

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**UNITED STATES OF AMERICA and
PEOPLE OF THE VIRGIN ISLANDS,**

Plaintiffs,

v.

**FRANKLIN XAVIER and BRENDACIA
XAVIER,**

Defendants.

1:08-cr-18

**TO: Evan Rikhye, Esq., AUSA
Amelia B. Joseph, Esq.
Jomo Meade, Esq.**

ORDER

THIS MATTER came before the Court upon the government's Motion Requesting Reconsideration of Order on Funds for DNA Discovery (Docket No. 145). The time for filing a response has expired.

This dispute concerns a simple discovery request, discovery that was generated at the direction of the government. Having reviewed the motion and upon due consideration thereof, the Court finds that, despite the fact that Defendant's expert may review the discovery, the discovery itself does not fall within the scope of "expert services."

United States v. Xavier

1:08-cr-18

Order

Page 2

Consequently, the Court finds that the order at issue does not require reconsideration, modification, or reversal.

Now therefore, it is hereby **ORDERED**:

1. The government's Motion Requesting Reconsideration of Order on Funds for DNA Discovery (Docket No. 145) is **DENIED**.
2. The government shall deliver the requested DNA discovery to counsel for Defendants on or before November 13, 2009.

ENTER:

Dated: November 4, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE