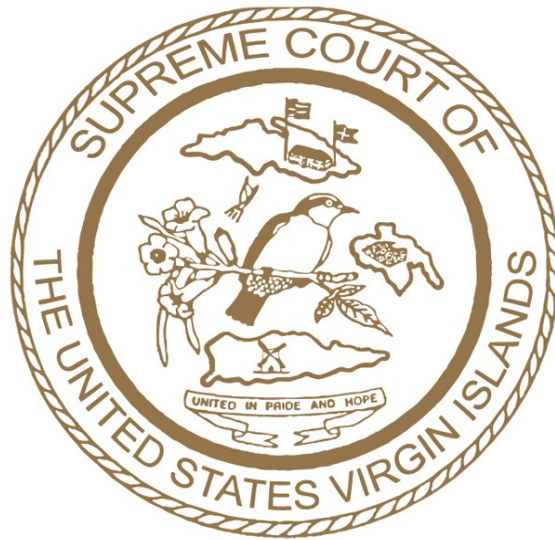


# SUPREME COURT OF THE VIRGIN ISLANDS

*United in Pride and Hope*



## Self-Help Guide

### A Step-By-Step Guide to Representing Yourself in the Supreme Court of the Virgin Islands

#### **St. Thomas/St. John**

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P.O. Box 590  
St. Thomas, VI 00804

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161 Crown Bay  
St. Thomas, VI 00804

Phone: (340)774-2237

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#### **St. Croix**

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Office of the Clerk  
P.O. Box 336  
Frederiksted, VI 00841

Physical Address:

Raymond L. Finch Supreme  
Court Building  
No. 18 Strand Street  
Frederiksted, VI 00841

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# **INTRODUCTION**

## **THE PURPOSE OF THIS SELF HELP GUIDE**

This is a basic guide for appealing a Superior Court Order to the Supreme Court of the Virgin Islands. “Appealing a Superior Court order” means that you want the Supreme Court of the Virgin Islands to decide whether the Virgin Islands Superior Court’s order was correct and, if not, whether the Superior Court order will remain in effect. An appeal is your opportunity to tell the Supreme Court why the Superior Court judge, with all the information he or she had, should have ruled in your favor.

A person that represents himself or herself before a court is proceeding *pro se*, a Latin term meaning “for oneself.” Although you can appear *pro se*, you are strongly advised to hire an attorney that is a member of the Virgin Islands Bar Association to represent you through the appeal process. Your attorney is obligated by the Virgin Islands Supreme Court Rules of Professional Conduct to represent your interests and protect your legal rights.

Regardless of whether you have an attorney or not, **ALL APPEALS MUST COMPLY WITH THE VIRGIN ISLANDS SUPREME COURT RULES**. These rules are available on the Court’s website. You may contact the Clerk’s Office for assistance.

## **DISCLAIMER**

This Self Help Guide only describes the basic appeal requirements and directs you to the rules that govern those requirements. This Self Help Guide is not a complete version of the Virgin Islands Rules of Appellate Procedure. This guide has no legal authority nor is it a substitute for requirements found in the Virgin Islands Rules of Appellate Procedure.

In this Self Help Guide, “the Supreme Court” refers to the Supreme Court of the Virgin Islands and “the Superior Court” refers to Superior Court of the Virgin Islands.

## **JURISDICTION OF THE SUPREME COURT**

The Virgin Islands Code only allows the Supreme Court to consider certain types of Superior Court orders. The authority to consider an appeal is called “jurisdiction.” Title 4, Sections 32 and 33, of the Virgin Islands Code outlines the types of Superior Court orders that the Supreme Court of the Virgin Islands can consider. If the Virgin Islands Code or other precedential case law do not allow the Supreme Court of the Virgin Islands to consider the type of order you have appealed, the appeal must be dismissed for “lack of jurisdiction.”

## **CONTACT WITH THE SUPREME COURT**

All appeals are filed with the Office of the Clerk of the Supreme Court. You may **only** speak to the Supreme Court about your case by contacting the Office of the Clerk of the Court. Parties **cannot** contact the Supreme Court Justices. The Supreme Court contact information, for both the St. Thomas/St. John and St. Croix locations, can be found on the front cover of this Guide. The contact information is also available on the Supreme Court’s website ([www.visupremecourt.org](http://www.visupremecourt.org)).

## **AMERICANS WITH DISABILITIES ACT**

The Supreme Court of the Virgin Islands is committed to fostering compliance with the Americans with Disabilities Act and to providing services, programs and activities in a way that assures accessibility for all users of the courts, including qualified individuals with disabilities. If you need accommodation for a disability, please contact one of the ADA Coordinators listed below at least 10 working days in advance.

<p>#8174 Subbase St. Thomas, VI 00802 ADA Coordinator: Koya S. Ottley Mon. – Fri. 8:00 am – 5:00 pm Phone: (340) 774-2237 TTY: (340) 693-4118</p>	<p>Raymond L. Finch Supreme Court Building #18 Strand St. Frederiksted, VI ADA Coordinator: Kevin Williams Mon. – Fri. 8:00 am – 5:00 pm Phone: (340)778-0613 TTY: (340) 778-0644</p>
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## **STEP 1: BEGINNING THE APPEAL: RULES 4 & 5**

Appealing a Superior Court Order means mailing, hand-delivering or electronically filing (“e-filing”) a document called a “Notice of Appeal” in the Supreme Court and paying the docketing fee, all within the time allowed by the V.I. Code and the Virgin Islands Rules of Appellate Procedure.

