

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS,	)	
	)	
Plaintiff,	)	CASE NO. ST-16-CR-218
	)	
v.	)	
	)	
K'MOI CORRASPE,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM OPINION

Pending before the Court is Defendant's May 24, 2018, Motion to Dismiss for Speedy Trial Violation, which the People opposed on June 7, 2018, and in apparent support of which Defendant filed an untitled *pro se* pleading on June 25, 2018. For the reasons stated below, the Court will deny the motion.

PROCEDURAL HISTORY

Defendant was arrested on a warrant in New York on June 16, 2016, and has been continuously in custody since that date. Following extradition proceedings, he was returned to the Virgin Islands where he was rearrested on September 27, 2016. Bail on the warrant was originally set in the amount of \$250,000.00 and was increased to \$500,000.00 by the Hon. Kathleen Mackay at the advice of rights hearing on September 28, 2016, but after Defendant filed a Motion for Release and Bail Reduction on October 12, 2016, bail was reduced once again to \$250,000.00 by the undersigned through an Order entered November 23, 2016. The People subsequently filed an

eight count Information charging Corraspe with murder in the first degree, assault in the first and third degrees, reckless endangerment in the first degree, unauthorized possession of a firearm during the commission within 1,000 feet of a housing community, and three counts of unauthorized possession of a firearm during the commission of a crime of violence, all arising from the shooting death of Kadeem O. John on December 10, 2015.¹ The initial Scheduling Order entered October 13, 2016, set a jury selection date of June 19, 2017.

The People provided initial discovery of 121 items on February 7, 2017. On February 6, 2017, Defendant filed an Emergency Motion to Attend a Funeral, followed by a February 15, 2017, Emergency Motion to Attend Viewing, the latter of which the Court granted. The Office of the Public Defender filed a Motion for Leave to Withdraw as Counsel on February 27, 2017, and on March 7, 2017, the court appointed Robert Leycock, Esq., to represent Corraspe.

Attorney Leycock filed an Amended Motion for Reduction of Bail and Release on March 30, 2017. After Defendant made extensive demands for discovery on March 13, 2017, the People filed an 18 item supplementation on April 21, 2017. But, on May 10, 2017, Attorney Leycock also moved to withdraw.

Through an Order entered May 17, 2017, the Court relieved Attorney Leycock and appointed Carl R. Williams, Esq., as Defendant's counsel. At a pretrial conference on May 30, 2017, Williams moved for a continuance, and the Court continued jury selection from June 19, 2018, until July 31, 2017. Because of a change in the Assistant Attorney General assigned to the

¹ An Amended Information was filed on July 27, 2018, charging the same offenses but making grammatical and spelling corrections, altering statutory references necessitated by legislative amendments, and clarifying the potential sentencing enhancement for the proximity of the firearm possession to a housing community. The Defendant did not oppose the amendment, despite an August 1, 2018, Order directing him to do so by August 13, 2018.

case, the People filed a Motion to Continue Jury Selection on June 28, 2018, that Attorney Williams did not oppose, and the Court continued jury selection from July 31, 2017, until August 14, 2017.

On July 21, 2017, Attorney Williams also moved to withdraw, citing a breakdown in communications with Defendant. Citing unavailable witnesses and scheduling conflicts with two other murder trials, the People filed another Motion to Continue Jury Selection and Trial on July 25, 2018, and the Court continued jury selection until October 23, 2017. On August 14, 2017, the Court permitted Williams to withdraw and appointed present counsel David Cattie, Esq.

Of course, Category 5 Hurricanes Irma and Maria struck the Virgin Islands on September 6, and September 19, respectively, and the Court was completely shut down for 41 days. Thereafter, the Court was incapable of conducting jury trials until January, 2018. Because of the hurricanes, the appointment of new counsel for Defendant, and because the Assistant Attorney General assigned to the case was on medical leave, jury selection was continued first until December 4, 2017, and then until February 26, 2018. Because Defendant had changed counsel again, the People provided discovery consisting of 117 items, an 18 item supplementation, a second supplemental discovery, and a third supplemental discovery consisting of 226 photographs and a surveillance video on December 6, 2017.

Defendant filed his *Rovario, Brady, Giglio* Motion on December 11, 2017, which the People opposed on December 29, 2017, and the Court granted in part and denied in part on January 31, 2018. Defendant filed a Motion for Funds for Private Investigator on January 29, 2018, that the Court granted on January 30, 2018.

