

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

PEOPLE OF THE VIRGIN ISLANDS	)	
	)	
Defendant,	)	CIVIL NO. ST-10-CR-015
vs.	)	
	)	
CRYSTAL IRONS	)	
	)	
Defendant.	)	
	)	
	)	
	)	

MEMORANDUM OPINION

Pending before the Court is Defendant Crystal Irons's March 27, 2013, Motion for a Sentence Reduction. For the following reasons Defendant's Motion will be denied.

FACTUAL AND PROCEDURAL HISTORY

On July 11, 2012, a Motion for Extraordinary Writ of Habeas Corpus was filed by Defendant Crystal Irons, seeking relief under Title 5 of the Virgin Islands Code, § 1301, *et. seq.*, on the grounds that her plea agreement in *People v. Crystal Irons*, Case No. ST-10-CR-15, was not knowing and voluntary because she was not advised of and did not understand the direct consequences of her plea, in violation of her rights under the Due Process Clause of the Fifth Amendment.¹ Considering the parties' arguments presented at a hearing held on December 10, 2012, and the Supreme Court of the Virgin Islands's recent decision in *Bryan v. Government of the Virgin Islands*,² the Court vacated Defendant's original guilty plea to Murder in the Second Degree. The charges against Defendant were reinstated under the Second Amended Information with three (3) counts:

¹ Defendant's Motion for Extraordinary Writ of Habeas, at 2, July 11, 2012.

² S. Ct. Civ. No. 2008-0076 (V.I. Mar. 14, 2012) (discussing *Gov't of the V.I. v. Greenaway*, 379 Fed.Appx. 247, 2010 WL 1857378 (3d Cir. 2010)).

Count One, Murder in the First Degree, in violation of 14 V.I.C. §§ 921, 922(a)(1); Count Two, Carrying or Using a Dangerous Weapon During the Commission or Attempted Commission of a Crime of Violence, in violation of 14 V.I.C. § 2251(a)(2)(B); and Count Three, Murder in the Second Degree, in violation of 14 V.I.C. §§ 921, 922(b). Pursuant to a plea agreement, Defendant once again plead guilty to Count Three, Murder in the Second Degree. On January 31, 2013, the Court sentenced Defendant on this Count to eighteen (18) years imprisonment, with three (3) years of credit for time already served. The remaining Counts, One and Two, were dismissed with prejudice. Defendant now seeks to have her sentence reduced.

STANDARD

Under Super. Ct. R. 136, a court has the discretion to “correct an illegal sentence at any time . . . [or] a sentence imposed in an illegal manner.”³ The court may also “reduce a sentence within 120 days after the sentence is imposed, or within 120 days after any order or other mandate issued upon affirmance of the judgment or dismissal of the appeal.”⁴ Where a sentence has not been imposed in an illegal manner, the decision whether to reduce a Defendant’s sentence is left to the discretion of the Court.⁵

³ SUPER. CT. R. 136.

⁴ *Id.* Defendant was well within the 120 day period because she was sentenced on January 31, 2012, and she submitted her Motion on March 27, 2013.

⁵ See *Gov't of the Virgin Islands v. Charles*, 47 V.I. 160, 165-66 (V.I. Super.Ct. 2005) (“ . . . the nature of a Defendant's criminal conduct and an assessment of the harm caused by the defendant are legitimate concerns to be considered by the Court, when considering a motion for reduction of a sentenceTherefore, when making its determination the Court is guided by the goals of the criminal justice system, the purposes for imprisonment, and the reasons specified in the Defendant's motion”) (internal citations omitted).

ANALYSIS

Defendant seeks a reduction of her sentence primarily based on her remorse for her conduct and her demonstrated good conduct and rehabilitation while incarcerated. The Court finds Defendant's argument not persuasive because Defendant has not disclosed any occurrence since sentencing sufficient to justify a reduction of her sentence.⁶ During sentencing, the Court took into consideration Defendant's statement that she made on her behalf at the sentencing hearing on January 31, 2013, where she expressed remorse for her conduct and indicated she had made progress while incarcerated. Further, the Court took into consideration the letters written on Defendant's behalf by Janice Rey, Torya Mason, and Haldane Davies III, which demonstrated Defendant's rehabilitation, close friendships, and religious support system. Considering all the testimony at the sentencing, the Court sentenced Defendant to eighteen (18) years, with credit for three (3) years served, which is a seven (7) year reduction from her sentence on her original guilty plea to Murder in the Second Degree.⁷ Further, the Court could not ignore that Defendant's conduct resulted in the brutal death of Stewart Sargeant. Thus, while the Court commends the progress she has made while incarcerated and encourages her to continue her rehabilitation, the Defendant has not presented any new information sufficient to justify a reduction of her sentence.