If you do not have an attorney, you do not have to e-file. If you choose not to e-file, you will be a “conventional filer” and the rules regarding e-filing will not apply to you. This guide will point out all the requirements where e-filing is different from conventional filing. To find out how to e-file, see Appendix #3 for Frequently Asked Questions (FAQ).

### **NOTICE OF APPEAL: CONTENT REQUIREMENTS**

The Notice of Appeal must include:

- The names of the party/parties appealing the order (i.e. the appellant/appellants)
- Description of the judgment/order being appealed
- The issues that appellant plans to present to the Supreme Court
- Appellant must sign it and provide the physical and mailing addresses and telephone numbers.
- A Certificate of Service upon all opposing parties and the trial judge; A certificate of service is required because the Supreme Court must know that all parties have a copy of every paper that every party files in the Supreme Court so that the other parties can respond.

Appendix #2 shows the format that you can use to file your Notice of Appeal.

### **NOTICE OF APPEAL: FILING REQUIREMENTS**

- Mail or hand-deliver to the Supreme Court or e-file the Notice of Appeal in the Virgin Islands Supreme Court Electronic Filing System.
- “Serve” the Notice of Appeal by hand-delivering an exact copy (i.e. “personal service”) or mailing an exact copy of the Notice of Appeal you filed in the Supreme Court to:
  1. the opposing party (the Appellee) and
  2. the Superior Court judge who signed the order you are appealing
- Pay the \$105.00 “Docketing Fee”

**-OR-**

If you do not believe you can pay the fee, you can file a Motion to Proceed “*In Forma Pauperis*” (Latin for: in the form of a pauper) using the Application to Proceed In Forma Pauperis form that is available on the Supreme Court’s website: [www.visupremecourt.org](http://www.visupremecourt.org). In this motion you must show the Supreme Court that you cannot pay for your appeal by including:

1. an “**affidavit**” saying, in detail, the reasons you are unable to pay the fee
2. Other documentation showing your inability to pay the fee
3. Your belief that you are “entitled to redress” (which means, your belief that you are entitled to relief from the judgment you are appealing)
4. A statement of the issues you intend to present to the Supreme Court in your appeal

An “**affidavit**” is a voluntary statement of facts written down and sworn to by the person making the declarations before an officer authorized to administer oaths, such as a notary public.

### **NOTICE OF APPEAL: TIME LIMITS**

- **In a Civil Case where the order appealed is final**, a Notice of Appeal of must be filed no later than thirty (30) days from the date of the entry of order you are appealing, unless the Government of the Virgin Islands or the United States of America or an Officer or agency of the Government of the Virgin Islands or United States of America is a party. In that case, the Notice of Appeal must be filed within sixty (60) days after the date of the entry the order you are appealing. Rule 5(a)(1)
- **In a Criminal Case where the order appealed is final**, a Notice of Appeal must be filed in the Supreme Court no later than 30 days after the entry of the judgment or order appealed from Rule 5(b)(1).

### **NOTICE OF APPEAL: HOW TO FIGURE OUT THE DEADLINE (RULE 16):**

- You do not count the day that the order was “**entered**”
- You do count the thirtieth day after the date that the order was entered, unless it is a Saturday, Sunday or a legal holiday. If the thirtieth day is a Saturday, Sunday or legal holiday, you must file the document by the next business day. These holidays are listed in Appendix 3, the FAQ Section of this guide.
- Also, if, on the thirtieth day, weather or other conditions made the Supreme Court Clerk’s office inaccessible, you must file the document on the next day that it is accessible.
- So, for example, if the “Notice of Entry” of the order you are appealing states that this order was entered on July 2, then day number 1 is July 3. It doesn’t matter that July 3 is a holiday. July 4 is also included and all of the weekends are included until Day 30, which is August 1. If August 1 is a Saturday or a Sunday or weather or other conditions make the Clerk’s Office inaccessible, then Day Number 30 is extended to the next day that the Court is open.

An order is “**entered**” in the Superior Court on the date that the document titled “Notice of Entry of Judgment/Order” states. This may be different from the date that the judge signed the order and/or the date that the order was “attested” by the Clerk of the Superior Court

### **OTHER IMPORTANT TIMING ISSUES**

- If the Notice of Appeal is mailed, the Supreme Court must **receive** the Notice on or before the thirtieth day. If it was mailed before the thirtieth day and the Supreme Court received it after, it was not filed on time.



