

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

|                          |   |                       |
|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA | ) |                       |
|                          | ) |                       |
| Plaintiff,               | ) |                       |
|                          | ) | CRIMINAL NO. 2008-003 |
| v.                       | ) |                       |
|                          | ) |                       |
| DAMION BELL              | ) |                       |
|                          | ) |                       |
| Defendant.               | ) |                       |
| _____                    | ) |                       |

**ORDER**

FINCH, J.

THIS MATTER comes before the Court on the Motion to Exclude Defendant's Suppression Hearing Testimony From Use by the Government at Trial on the Issue of Guilt filed by Defendant Damion Bell. As grounds for this motion, Defendant relies on Simmons v. United States, 390 U.S. 377, 393-394 (1968), in which the Supreme Court held that a defendant who testifies at a suppression hearing asserting his or her Fourth Amendment claim does not waive his or her Fifth Amendment privilege and the statements cannot be used against the defendant on the question of guilt. After careful consideration, it is hereby

**ORDERED** that the Motion to Exclude Defendant's Suppression Hearing Testimony From Use by the Government at Trial on the Issue of Guilt is **GRANTED**.

**ENTERED this 15<sup>th</sup> day of July, 2008.**

\_\_\_\_\_  
/s/  
**HONORABLE RAYMOND L. FINCH**  
**U.S. DISTRICT JUDGE**