

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

UNITED STATES OF AMERICA

V.

DEREK K. PHILLIPS,

Defendant.

Criminal Action No. 1990-0018

Appearances:

Adam F. Sleeper, Esq.

St. Thomas, U.S.V.I.

For the United States

Derek K. Phillips

Pro Se

MEMORANDUM OPINION AND ORDER

Lewis, Senior District Judge

THIS MATTER comes before the Court on Defendant Derek K. Phillips’ (“Defendant”) “Motion to Expunge” (“Motion”) (Dkt. No. 2), and the Government’s “Opposition to Defendant’s Motion to Expunge” (Dkt. No. 6). Defendant requests that the Court expunge his prior criminal conviction in this district. (Dkt. No. 2 at 1).

Defendant states that he was convicted of forgery and petit larceny on April 11, 1991. *Id.* He attached the Amended Judgment and Commitment from his conviction, entered by former District Judge Stanley S. Brotman. (Dkt. No. 2-1). Defendant states that he has served and completed his term of probation, currently resides in New York state, and has not had another arrest. (Dkt. No. 2 at 1).

The Government correctly notes that the Third Circuit has held that “in the absence of any applicable statute enacted by Congress, or an allegation that the criminal proceedings were invalid or illegal, a District Court does not have jurisdiction to expunge a criminal record, even when

ending in an acquittal.” *United States v. Dunegan*, 251 F.3d 477, 480 (3d Cir. 2001); *see also* *Pickard v. United States*, 2021 WL 3921341 at *3 (D.V.I. Sept. 1, 2021) (denying a motion for expungement where defendant has not identified any applicable statute, or made any allegation that the criminal proceedings were invalid or illegal). Here, Defendant has not identified any applicable statute, or made any allegation that the criminal proceedings were invalid or illegal. Defendant merely states that he has completed his term of probation and has not been arrested again. Accordingly, this Court lacks jurisdiction to entertain Petitioner's Motion to Expunge his criminal record.

UPON CONSIDERATION of the foregoing, it is hereby

ORDERED that Defendant Derek K. Phillips’ “Motion to Expunge” (Dkt. No. 2) is **DENIED**.

SO ORDERED.

Date: February 10, 2026

_____/s/_____
WILMA A. LEWIS
Senior District Judge