matters decided by a magistrate pursuant to Superior Court Rule 320(a) are to be submitted for review to the assigned judge, in accordance with Rule 320(c). (See also 4 V.I.C. § 123(b)).

SECTION 2. Review of Cases Under Magistrates' Original Jurisdiction

a) Petitions for Review: Decisions of magistrates pursuant to their original jurisdiction, as provided by 4 V.I.C. § 123(a), are reviewable by judges of the Superior Court of the Virgin Islands. Such matters include: Small Claims; Forcible Entry and Detainer and Landlord-Tenant actions; Criminal Bench Trials (for 6-month misdemeanors); Domestic Violence; Non-felony Traffic offenses; Probate cases; Litter offenses.

b) Time for Seeking Review: Petitions for review under this section must be filed with the Clerk of the Court within ten (10) days after entry of the order sought to be reviewed and a copy served on the opposing party. The Clerk shall promptly refer to the appropriate judge for review in accordance with the internal rotational schedule adopted by the Court.

c) Filing Fee: All petitions for review under this provision must be accompanied by a filing fee of Fifty Dollars (\$50.00).

d) Failure to Seek Review: All Magistrate orders, for which no review is sought by either party within the time provided for by this section, become final orders of the Court after expiration of the time for such filing.

SECTION 3. Bail Hearings:

Bail decisions rendered by a magistrate may be immediately reconsidered, on motion to the assigned judge or the Presiding Judge. The procedure and timelines for the filing of such reconsideration motions are to be governed by the procedures set forth in Superior Court Rule 320(c) and (c)(1).

SECTION 4. Trial by Consent; Review:

All final orders/judgments entered into by magistrates, while presiding over a jury or non-jury civil trial under the consent procedures established in Superior Court Rule 321, are orders of the Court, appealable to the Supreme Court of the Virgin Islands as any other appeal from the final judgment of a Superior Court judge. (See also 4 V.I.C. § 123(d)).

SECTION 5. Improper Filing:

If an appeal or motion for review/reconsideration permitted by this rule is mistakenly filed in the incorrect forum, the Superior Court shall, upon receipt of a date-stamped copy, deem the document as filed in the Superior Court as of the date so filed in the other forum.

SO ORDERED this 31st day of December 2009.


DARRYL DEAN DONOHUE, SR.
PRESIDING JUDGE

ATTEST: 
VENETIA H. VELAZQUEZ, ESQ.
CLERK OF THE COURT

DATED: December 31, 2009

cc: Judges of the Superior Court
Justices of the Supreme Court
Members of the Virgin Islands Bar
Order Book