On February 14, 2018, the People once again moved to continue jury selection because they could not be ready for trial, and, for the first time, Defendant opposed the continuance on February 20, 2018. The Court continued jury selection until April 9, 2018. Jury selection was then continued until May 21, 2018, because the Court had a scheduling conflict with another trial. On April 30, 2018, the People again moved for a continuance, this time because the crime scene technician had moved off island, and on May 10, 2018, the People filed an Emergency Motion to Continue the same jury selection because two material witnesses were unavailable. As a result, jury selection was continued once again.

Defendant filed the Motion to Dismiss currently under consideration on May 24, 2018, and Attorney Cattie gave the Court notice of his unavailability from June 28, 2018, until July 11, 2018. Because the Court had reserved the period from July 24, 2018, until August 21, 2018, for a five-week civil trial, and had reserved another five weeks from October 1, 2018, for the retrial of a case that previously took six weeks to complete, the Court set jury selection for November 5, 2018. Attorney Cattie then filed a Motion to Withdraw as Counsel and for Defendant to Proceed *Pro Se* on August 13, 2018, which is still pending until the Defendant can be personally examined by the Court regarding whether the request is knowing and voluntary.

STANDARDS

The Sixth Amendment² provides that, “[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.”³ However, as the United States Supreme Court has

² While the federal Speedy Trial Act of 1974, 18 U.S.C. §§ 3161-74, is not applicable to the Superior Court of the Virgin Islands and no similar local statute has been enacted, a defendant's Sixth Amendment right to a speedy trial is applicable to the Virgin Islands through Section 3 of the Revised Organic Act. *See People of the Virgin Islands v. Ilaraza*, 2013 V.I. LEXIS 70, *6 (V.I. Super. Ct. Dec. 5, 2013), citing *Carty v. People of the Virgin Islands*, 56 V.I. 345, 364 (2012).

³ U.S. Const. amend. VI.

noted, “it is impossible to determine with precision when the right has been denied... in a system where justice is supposed to be swift but deliberate.”⁴

Thus, when a post-accusation violation of the speedy trial right is asserted, this Court applies the balancing test detailed in *Barker v. Wingo*⁵, which requires a court to balance the length of delay, the reason for the delay, the defendant’s assertion of his right, and the prejudice to the defendant.⁶ None of these four factors is either a necessary or sufficient condition to a finding of a deprivation of the right to a speedy trial.⁷ Rather, they are related factors and must be considered together with other circumstances that may be relevant.⁸

ANALYSIS

Length of the delay

The length of the delay is largely a triggering mechanism.⁹ Until there is some delay which is presumptively prejudicial, there is no necessity for an inquiry into the other factors that go into the *Barker* balance.¹⁰ Generally, delay is measured from the date of arrest or formal charging, whichever is earlier, until the start of trial.¹¹ A delay of one year or more is usually considered to be presumptively prejudicial.¹²

⁴ *Barker v. Wingo*, 407 U.S. 514, 521 (1972).

⁵ 407 U.S. 514 (1972).

⁶ *Barker*, at 530; see *Francis v. Virgin Islands*, 2015 V.I. LEXIS 35, *31-32 (V.I. 2015).

⁷ *Barker*, at 533.

⁸ *Id.*

⁹ *Barker*, at 530.

¹⁰ *Id.*

¹¹ *Ilarraza*, at *7.

¹² See *Francis*, at *36-37 (holding a delay of 15 months as presumptively prejudicial); *Carty v. Virgin Islands*, 56 V.I. 345, 365 (V.I. 2012) (holding a delay of 25 months as presumptively prejudicial); *United States v. Battis*, 589 F.3d 673, 678 (3d. Cir. 2009) (holding a delay of 14 months as presumptively prejudicial); see also *People of the Virgin Islands v. James*, 2012 V.I. LEXIS 35, *6 (V.I. Super. Ct. July 27, 2012).

Corraspe was first arrested on June 16, 2016, a little less than two years and three months ago. Because jury selection is now scheduled for November 5, 2018, roughly two years and five months will pass before this case can be tried. The length of delay is considerable, and the Court finds it to be presumptively prejudicial and sufficient to trigger an inquiry into the three remaining *Barker* factors.