⁶ See *Charles*, 47 V.I. at 168 (holding that "when nothing is disclosed since sentencing to justify or merit a reduction of sentence," the defendant's claims of "post conviction rehabilitation and good behavior," and of his family's financial hardship due to his incarceration was insufficient to warrant a reduction of his sentence, particularly when read in conjunction with the severe nature of his crimes).

⁷ Defendant was originally sentenced to twenty-five (25) years imprisonment imposed following her first guilty plea to Count III of the Second Amended Information, Second Degree Murder on June 2, 2010. See Sentence Hearing Transcript, at p. 23, July 2, 2010; Order, at 2, May 27, 2011.

Finally, Defendant also argues that her sentence should be further reduced because her crime and criminal history are less severe than those of the defendants in *People of the Virgin Islands v. Bryan*⁸ and *Government of the Virgin Islands v. Santiago*.⁹ While the *Bryan* and *Santiago* decisions may provide guidance to this Court particularly regarding applicable legal standards, the underlying factual determinations made by the court which ultimately resulted in a reduction of the defendants' sentences have no bearing on Defendant's sentence. Thus, the Court does not find this argument persuasive.¹⁰ A review of the facts reveals that Defendant admitted to stabbing Stewart Sargeant to death. An eighteen (18) year sentence for such conduct is proportionate to the crime and well within the statutory limits, as Defendant could have been sentenced to any number of years.¹¹

⁸ ST-00-CR-375, Judgment (V.I. Super. Ct. Oct. 15, 2012) (finding, where the original thirty (30) year sentence of the defendant was vacated, pursuant to a plea agreement, defendant plead guilty to one count of murder in the second degree, and was sentenced to thirty (30) years, all of which was suspended, except for the twelve (12) years he had already served). While Defendant draws parallels with the facts underlying *Bryan v. Government of the Virgin Islands*, Defendant does not contend that that her most recent plea was not knowing or intelligent in violation of her rights under the Due Process Clause of the Fourteenth Amendment. See *Bryan v. Government of the Virgin Islands*, S. Ct. Civ. No. 2008-0076 (V.I. Mar. 14, 2012).

⁹ 27 V.I. 232 (D.V.I 1992) (reducing a defendant's sentence from eight (8) years to five (5) years for a plea of guilty to one count of possession with the intent to distribute crack cocaine because the Court found that (1) defendant's life of crime was rooted in his drug dependency; (2) defendant had been drug-free and his counselor believed defendant had the ability to remain drug-free; (3) and defendant demonstrated remorse for his crimes).

¹⁰ The Court recognizes that a Court must explain on the record a disparity in sentencing co-defendants, and a failure to do so could, in some cases, warrant reversal. *Brown v. People*, 2012 WL 1886443 (V.I. 2012). However, this is not the case here since Defendant had no co-defendants. Further, Defendant does not argue that her sentence in any way is cruel or unusual under the Eighth Amendment.

¹¹ See *Warner v. Virgin Islands*, 46 V.I. 251 (D.C.V.I. 2004) (noting that a defendant cannot be sentenced for murder in the second degree to life imprisonment because the legislature has determined that the sentence must be in a term of years); 14 V.I.C. § 923(b) ("Whoever commits murder in the second degree shall be imprisoned for not less than five (5) years . . .")

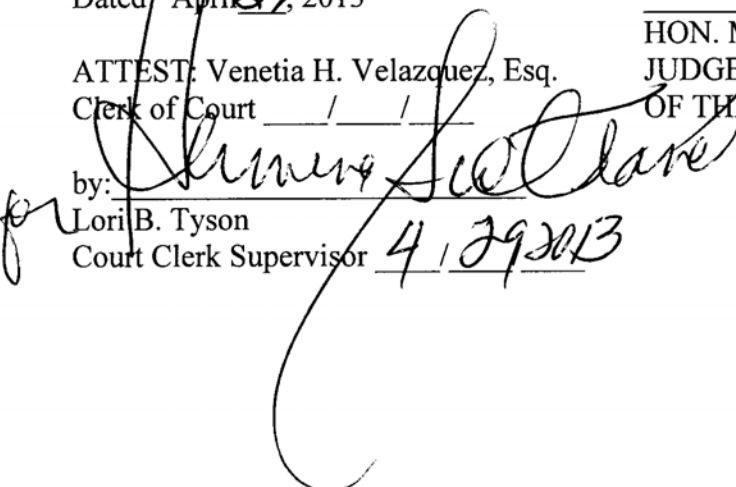
For the foregoing reasons, Defendant's Motion for a Sentence Reduction is denied. An Order consistent with this Opinion shall follow.

Dated: April 29, 2013

ATTEST: Venetia H. Velazquez, Esq.
Clerk of Court ____/____/____



HON. MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

by: 

Lori B. Tyson

Court Clerk Supervisor 4/29/2013