- If the Notice of Appeal is filed in person, it must be filed at the Supreme Court Clerk’s Office before 5:00 p.m. on the thirtieth day.
- If the Notice of Appeal is e-filed, it can be filed on or before 11:59 p.m. Atlantic Standard Time.
- If you are incarcerated outside of the territory the Supreme Court accepts your Notice of Appeal after the thirtieth day **if** the notice was deposited in the institution’s internal mail system on or before the thirtieth day. This can be shown by a notarized statement by the warden or other individual in charge of the institution setting forth the date of deposit and stating that first class postage has been prepaid. All other documents indicating proof of deposit and mailing must accompany the motion to deem filed.

## **STEP 2: DOCKETING THE APPEAL: RULE 12**

### **DOCKETING ORDER**

- After you file the Notice of Appeal in the Supreme Court, the Supreme Court Clerk’s Office will send you a “Docketing Order.” The purpose of a Docketing Order is to inform you that the Supreme Court has received your appeal, to provide you with the Case Number that has been assigned to your case and to give you any additional instructions. The case number on the docketing order must be used in the caption of all future contact with the Supreme Court.
- The Docketing Order will give you the deadline to file a “Transcript Purchase Order” (which will be discussed later).
- If you did not pay the Docketing Fee when you filed the Notice of Appeal, it will order you to pay the Docketing Fee in 14 days, or else your appeal may be dismissed. (See Rule 3)

The “**docket**” is a record of all cases, by case number, that have ever been filed in the Supreme Court. This record is kept by the Clerk of the Supreme Court.

### **ELECTRONIC DOCKET**

- Once the Supreme Court sends you a Docketing Order, all documents filed in your appeal will be available for you to see on the Supreme Court’s electronic docket, located at its website: [www.visupremecourt.org](http://www.visupremecourt.org)<sup>1</sup>
- If you want to look at everything that has been filed in your V.I. Supreme Court case, you can go to the Supreme Court’s website.
  1. Once there, click on “Electronic Docket” which is in the list on the left side of the home page. Then click on “Public Docket”
  2. Then insert your case number under “Find Case” (in the upper left hand corner of the page).
  3. The Electronic Docket will show everything that has been filed in your case.
  4. To read the actual documents, put the mouse over the paper icon at the very right. A document title will then appear. Put your mouse over that title and click.

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<sup>1</sup> Cases that are confidential, such as child custody cases, are not publicly viewable.

## **STEP 3: COMPLETING THE RECORD: RULES 10 & 11**

### **INTRODUCTION:**

The next step in your appeal is to complete “the record” of your Superior Court case to present to the Supreme Court. The record is very important for the appeal process, because the Supreme Court can only consider the record that was before the Superior Court when deciding your appeal.

The only parts of the record are:

- The original papers and exhibits filed in the Superior Court case that you have appealed.
- The transcripts of the courtroom proceedings in your Superior Court case.
- A certified copy of the docket entries prepared by the Clerk of the Superior Court.

While the original papers and exhibits and a certified copy of the docket entries are available at the Superior Court when you file your appeal, the “**transcript**” of a hearing or a trial or other proceeding before the Superior Court Judge will not be available unless the Court Reporter prepared it during the Superior Court case. Therefore, if there were courtroom proceedings you are responsible for obtaining the transcripts.

A “**transcript**” is a word-for-word written record of a hearing or trial before the Superior Court judge, recorded by a Court Reporter.

### **TRANSCRIPT PURCHASE ORDER:**

**Within 14 Days of the date you file the Notice of Appeal you must either:**

Order transcripts from the Court Reporter      **-OR-**      Certify to the Supreme Court that no transcripts are needed

### **HOW TO DECIDE IF YOU NEED TO ORDER THE TRANSCRIPTS:**

- If you did not have any trials or hearings before the Superior Court judge in the case you are appealing, then you must certify that transcripts are not needed.
- If you did have a trial or hearing before the Superior Court judge in the case you are appealing, then you may need to order a transcript. For example, if you are going to argue that the evidence does not support the Superior Court’s order that you are appealing, then you must include a transcript of all parts of the hearing or trial that the evidence relating to the findings and conclusions in the order you are appealing.

### **HOW TO ORDER TRANSCRIPTS OR CERTIFY THAT THE TRANSCRIPT IS NOT NECESSARY:**

- The **ONLY WAY** to either order the transcript or certify to the court that no transcript is needed is to fill out and file “Transcript Purchase Order Part I” (TPO Part I). This form is available on the Supreme Court’s website: [www.visupremecourt.org](http://www.visupremecourt.org). You only need to fill out and file Part I. TPO Parts II and III are for the Court reporter.

1. If you are not registered to e-file, then the TPO, Part I must be filed in the Supreme Court and you must serve a copy of that document upon the other parties, the court Reporter(s) that transcribed the court proceedings and the Clerk of the Superior Court.
  2. If you e-file, you can fill out the document online and submit it by e-filing it. You must still serve the TPO Part I form on the other parties to the action, the court reporter(s) and the Clerk of the Superior Court as required by Supreme Court Rule 40.3. If the other party is not an e-filer, you must conventionally serve that party.
- If you order any transcripts, you must make an arrangement with the court reporter to pay for the transcript. This must be done when you order the transcripts. If you have been granted *In Forma Pauperis* status, you must complete and file the Voucher for Payment of Transcripts, which is also available on the Supreme Court's website Each court reporter requires his or her own Voucher.
  - If you are not ordering a complete transcript, then you must notify the Supreme Court and your opposing party of the issues you plan to present so that the Appellee can decide if he/she wants to present any other parts of the transcript to the Supreme Court.