Reason for the delay

This second *Barker* factor examines whether primary responsibility for the delay lies with the prosecution, the accused, or with the court.¹³ Not all delays are the same, and trial courts should consider the reason for delay when assigning weight.¹⁴ “A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government.”¹⁵ On the other hand, “[a] more neutral reason such as negligence or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant.”¹⁶ Delays resulting from valid reasons such as case complexity,¹⁷ good faith interlocutory appeals,¹⁸ or the defendant’s actions¹⁹ do not weigh against the prosecution at all.

¹³ *Francis*, at *37 (citing *Vermont v. Brillon*, 556 U.S. 81, 82 (2009) (citations omitted); see also *People of the V.I. v. Hakim*, 2014 V.I. LEXIS 67, *8 (V.I. Super. Ct. Aug. 21, 2014).

¹⁴ *Francis*, at *37 (citing *Doggett v. United States*, 505 U.S. 647, 651 (1992) (citations omitted)).

¹⁵ *People of the V.I. v. Francis*, 2016 V.I. LEXIS 37, *4-5 (V.I. Super. Ct. Aug. 21, 2016) (citing *Barker*, at 531).

¹⁶ *Francis*, at *43 (citing *Barker*, at 531); see also *Barker*, at 526 (“A defendant has no duty to bring himself to trial”).

¹⁷ *United States v. Abad*, 514 F.3d 271, 274-75 (2nd Cir. 2008) (31-month delay attributable to discovery and pretrial motions was not weighed against government).

¹⁸ *United States v. Loud Hawk*, 474 U.S. 302, 316 (1986); *V.I. v. Birmingham*, 788 F.2d 933, 937 (3rd Cir. 1986).

¹⁹ *Vt. v. Brillon*, 129 S.Ct. 1283, 1291-92 (2009) (three-year delay due to Defendant’s firing of his first counsel on eve of trial and threatening another counsel was not weighted against the government).

For the first year this matter was pending, any delays in advancing it were entirely attributable to the Defendant, and since then Defendant has also been a substantial contributor. The following periods of delay were exclusively necessitated by the Defendant's actions or motion practice:

6/16/16 to 9/27/16	(103 days)	Extradition of the Defendant from New York
10/12/16 to 11/23/16	(42 days)	Motion to reduce bail
2/6/17 to 2/15/17	(9 days)	Emergency motions to attend funeral and viewing
2/27/17 to 3/7/17	(8 days)	Public Defender's motion to withdraw
3/30/17 to 5/24/17	(55 days)	Amended motion for reduction of bail and release
(5/10/17 to 5/17/17)	(7 days)	Attorney Leycock's motion to withdraw
6/19/17 to 7/31/17	(42 days)	Defendant's motion to continue jury selection
7/21/17 to 8/14/17	(24 days)	Attorney Williams' motion to withdraw
12/11/17 to 1/31/18	(51 days)	Defendant's <i>Rovario, Brady, Giglio</i> Motion
1/29/18 to 1/31/18	(2 days)	Defendant's motion for funds for private investigator
5/25/18 to 9/4/18	(102 days)	Defendant's Motion to Dismiss
Total	445 days	

Also included within the latter period are the following:

6/28/18 to 7/11/18	(13 days)	Attorney Cattie's unavailability
8/13/18 to 9/4/18	(22 days)	Attorney Cattie's motion to withdraw

Deducting the almost one year and three-month period attributable solely to Defendant, the delay in this case caused by other factors is reduced to one year and two months. After also accounting for the period between September 6, 2017, and the date upon which the Court regained ability to conduct a jury trial on January 16, 2018 (132 days), and the period during which the Court's conflicting trial schedule rendered trial of this case impossible during the periods from April 19, 2018, to May 21, 2018 (32 days); July 24, 2018, to August 21, 2018 (28 days); and October 1, 2018, to November 5, 2018 (36 days) (total 228 days, or seven and one-half months), it is clear that the substantial majority of the delay is attributable either to the Defendant or the Court and must not be weighed against the People. Concededly, the People have moved to continue the jury selection and trial on five occasions (twice for the same jury selection), and that

time is, for the most part, attributable to the People.²⁰ However, the Defendant did not oppose two of those continuances, and Corraspe himself moved to continue jury selection on one occasion.

