

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

PEOPLE OF THE VIRGIN ISLANDS,	)	
	)	CRIMINAL NOS. SX-11-CR-736
PLAINTIFF,	)	SX-11-CR-735
	)	
	)	CHARGES: MURDER 1 ST DEGREE/PRINCIPAL;
v.	)	ASSAULT 3 RD DEGREE/PRINCIPAL (3 COUNTS);
	)	RECKLESS ENDANGERMENT 1 ST
	)	DEGREE/PRINCIPLE (3 COUNTS);
	)	UNAUTHORIZED POSSESSION OF A FIREARM
EDWIN PONCE AND EDWIN "CEPI" RIVERA,	)	DURING THE COMMISSION OF A CRIME OF
	)	VIOLENCE/ PRINCIPAL (4 COUNTS); POSSESSION
DEFENDANTS.	)	OF AMMUNITION (3 COUNTS); DISTURBANCE OF
	)	THE PEACE/PRINCIPAL; UNAUTHORIZED
	)	POSSESSION OF A FIREARM; FAILURE TO
	)	REPORT FIREARM OBTAINED OUTSIDE OR
	)	BROUGHT INTO THE VIRGIN ISLANDS;
	)	POSSESSION OF A FIREARM WITH ALTERED OR
	)	OBLITERATED IDENTIFYING MARKS; SIMPLE
	)	POSSESSION OF A CONTROLLED SUBSTANCE (2
	)	COUNTS)
	)	

MEMORANDUM OPINION

THIS MATTER is before the Court on Defendant's Motion for Reduction of Bail, and the People's Opposition thereto. For the following reasons, the Motion will be Denied.

Defendant, among other crimes, has been charged with Murder in the First Degree, to which this Court set a bail of One Million Dollars (\$1,000,000.00). Unable to obtain a secured bond in that amount, Defendant filed a Motion for Reduction of Bail on November 22, 2011. Among the bases for reduction, Defendant cites his indigent status, connections to the community, and willingness to post as much as Sixteen Thousand Dollars (\$16,000.00) in a secured bond with an unsecured bond for the remainder of the bail to ensure his appearance for trial. Finally, Defendant states that his mother has agreed to serve as third party custodian, and indicates her willingness to put up her property to help secure a bond for bail.

Conversely, the People, in their Opposition, argue that due to the serious nature of the crimes charged, as well as Defendant's criminal record, the Court should keep the bail at its current level. Further, the People have shown that Defendant has evidenced a reluctance to follow orders of the Court, as the court has found probable cause for charges where, if convicted, defendant will have violated probation conditions. Also, Defendant has likely not complied with the Sex Offender Registration, as he did not update his residence from Mon Bijou to Old Friedensburg. Finally, the People argue that Defendant presents a high risk to the community, due to Defendant's guilty pleas in previous violent crimes, and that the instant charges are violent in nature, and took place over a two day time span.

Standard of Review

When setting bail, Super. Ct. R. 141(b) requires judges to apply the provisions of the Bail Reform Act of 1984 (BRA), which mandates that when a person charged with a crime is brought before a Judge, the Judge shall order release on personal recognizance or execution of an unsecured bond, unless the Judge "determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community." *People of the Virgin Islands v. Simmonds*, 48 V.I. 320, 322 (Super. Ct. 2007). Essentially, the BRA requires that an arrested person be admitted to bail only under conditions which will reasonably assure both the appearance of the person as required and the safety of any other person and the community. *People of the Virgin Islands v. James*, 2010 WL 7371462, at *5 (V.I. Super. Ct. 2010)(quoting *United States v. Himler, Jr.*, 797 F.2d 156, 158 (3d. Cir. 1986)).

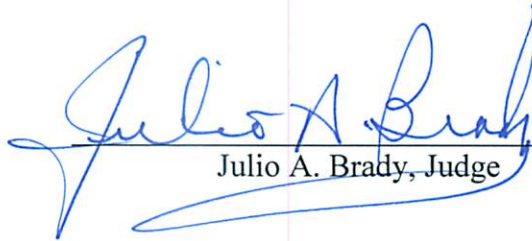
Analysis

Defendant's argues for reduction of bail, essentially citing two reasons: that he is not a flight risk, and because he is indigent. However, a showing of indigency standing alone does not require a bail reduction under the BRA. Thus, the Court must look to the family ties that Defendant cites in determining whether to reduce bail. Like in *People v. James* supra, Defendant fails to demonstrate how the presence of the family members he has listed would encourage him to remain in St. Croix. *Id.* at *7. Instead, this Court is swayed by the contentions of the People, and must conclude, based on the nature of offenses charged, that Defendant represents a danger to the community.

Conclusion

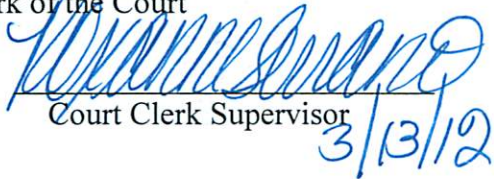
Accordingly, based on the above reasoning, this Court finds that since the Defendant has not sufficiently shown that he is not a flight risk, and further, that Defendant represents a danger to the community, Defendant's Motion for Reduction of Bail must be Denied. A separate order of even date will accompany this Memorandum Opinion.

Dated: March 12, 2012.


Julio A. Brady, Judge

ATTEST:
Venetia H. Velazquez, Esq.
Clerk of the Court

By:


Court Clerk Supervisor
3/13/12