#### **IF YOU DO NOT ORDER ANY TRANSCRIPTS**

- If you certify in TPO, Part I that no transcripts are necessary, then your record is complete.

#### **IF YOU ORDER TRANSCRIPTS**

When the court reporter receives the TPO Part I he or she will fill out TPO Part II and file it with the Supreme Court and the Superior Court. In TPO Part II, the court reporter will state that he or she has received it, will estimate the number of pages and the date that he or she expects to complete the transcript.

- When the transcript is completed, the court reporter will file physical and electronic copies with the Clerk of the Superior Court and will notify the Clerk of the Supreme Court that the transcript is complete by filing TPO Part III. The record will then be complete.

#### **WHEN THE RECORD IS COMPLETE**

When either a TPO Part I certifying that no transcript is necessary or a TPO Part III is filed with the Supreme Court, then the record that the Supreme Court will use to consider your appeal is complete and the appeal will move on to Step 4.

## **STEP 4: BRIEFS AND JOINT APPENDIX: RULES 15, 22, 24 & 25**

### **INTRODUCTION**

You must fully explain to the Supreme Court why you feel that the Superior Court order was factually and/or legally wrong. This is only done by writing and filing a document called an "Appellant's Brief". An Appellant's brief requires you to present the facts and arguments that are part of the record, which you will include as a "Joint Appendix," and explain why the law supports your arguments. The Clerk's Office will let you know when it is time to file your brief and the joint appendix when it sends you a "Scheduling Order."

## **THE SCHEDULING ORDER**

When the Superior Court's Court Reporter notifies the Supreme Court that all transcripts are complete, or if Part I of your TPO states that there are no transcripts being ordered, the Supreme Court will send a "**Scheduling Order**" to the Appellant and the Appellee.

A "**Scheduling Order**" is an order from the Office of the Clerk of the Court, which lists the dates that each party must file their briefs.

Unless a Justice orders otherwise, the Scheduling Order will require the Appellant to file the Appellant's Brief and the Joint Appendix in forty (40) days. Appellee will be required to file an Appellee's Brief thirty (30) days after Appellant files a brief and the Joint Appendix. Appellant may – but does not have to – file a Reply to Appellee's Brief.

There are numerous requirements for the format and content of the parties' briefs and the joint appendix. Rules 15, 22, 24, 25 and 40 include these requirements, as well as when and where you must file the brief and joint appendix, and how many copies to file. These requirements are briefly described below.

### **APPELLANT'S BRIEF REQUIREMENTS**

- The Format of Appellant's Brief (Rules 15 and 22)

#### **1. Front Cover of the Brief:**

- a. The cover of the Appellant's Brief must be **BLUE**.
- b. The front cover of all briefs and joint appendixes must contain:
  - The number of the case
  - The title of the case
  - The judicial division (i.e. St. Croix or St. Thomas/St. John) and docket number of the Superior Court case
  - The title of the document (i.e. "Brief of Appellant" or "Brief of Appellee")
  - The names, addresses, phone numbers and facsimile numbers of the party

#### **2. The Rest of the Brief:**

- a. The brief cannot exceed 7,800 words. (This does not include the front page, the table of contents or the table of authorities.) If you are pro se, you may use page limits instead of word limits. For page limits, 1 page = 260 words. Therefore, 7,800 words = 30 pages.
- b. All printed matter, including footnotes, must appear in at least fourteen-point type.
- c. You must use opaque, unglazed paper.
- d. All papers must be firmly bound at the left margin in a secure matter that does not obscure the text and permits the document to lie flat when open.
- e. All papers and motions shall have margins on both sides of each page that are no less than one inch wide and margins on the top and bottom of each page that are no less than three-quarters of an in wide.
- f. All papers and motions shall consist of pages not exceeding eight and one half by eleven inches in size, with double spacing between each line of text.

g. Copies may be used for filing and service if they are legible, except that an original signature shall be required by the movant on at least one copy of each document.

- The Content of the Appellant's Brief (Rule 22)

The Brief of the Appellant must contain, under headings, and in this order:

**1. Table of Contents** with page references

**2. Table of Authorities** with all the legal materials you have cited and the pages you cite them.

**3.** A statement of the basis of:

a. The **subject matter jurisdiction** in the Superior Court and

b. The **appellate jurisdiction** in the Supreme Court. This means you must put the section of the Virgin Islands Code that gave the Superior Court authority to consider the case being appealed and the section of the Virgin Islands Code that gives the Supreme Court the authority to consider the appeal.

°Describe the facts and the law that support your statement of the basis of jurisdiction.

°The statement must include the dates that establish that this appeal was filed on time.

**4. A Statement of the Issues Presented for Review and the Standard of Review**

Include in this statement specific pages of the joint appendix where each issue you are appealing appeared was raised, objected to, and ruled upon.