The record reflects that a substantial portion of the delay in this case was consumed in deciding some 12 pretrial motions filed by Defendant. While not controlling here, it is instructive that time periods necessary to decide defense pretrial motions are completely excluded from consideration under the federal Speedy Trial Act.²¹ Present counsel is the fourth to represent Defendant, the previous three having moved to withdraw, further delaying the proceedings through no fault of the People or the Court. Of course, present counsel has recently also moved to withdraw. The case was also delayed because of hurricanes that were obviously beyond the control of the Court or the parties, and the unavailability of essential witnesses, time that would also be excluded under the Speedy Trial Act.²²

There have been delays that can be attributed to the Defendant, the People, or both, as well as some that must be assigned to the Court. The People's requests for continuances have been responsible for only a few months of delay in bringing this case to trial. Defendant's extradition and pretrial motions, coupled with the withdrawal of three previous and current defense attorneys, consumed roughly a year and three months. Further, the Court finds that the bulk of the remaining portion of the delay in this case lies with the Court. Considering all these components, the Court determines that this factor does not weigh in favor of Defendant.

²⁰ At least two of the People's motions for continuance were because of unavailable witnesses, and the People's Opposition suggests that those requests were made because Defendant had intimidated witnesses directly and through third parties.

²¹ 18 U.S.C. § 3161(h)(3)

²² *United States v. Allen*, 235 F.3d 482, 491 (10th Cir. 2000) (delay was excludable because essential witness was unavailable).

Defendant's assertion of the right to a speedy trial.

In examining a defendant's assertion of the right to a speedy trial, the trial court should "exercise judicial discretion based on circumstances, including due considerations of any applicable formal procedural rule."²³ When balancing this factor against the others, courts have recognized that, generally, "the more serious the deprivation, the more likely a defendant is to complain."²⁴ As such, a defendant's assertion of this right, is "entitled to strong evidentiary weight in determining whether the defendant is being deprived of the right."²⁵ To assert a successful right to a speedy trial, a defendant who is represented by counsel,²⁶ must "identify a motion or evidence of direct instructions to his counsel to assert that right at a time when a formal assertion of his rights would render some chance of success."²⁷

The record shows that Corraspe first asserted his right to a speedy trial at arraignment but was thereafter entirely silent until his February 20, 2018, opposition to a motion to continue and did not file the motion currently under consideration until May 24, 2018, almost two years into his incarceration. Defendant's counsel requested a continuance on one occasion and had no objection on two of occasions on which the People requested a continuance. Moreover, it appears Corraspe was at least considering a plea agreement at some point during this process,²⁸ Against this background, the motion to dismiss must be viewed more as a tactical measure than as a true request

²³ See *Barker*, at 528-29 (noting that different weights should be attributed to situations where a defendant knowingly fails to object and a situation where an attorney acquiesces in a long delay without the knowledge of his client).

²⁴ See, e.g., *Carty*, 56 V.I. at 366; citing *Barker*, at 531.

²⁵ *Barker*, at 531-32.

²⁶ Courts have recognized a different standard for asserting speedy trial rights for defendants proceeding *pro se*. See *Francis* at *44.

²⁷ *Id.* (quoting *Carty*, at 367).

²⁸ See *People v. Hakim*, 2014 V.I. LEXIS 67 (V.I. Super.Ct. 2014) (holding that attempting to negotiate a plea agreement is inconsistent with an assertion of the right to a speedy trial).

for relief from prejudicial delay. The Court considers Corraspe's assertion of his right to a speedy trial to be minimal, and finds that this factor weighs only slightly in Corraspe's favor, if at all.

Prejudice to Defendant

The final factor is prejudice to the accused, and the Defendant bears the burden of proving prejudice.²⁹ Courts are almost uniformly reluctant to find a violation of the right to a speedy trial in the absence of a showing of prejudice, and judges generally refuse to find the requisite degree of prejudice based on unsubstantiated claims that the delay caused the defendant's or witness' memories to diminish,³⁰ precluded the discovery of witnesses,³¹ resulted in the loss of evidence or death of witnesses,³² or caused witnesses to refuse to testify.³³

In *Barker*, the Supreme Court stated that this factor should be assessed in light of the interests that the speedy trial right was designed to protect,³⁴ identifying three cognizable interests: (i) to prevent oppressive pretrial incarceration; (ii) to minimize anxiety and concern of the accused; and (iii) to limit the possibility that the defense will be impaired.³⁵

²⁹ *Carty*, at 367.

