

**Not for Publication**

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

<b>IN RE: JOSEPH A. DIRUZZO III, ESQ.,</b>	)	<b>S. Ct. Civ. No. 2016-0096</b>
Appellant.	)	Re: Super. Ct. Crim. No. 137/2012 (STT)
	)	
<b>THE PEOPLE OF THE VIRGIN ISLANDS,</b>	)	
Plaintiff/Interested Party	)	
	)	
<b>v.</b>	)	
	)	
<b>LENNY D. ALFRED</b>	)	
Defendant/Interested Party.	)	

On Appeal from the Superior Court of the Virgin Islands  
Division of St. Thomas & St. John  
Superior Court Judge: Hon. Denise M. Francois

Considered and Filed: December 12, 2018

**BEFORE:**      **RHYS S. HODGE**, Chief Justice; **MARIA M. CABRET**, Associate Justice; and  
**IVE ARLINGTON SWAN**, Associate Justice.

**ORDER OF THE COURT**

**PER CURIAM.**

**THIS MATTER** is before the Court pursuant to numerous motions filed by Appellant Joseph A. DiRuzzo, Esq., and the People of the Virgin Islands, including Appellant’s “Motion to Expand the Record,” the People’s “Motion to File Plaintiffs’ Brief Out of Time,” and Appellant’s “Motion to Strike.” Much of the dispute between Appellant and the People revolves around the propriety of Appellant bringing this appeal—which seeks to challenge a June 30, 2016 order of the Superior Court reducing his voucher for compensation and reimbursement as appointed counsel in *People v. Alfred*, Super. Ct. Crim. No. 137/2012 (STT)—as well as the People’s standing to file a brief in this matter.

“This Court may summarily affirm, reverse, vacate, or otherwise modify a Superior Court decision without full briefing and oral argument ‘if it clearly appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action,’ provided that the parties receive ‘an opportunity to submit argument in support of or in opposition to such disposition.’” *Mustafa v. Camacho*, 59 V.I. 566, 570 (V.I. 2013) (quoting V.I.S.Ct. I.O.P. 9.4). “In other words, ‘[t]o invoke our discretion to grant summary relief, it is sufficient to demonstrate . . . that the basic facts are both uncomplicated and undisputed; and, that the trial court’s ruling rests on a narrow and clear-cut issue of law.’” *Id.* (quoting *Oliver T. Carr Mgmt., Inc. v. National Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979)). “[T]he granting of summary disposition is not an extraordinary remedy,” but “an essential part of [a] court’s system of case management that allows the court to manage its very large case load.” *Id.* (quoting *Watson v. United States*, 73 A.3d 130, 131 (D.C. 2013)). Since all parties to this appeal have been given the opportunity to brief the issue of summary reversal, this matter is ripe for summary action. V.I.S.Ct. I.O.P. 9.4 (“Before taking summary action, the panel will afford the parties an opportunity to submit argument in support of or in opposition to such disposition if briefs on the merits have not already been filed.”).

On June 1, 2017—approximately seven months after Appellant initiated this appeal—this Court issued a promulgation order that repealed former Superior Court Rule 20 and amended Supreme Court Rule 210 to establish a comprehensive system for the appointment and payment of counsel in proceedings before both the Supreme Court and the Superior Court. Promulgation Order No. 2017-007, 2017 V.I. Supreme LEXIS 37 (V.I. June 1, 2017).

Notably, Supreme Court Rule 210, as amended, provides a mechanism for court-appointed attorneys to challenge decisions which reduce their compensation or reimbursement requests in whole or in part.<sup>1</sup> First, Rule 210.4(c) provides, in pertinent part, that

The presiding judicial officer shall, by administrative order, approve or reject, in whole or in part, a claim for compensation and reimbursement by court-appointed private counsel. If the presiding judicial officer rejects, in whole or in part, the payment request, the administrative order shall state the reasons for the rejection.

Supreme Court Rule 210.4(f) then provides that an attorney dissatisfied with the decision of the presiding judicial officer may move the Chief Justice or the Supreme Court to review the decision so as to correct a manifest abuse of discretion.

Upon a review of the appellant's brief, it is clear that the gravamen of Appellant's claim is that the Superior Court judge who reviewed his request for compensation and reimbursement "for no apparent reason, reduced the out of court time from 119.6 hours to exactly 60.0 hours" and that Appellant "ha[s] not been given any explanation as to why the out of court time has [been] reduced by almost exactly 50%." (Appellant's Br. 8.) The amended Rule 210.4, however, expressly provides that if a judge rejects the payment in request in whole or in part, that the judge shall state the reasons for doing so in an accompanying order. V.I. S. CT. R. 210.4(c). This is consistent with prior decisions of this Court, which require the Superior Court to provide enough information on the record so as to enable this Court to meaningfully review its decisions, including sufficiently

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<sup>1</sup> In its proposed appellate brief, the People argue that this Court lacks jurisdiction to review the Superior Court's compensation award. This argument lacks merit. Title 4, section 32 of the Virgin Islands Code unquestionably grants this Court the power to review all final judgments of the Superior Court, without establishing an exception for orders pertaining to attorney compensation. Moreover, title 5, section 3503(d) of the Virgin Islands Code vests this Court with the authority to prescribe rules for the implementation of the appointment system, including with respect to the compensation of appointed counsel. See *In re Holcombe*, 63 V.I. 800 (V.I. 2015).

explaining the basis of its decision. *See, e.g., People v. Armstrong*, 64 V.I. 528, 534 (V.I. 2016) (observing that “the Superior Court possesses an obligation to explain the reasons for its decision[s] in order to enable effective appellate review”) (quoting *Brown v. People*, 56 V.I. 695, 702 (V.I. 2012)); *Garcia v. Garcia*, 59 V.I. 758, 772 (V.I. 2013) (same).

Here, our prior precedents related to appeals generally as well as the subsequently-amended Rule 210 procedure pertaining to compensation requests specifically required the Superior Court to state its reasons for reducing Appellant’s request for compensation and reimbursement. Because it did not do so, it is not possible for this Court to meaningfully review its decision, whether through a traditional appeal or pursuant to Rule 210. *See* V.I. S. Ct. R. 210.4(f) (providing for “review [of] a decision of the presiding judicial officer pursuant to this Rule” that is “limited only to correct a manifest abuse of discretion” by such judicial officer). Therefore, this Court exercises its authority to summarily vacate the June 30, 2016 order, and directs the Superior Court to issue a new decision on Appellant’s request for compensation and reimbursement, which must comply with all provisions of the Rule 210 as amended, including the requirement that any reduction in compensation or reimbursement be accompanied with an order stating the reasons for the rejection.

Accordingly, it is hereby

**ORDERED** that the Superior Court’s June 30, 2016 order is **VACATED**, and that this matter is **REMANDED** to the Superior Court for issuance of a new decision on the request for compensation and reimbursement, which shall be governed by the procedure set forth in Rule 210, as amended. It is further

**ORDERED** that Appellant is **ADVISED** that any challenge to the decision of the Superior Court on remand shall be taken pursuant to the procedure set forth in Supreme Court Rule 210.4(f). It is further

**ORDERED** that all pending motions are **DENIED AS MOOT**. It is further

**ORDERED** that copies be directed to the appropriate parties.

**SO ORDERED** this 12<sup>th</sup> day of December, 2018.

**ATTEST:**

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