**5. Standard and scope of review for each issue**

**6. A Statement of Related Proceedings**

State whether this case was before the Supreme Court previously and whether you are aware of any other case that is related which has been completed, is pending or is about to be presented to this court or any others.

**7. A Statement of the Case**

Generally describe the case, how it proceeded in the Superior Court, and how the judge ruled on it.

**8. Statement of Facts** Write the facts that relate to the issues you are asking this Court to review. You must make references to the record showing where these facts appear.

**9. Argument** Write your arguments and the reasons for your arguments, in which you support your arguments by citing places in the record and citing the legal authority you are using to make these arguments.

**10. Conclusion:** Write a short statement of what you would like this Court to do.

**11. Certificate of Service**

**12. Certificate of Compliance**

- This is everything that can appear in the brief. There cannot be any attachments to the brief. All documents referenced in the brief must be in the Joint Appendix.

## **THE JOINT APPENDIX: RULE 24**

Along with a brief, the Appellant must prepare and file a “joint appendix” which must contain all documents in the record wanted by BOTH parties. The parties are required to consult each other and agree on the content of the documents that will be part of the joint appendix. If both parties do not agree, the FAQ Section of this Guide, Appendix #3, discusses what to do.

- The Joint Appendix must include, in this order:

- 1.** The Front Cover

- a. The cover of the Joint Appendix must be WHITE.
  - b. It must have the same information as the cover of the brief.

- 2.** A table of contents with page references

- 3.** A copy of the notice of appeal

- 4.** The judgment, order or decision you are appealing

- 5.** The Superior Court’s Certified List of Docket Entries

- 6.** Relevant portions of the trial transcripts, exhibits or other parts of the record.

Memoranda of law filed in the Superior Court should not be included unless they have independent relevance.

If matters were sealed in the Superior Court, that should be indicated on the cover of the appendix.

If the appeal is challenging the sufficiency of the evidence to support a verdict or other determination, the appendix shall reprint all of the evidence of record that supports the challenged determination

## **REQUIRED REDACTIONS: RULE 15(C)**

Parties must refrain from including, or must partially redact where inclusion is necessary, the following personal information:

- Social Security Numbers (if the number is required, only the last 4 digits)
- Names of minor children and victims of sexual assault crimes (only initials)
- Dates of birth (if required, only the year)
- Financial account numbers (in relevant, only the last 4 digits)
- Home addresses (in criminal cases, if required, only the city or island)

## **HOW TO FILE AND SERVE APPELLANT'S BRIEF AND JOINT APPENDIX: RULES 15 AND 25 (AND RULE 40.3 FOR E-FILERS)**

- If you are an e-filer, you must e-file the brief and joint appendix and serve the brief and joint appendix as the process is described in Rule 40.3 and file seven paper copies of the brief and four paper copies of the joint appendix as the process is described in Rule 15(d)
- If you are not an e-filer, you must **conventionally file** seven (7) copies of the brief and seven (7) copies of the appendix in this Court. At the same time, you must **conventionally serve** two (2) copies of your brief and one (1) copy of your appendix on every other party.
- Both the brief and the joint appendix must contain a certificate of service.
- If you are an e-filer, and the other party is not an e-filer, you must conventionally serve the other party.
- The certificate of service must state the method of conventional service.

“Conventional filing” means either (1) hand delivering the documents or (2) mailing the documents to the Office of the Clerk of the Supreme Court

“Conventional serving” means either (1) hand delivering or (2) mailing a copy of the documents to the opposing party.

### **APPELLEE'S BRIEF REQUIREMENTS: RULE 22**

- Thirty days after Appellant files his or her brief and the joint appendix, the opposing party, the Appellee, must file the Appellee's brief, which should explain why the Superior Court was correct. The Appellee must use the same joint appendix that the Appellant used.
- Appellant's Brief and Appellee's Brief have **THE SAME** requirements. The only differences between the Appellee's Brief and the Appellant's Brief are that:
  1. The Cover of Appellee's Brief is **RED**.
  2. Appellee does not have to write a statement of jurisdiction, a statement of the issues or a statement of the case unless Appellee is not satisfied with the Appellant's statements.

### **APPELLANT'S REPLY TO APPELLEE'S BRIEF: RULE 22**

- Within fourteen (14) days of the date Appellee serves Appellant with Appellee's brief Appellant may, but does not have to, file a Reply to that brief. The only purpose of a reply is to respond to Appellee's arguments. You cannot make new arguments in a Reply Brief.
- The requirements of a Reply Brief are the same as Appellant's Brief except:
  1. Front Cover is GRAY,
  2. It is limited to 15 pages and
  3. The content only requires: (1) table of contents, (2) table of authorities, (3) argument and (4) conclusion (5) certificate of service.

**NO MORE BRIEFS CAN BE FILED**

## **STEP 5: THE SUPREME COURT'S DECISION**

### **BRIEFS AND THE JOINT APPENDIX GO TO THE JUSTICES**

Once all the briefs and the joint appendix are filed, the Supreme Court Clerk's Office will transmit them to the three Supreme Court Justices that will decide your appeal. They do not consider your appeal before they receive all of these documents at the same time. Nor do they discuss your case with each other before the Calendar, which is discussed below.