³⁰ *United States v. Benson*, 487 F.2d 978, 985-86 (3rd Cir. 1973) (claim that witness' memory faded due to 34 month delay was insufficient to establish prejudice because defendant had access to other information in discovery and under a statute).

³¹ *United States v. Stokes*, 124 F.3d 39, 47 (1st Cir. 1997) (claim that five year delay prevented defendant from locating witness was insufficient to show actual prejudice).

³² *United States v. Henderson*, 337 F.3d 914, 920 (7th Cir. 2003) (claim that five year delay caused actual prejudice was insufficient because defendant did not show that deceased witness' testimony would have aided him).

³³ *United States v. Duncan*, 763 F.2d 220, 222 (6th Cir. 1985) (claim that delay resulted in former girlfriend's refusal to testify was not sufficiently prejudicial to justify dismissal because there was no indication former girlfriend would aid defense).

³⁴ *Barker*, at 532.

³⁵ *Id.*

a. Oppressive pretrial incarceration

The amount of time a defendant is detained is not dispositive of whether the pretrial conditions were oppressive.³⁶ The oppressiveness of the pretrial conditions must worsen to a point where the physical or mental integrity of the accused is placed in jeopardy.³⁷ The defendant must provide proof of substandard conditions or other oppressive factors beyond those that necessarily attend imprisonment.³⁸

Defendant has been held in custody for the entire two years and three months since his arrest. While that is certainly a significant period of time, Defendant has mentioned no jail conditions that seriously impacted his physical or mental well-being, has not suggested that he has been assaulted or harassed while in custody³⁹, and has not complained that his incarceration was somehow unique from that ordinarily encountered by one who is confined. Against this background, the Court cannot find that Defendant suffered oppressive pretrial incarceration.

b. Anxiety and concern of the accused

“Courts have recognized that a certain amount of anxiety and other forms of personal prejudice to the accused is inevitable in a criminal case.”⁴⁰ When evaluating a defendant's claim of a speedy trial violation, anxiety must be something more.⁴¹ “In order to reach that level, the petitioner must produce evidence of psychic injury” that can be demonstrated by showing “some

³⁶ *Hakim*, at *13.

³⁷ *Ilarraza*, at 13 (citing *Wells v. Petsock*, 941 F.2d 253, 257 (3d Cir. 1991)).

³⁸ *Hakim*, at *14.

³⁹ On the contrary, since his arrest Corraspe has himself been charged with assault in the first degree, assault in the third degree, possession of a dangerous weapon during the commission of a crime of violence, and promoting dangerous prison contraband in Case No. ST-18-CR-129, in which he is alleged to have stabbed another prisoner in the head and possessed a cell phone while in custody.

⁴⁰ *United States v. Dreyer*, 533 F.2d 112, 116 (3d Cir. 1976).

⁴¹ *Ilarraza* at *14.

objective manifestation of distress”.⁴² “Vague allegations of anxiety are insufficient to state a cognizable claim.”⁴³

The threshold set out by the Third Circuit requires the Defendant to produce specific evidence that his mental condition has been directly affected by his excessive pretrial incarceration, and that his condition is serious enough to warrant medical concern.⁴⁴ In *Burkett v. Fulcomer*,⁴⁵ the Third Circuit found that symptoms such as the inability to eat and sleep, loss of a fiancé who ended the relationship because of the uncertainty of the length of incarceration, and reduction of a defendant to tears by frustration over the delay in disposition of his post-trial motions and sentencing were sufficient to show anxiety.⁴⁶

Simply put, other than a passing reference recognizing that “anxiety and concern of the accused” is a factor to be evaluated, Corraspe does not allege that he suffered any emotional or other personal prejudice as a result of the delay in bringing this case to trial, nor does he describe the form, extent, or impact of any “anxiety”. Lacking any specific evidence of personal anxiety, the Court is compelled to find that Corraspe has failed to meet the threshold requirement for demonstrating this type of prejudice.

c. The possibility that the defense will be impaired

This factor is the most serious because the inability of a defendant adequately to prepare his case skews the fairness of the entire system.⁴⁷ However, Courts have recognized that delay is a two-edged sword. On one hand the government bears the burden of proving its case beyond a

⁴² *Id.*

⁴³ See *Hakeem v. Beyer*, 990 F.2d 750,762 (3rd Cir. 1993).

⁴⁴ *Hakim*, at *16.

⁴⁵ 951 F.2d. 1431 (3rd Cir. 1991)

⁴⁶ *Burkett v. Fulcomer*, 951 F.2d 1431, 1443-44 (3rd Cir. 1991).

⁴⁷ *Barker*, at 532.

reasonable doubt, but the passage of time may make it difficult or impractical for the government to carry its burden.⁴⁸ By contrast, impact on one's defense is the most difficult form of speedy trial prejudice to prove because time's erosion of exculpatory evidence and testimony can rarely be shown.⁴⁹ As the People point out in their Opposition, the mere possibility of prejudice is not sufficient to support a finding of a violation of the right to a speedy trial.⁵⁰

The obverse of that coin is evident here. The passage of time in getting this case to trial has hindered the People because the medical examiner has since moved to South Carolina, the crime scene technician is now living in Florida, and at least one of the eyewitnesses has moved to New York.

Defendant does minimally assert that his defense has been prejudiced by the delay, indicating:

The prejudice wrought by this delay is presumed and evident. As time passes, memories fade. The passage of time inhibits the defense's ability to prepare to oppose the allegations, which are alleged to have occurred over a long period of time, and with each passing day, memories of one's location and other pertinent facts from the relevant time period will fade. This is further exacerbated in this case because Corraspe was not even arrested or notified of the charges until 6 months after the date of the offense. It is one thing to recall where you were when arrested the day of the crime, it is another thing entirely to be arrested 6 months after a crime, and then held for 23 months in jail. The delay in this case has seriously hindered the preparation of the defense here.

Later, in specifically discussing prejudice to the defense, Corraspe repeats this refrain, "The passage of time itself will hinder the defense and memories will fade... The delay from the crime to his arrest and, now, to his trial, has impaired his defense. Even the possibility of an impairment is sufficient prejudice, but here, it is actual, as the passage of time has deteriorated memories."

⁴⁸ *Ibarra*, at *16 (citing *Loud Hawk*).

⁴⁹ *Doggett v. United States*, 505 U.S. 647, 655 (1992).

⁵⁰ *Hakeem*, at 760.

Of course, Defendant's assertion that even the "possibility" of impairment to the defense is sufficient to demonstrate prejudice is not an accurate statement of the law.⁵¹ In making this argument he is asking the Court to speculate. And, *Barker v. Wingo* speaks to defense impairment caused by post-charging delay, not that resulting from the time between an offense and the bringing of formal charges against the accused, which is generally governed by the statute of limitations. Moreover, the delay in arresting the Defendant following the offense appears to be in substantial part because Corraspe left the Territory after the offense.

Further, regarding "actual" prejudice, Defendant offers no evidence in support of his argument. Corraspe does not name a single defense witness that is unavailable or deceased. Defendant does not describe a specific piece of exculpatory evidence or name a defense witness that has been lost or cannot be located while this case was coming to trial, nor does he identify a single witness whose memory of the events has deteriorated due to the passage of time. In sum, Corraspe has failed to demonstrate any adverse evidentiary impact or similar prejudice arising from the delay in bringing this case to trial. Thus, the Court must conclude that Corraspe has utterly failed to demonstrate prejudice.

Balancing the factors set out in *Barker*, while the length of delay is presumptively prejudicial, neither the reason for the delay, the assertion of the right to a speedy trial, nor the determination of actual prejudice weighs in favor of dismissing this case because of a violation of Corraspe's right to a speedy trial.

⁵¹ *Id.*

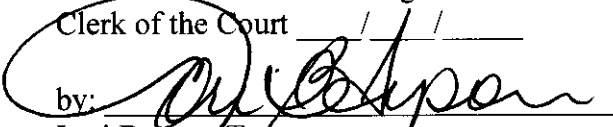
CONCLUSION

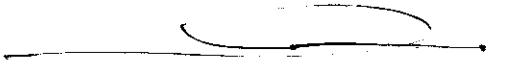
For the reasons stated, and after consideration of the *Barker* factors, the Court has determined that Corraspe's right to a speedy trial under the Sixth Amendment and Revised Organic Act has not been violated. Consequently, Defendant's Motion to Dismiss is denied. An Order consistent with this Opinion shall issue.

Dated: September 4, 2018

ATTEST: Estrella H. George
Clerk of the Court

by:


Lori Boynes-Tyson
Court Clerk Supervisor


HON. MICHAEL C. DUNSTON
Judge of the Superior Court
of the Virgin Islands