### **THE JUSTICES CONSIDER THE APPEAL AND MAKE A DECISION**

When each of the Justices have examined your case and are ready to discuss your case with each other, you will receive a calendar either electronically (if you e-file) or in the mail (if you do not e-file). The calendar gives you the date that the three justices will discuss your case with each other. After they have discussed your case, there will be one order either "affirming" the Superior Court Judge's decision, (that is, stating that the Superior Court Judge's decision will remain in effect) reversing the decision, (that is, stating that the Superior Court's decision was wrong) or vacating the decision and remanding the case back to the Superior Court for further or different proceedings (that is, returning the case to the Superior Court because the judge must do something more before a decision is made). When the Order is entered, you will receive it at the contact information you gave to the Court.

## **STEP 6: AFTER THE SUPREME COURT'S DECISION**

### **PETITION FOR REHEARING: RULE 31**

Any party that does not like the Supreme Court's Decision can file a Petition for Rehearing, before the mandate (discussed below) is issued:

1. It must be filed within 14 days after the judgment is entered.
2. The petition cannot exceed 3,900 words in length, double-spaced.
3. You must file seven paper copies the briefs and four paper copies of the appendix with the Clerk of the Supreme Court.<sup>2</sup>
4. The petition must state the points of law or fact which the Supreme Court overlooked or misapprehended.
5. It shall contain an argument in support of the petition.
6. All remaining parties must be served as required by the Supreme Court Rules.
7. Oral argument in support of the petition will not be permitted. No answer to petition for rehearing will be received unless requested by the Supreme Court.
8. If a petition for rehearing is granted, the Supreme Court may make a final disposition of the cause without re-argument or may restore the matter to the calendar for re-argument, or resubmission, or may make such other orders as are deemed appropriate under the circumstances of the particular case.

### **MANDATE: RULE 32**

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<sup>2</sup> If you are an electronic filer, no paper copies are required.

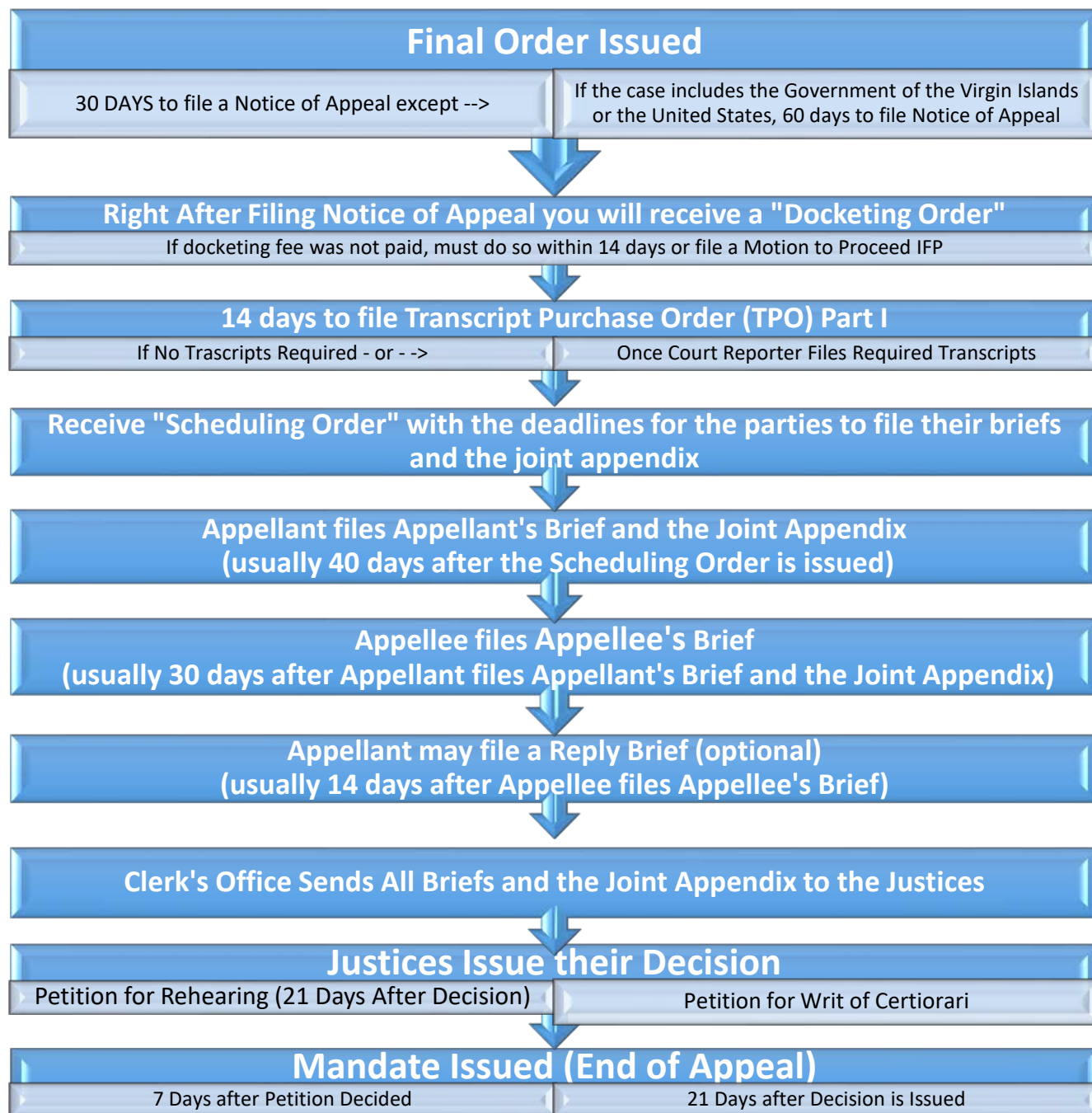


Twenty-one (21) days after the Justices of the Supreme Court issue their decision, the decision will become final and the Supreme Court will issue its “mandate”. This mandate marks the end of your case in the Supreme Court.

### **PETITION OF WRIT OF CERTIORARI**

On December 28, 2012 the Revised Organic Act of 1954 was amended to allow a party that disagrees with a Virgin Islands Supreme Court’s final decision to file a Petition for Writ of Certiorari with the Supreme Court of the United States. That petition must be done and filed in accordance with rules of the Supreme Court of the United States. You can find these rules on that Court’s website: [www.supremecourt.gov](http://www.supremecourt.gov).

## APPENDIX # 1: APPEAL SUMMARY CHART



**APPENDIX # 2: NOTICE OF APPEAL**

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

Insert Full Name.  
Appellant(s)/Insert position in Superior Court.

v.

Insert Full Names of all opposing parties.  
Appellee(s)/Insert position in Superior Court.

S. Ct. \_\_\_\_ No. \_\_\_\_\_  
Re Insert Superior Ct Case Number.

**NOTICE OF APPEAL**

Insert Name. **appeals the** Insert title of judgement or order. **issued in** Insert Superior Court case name and number. **entered on** Insert date that the judgment was entered.. **I** plan to present the following issues:

Submitted on: Insert date.

(Signature) \_\_\_\_\_

Name:

Mailing address:

Daytime telephone number(s):

**CERTIFICATE OF SERVICE<sup>3</sup>**

I hereby certify that on *Insert date*.an exact copy of this Notice of Appeal was served upon all parties listed below at the address(es) listed below by the method listed below:

Name of opposing party:

Sent By:(check one or both)

U.S. Mail (postage prepaid)

Hand delivery

Opposing Party's address:

\_\_\_\_\_  
\_\_\_\_\_

I also certify that on *Insert same date as above*. An exact copy of this Notice of Appeal was served upon Superior Court Judge *Insert name of judge*. by ordinary mail, postage pre-paid to: *Insert Superior Court Division address*.

Signature:\_\_\_\_\_

---

<sup>1</sup> This Certificate of Service has space for one opposing party. If the opposing party is represented by an attorney, the attorney must be served. For more than one opposing party, all of the same information is required.

## **APPENDIX #3 FREQUENTLY ASKED QUESTIONS (FAQ)**

**Q: I have a question about my case. Who do I ask?**

A: All verbal communication with the Court can only be done with the Office of the Clerk. The Office of the Clerk will do its best to help you understand the procedures you must follow. However, you must remember that the Office of the Clerk **cannot give you legal advice.**

The only method to communicating with the Justices is by written motion, served on all parties. There are only a limited type of motions that are allowed by the Virgin Islands Appellate Rules of Procedure. If you file a motion or other writing that is not authorized by the Virgin Islands Rules of Appellate Procedure, it will most likely be rejected without a response.

**Q: When is the Court open?**

Monday – Friday, 8:00 pm through 5:00 pm, except on legal holidays or administrative days.

**Q: I'm on St. Croix and my case is on St. Thomas. Do I need to file everything there?**

A: No. The Virgin Islands Supreme Court does not have separate divisions. Anyone with a case before the Supreme Court can file its documents either in St. Croix or St. Thomas.

**Q: How do I “e-file” documents?**

A: As of July 31, 2019, if you want to become an E-filer, you must:

- Go to the Supreme Court’s website, [www.visupremecourt.org](http://www.visupremecourt.org)
- Click on “Electronic Filing”
- Click on “Become an E-filer Today”
- Fill in the information.
- When it comes to “Access Type” select “Pro Se” Party (Pro se means you are representing yourself)
- Fill in the Supreme Court Case Number and the Superior Court case number.
- If you e-file documents, your documents will be on time if the document is filed before 11:59 p.m., Atlantic Standard Time, on the document’s due date.
- If you abuse your e-filing ability (for example by filing documents that are not part of the record or repeatedly filing documents that do not comply with the Court’s Rules) the Clerk of the Court can take your ability to e-file away from you.
- if you obtain an attorney after you register to e-file, you will no longer be able to e-file any documents. This has nothing to do with your ability to look at your case.

**Q: Can I file documents by fax?**

A: No.

**Q: What if I don't have access to a computer?**

A: The Supreme Court has computers that you may use to access the Supreme Court's website. While you can monitor your case on the Supreme Court's computer, you cannot use these computers to prepare your case. These computers are used for information only. You may print documents related to your case for a fee.

**Q: What if I can't meet the deadlines in the V.I. Supreme Court Rules or the deadlines ordered by the Court?**

A: The Supreme Court expects all parties to comply with the set deadlines. Failure to adhere to deadlines may result in the Court dismissing your case.

If you need an extension for a reason, motions for extension of time (excluding notices of appeal) must be submitted at least five (5) working days before the deadline which is requested to be extended.

All other parties must receive a copy of the motion at least three working days *before* such deadline, and if the party wishes to oppose the motion, such opposition shall be filed at least one working day before the original deadline.

The Court can decide, on its own, whether or not to grant an extension. Usually if you follow Rule 17, have a legitimate reason for requesting the extension, and have not previously requested an extension, the request will likely be granted. However, repetitive requests, or baseless requests, regardless of whether they were filed on time, may get denied.

**Q: What if I receive a motion from the other party?**

A: You have fourteen (14) days to file a response to the motion, unless the Court issues an order stating otherwise. If you do not file any response, the Court will assume that you do not object. If you oppose the motion, you must file an "Opposition" explaining why you disagree, and it must be served on all parties (like everything else you file in the Supreme Court).

**Q: What if the opposing party and I cannot agree about what should go into the Joint Appendix?**

A: The joint appendix is the record that the parties present to the Justices in order for the Justices to decide your case. Both parties must make a sincere effort to agree on the contents of one joint appendix.

All portions of the record that **are relevant** to your argument must be included. Remember that this Court will not make findings of fact. This Court will only determine whether the Superior Court's findings of fact are supported by the evidence. Therefore, you should **never** limit the joint appendix to the portions of the record that support your argument. For example, if the trial judge or jury found that the opposing party's exhibits and testimony were sufficient, but the appendix only includes your testimony and the evidence that supports you, then this Court may find that **you failed to show** that there was insufficient evidence to support the judge's ruling or the jury's verdict

Rule 24 of the Virgin Islands Rules of Appellate Procedure states that The Supreme Court may permit, upon timely motion, the filing of separate appendices upon certification, with supporting documents, that a given party has failed to cooperate in the designation of a joint appendix.

**Q: What if my brief or my response to an order is due on Saturday, Sunday or a Holiday?**

A: You must file it on the next business day. The only “holidays” that qualify for this extension are those that are listed in title 1 section 171 of the Virgin Islands Code, which are:

January 1 (New Year’s Day), January 6, (Three King’s Day), Third Monday in January (Martin Luther King Jr.’s, Birthday), Third Monday in February (President’s Day), March 31 (Transfer Day), Holy Thursday, Good Friday, Easter Monday, Last Monday in May (Memorial Day), July 3 (V.I. Emancipation Day), July 4 (Independence Day), First Monday in September (Columbus Day and Puerto Rico Friendship Day), November 1 (D. Hamilton Jackson Day), November 11 (Veteran’s Day), Fourth Thursday in November (Thanksgiving Day) December 25, Christmas Day, December 26 (Christmas Second Day) and such other days as the President or Governor may by proclamation declare to be holidays.

**Q: How do I find out the name of the Court reporter that recorded the transcripts I am requesting in my Transcript Purchase Order?**

A: Review your Superior Court case file. In that file look for the docket entry titled “Record of Proceedings” for each day of the hearing or trial. The court reporter’s name will be on that record.

**Q: Will the Court appoint an attorney for me?**

A: If you are appealing a criminal conviction, you have a constitutional right to an attorney for your appeal. Your trial counsel is required to represent you until he has been relieved by court order. If you are appealing a civil action, you do not have a right to an attorney to represent you. Therefore, the court will not appoint an attorney involuntarily. If you are requesting counsel, and if there is an attorney willing to be appointed, you must explain why you are appealing, and why it is in the interest of justice for the Court to require a private attorney to represent you in a private matter at public expense.

**APPENDIX #4: MOTION FORMAT**

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

_____	)	S. Ct. ____ No. _____
Appellant/_____	)	Re: Super. Ct. ____ No. _____
	)	
v.	)	
	)	
_____	)	
Appellee/_____	)	
_____	)	

**MOTION FOR EXTENSION OF TIME**

Insert Name. respectfully requests to file his Appellant's Brief and the Joint Appendix for the following reasons:

Submitted on: Insert date.

Signature: \_\_\_\_\_

Name:

Mailing address:

Telephone number(s):



**CERTIFICATE OF SERVICE<sup>4</sup>**

I hereby certify that on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_, an exact copy of this Motion for Extension of Time was served upon the individual(s) listed below at the address(es) listed below by the method listed below:

Name of opposing party (attorney if represented)

\_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_

Sent By: (check one or both)

U.S. Mail (postage prepaid)

Personal delivery

Signature: \_\_\_\_\_

\_\_\_\_\_  
1 This Certificate of Service has space for one opposing party. If the opposing party does not have an attorney, then the opposing party must be served. If there is more than one opposing party, all of the same information is required for each party.