

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

THE PEOPLE OF THE VIRGIN ISLANDS **Plaintiff**)
)
 Vs.)
)
 FRANCIS SMITH WILLIAMS, JR **Defendant**)

CASE NO. SX-16-CR-0000257

ACTION FOR: 14 V.I.C. 922(A)(1)

**NOTICE OF ENTRY OF
MEMORANDUM
OPINION AND ORDER**

TO: QUINCY McRAE, ESQ.
NADJA HARRIGAN, ESQ.
JUDGES OF THE SUPERIOR COURT
IT/LAW CLERKS/LAW LIBRARY/BUEBOOK
H. TIMOTHY PERRY, ESQ.
GORDON RHEA, ESQ.

Please take notice that on July 25, 2019 a(n) MEMORANDUM OPINION AND ORDER dated July 25, 2019 was entered by the Clerk in the above-entitled matter.

Dated: July 25, 2019

Estrella H. George
CLERK OF THE SUPERIOR COURT



JANEEN MARANDA
COURT CLERK II

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

PEOPLE OF THE VIRGIN ISLANDS,

PLAINTIFF,

V.

FRANCIS WILLIAMS, JR.,

DEFENDANT.

SX-16-CR-257

Cite as: 2019 V.I. Super 97

FOR PUBLICATION

APPEARANCES:

ATTORNEY QUINCY MCRAE, ESQ.
V.I. Department of Justice, St. Thomas
For the People

ATTORNEY H. TIMOTHY PERRY, ESQ.
V.I. Department of Justice, St. Thomas
For the People

ATTORNEY NADJA HARRIGAN, ESQ.
V.I. Department of Justice, St. Thomas
For the People

ATTORNEY GORDON RHEA, ESQ.
St. Thomas
For Defendant

MEMORANDUM OPINION

WILLOCKS, ADMINISTRATIVE JUDGE

¶ 1 **THIS MATTER** is before the Court on the Defendant's Rule 29 Motion for Judgment of Acquittal on all charges. The People opposed the motion, and the Court took the matter under advisement. For the reasons set forth below, the Court will deny the Motion for Judgment of Acquittal.

BACKGROUND

¶ 2 On August 11, 2016, a group of Virgin Islands Police Department (hereinafter “VIPD”) officers were in the vicinity of Hams Bluff on St. Croix attempting to locate two missing police officers, Lasha Lammy (hereinafter “Lammy”) and Kai Javois (hereinafter “Javois”). The officers were flagged down by the passengers of a vehicle leaving the Hams Bluff area and informed that there were two bodies on the beach nearby. The officers travelled to the indicated area and discovered two deceased persons who had been shot. The bodies were identified as Lammy and Javois. Parked at the crime scene was Javois’ white Jeep.

¶ 3 VIPD arrested the Defendant, Francis Williams, Jr. (hereinafter “Williams”) in connection with the murders. Williams was also a VIPD officer and was the ex-boyfriend of Lammy. The People of the Virgin Islands charged Williams with multiple offenses, to wit:

Counts 1 and 3—Murder in the First Degree in violation of Title 14, Virgin Islands Code Section 922(a)(1).

Counts 2 and 4—Murder in the First Degree in violation of Title 14, Virgin Islands Code Section 922(a)(2).

Counts 5 and 6—Assault in the First Degree in violation of Title 14, Virgin Islands Code Section 295(1).

Count 7—False Imprisonment in violation of Title 14, Virgin Islands Code Section 1051(a).

Counts 8 and 9—Using a Dangerous or Deadly Weapon During the Commission of a Crime of Violence in violation of Title 14, Virgin Islands Code Section 2251(a)(2)(B).

Count 10—Stalking/Domestic Violence in violation of Title 14, Virgin Islands Code Section 2072(a) and Title 16, Virgin Islands Code Section 91(b)(13).

Count 11—Aggravated Assault and Battery/Domestic Violence in violation of Title 14, Virgin Islands Code Section 298(2) and Title 16, Virgin Islands Code Section 91(b)(1&2).

¶ 4 The jury trial started on May 13, 2019. Before the matter went to the jury, the People moved to amend Counts 2 and 4 from Murder in the First Degree in violation of Title 14, Section 922(a)(2)

to the lesser included offense of Murder in the Second Degree in violation of Title 14, Section 922(b).

Williams had no opposition, and the motion was granted.

¶ 5 Prior to the case being sent to the jury, the defense requested that the jury instructions and verdict form include the lesser included offense of Murder in the Second Degree, to wit: Voluntary Manslaughter in violation of Title 14, Section 924(1). The People did not oppose the defense's motion and the Court granted said motion. At the close of the case, the defense also argued under Rule 29 of the Virgin Islands Rules of Criminal Procedure for acquittal on all charges. The Court dismissed Count 11, Aggravated Assault and Battery in violation of Title 14, Section 298(2), but otherwise took the motion under advisement.

¶ 6 On May 17, 2019, the jury found Williams guilty of Murder in the Second Degree of Lammy and Javois (Counts Two and Four), Voluntary Manslaughter (listed on the verdict form as Counts 2.1 and 4.1), as well as Assault in the First Degree (Counts Five and Six), Using a Dangerous or Deadly Weapon During the Commission of a Crime of Violence (Counts Eight and Nine), and Stalking Lesha Lammy (Count Ten). For the reasons set out below, the Court will deny Williams' motion for acquittal on these charges.

STANDARD OF LAW

¶ 7 Pursuant to Rule 29 of the Virgin Islands Rules of Criminal Procedure, the Court must "enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." V.I.R. Crim. P. 29(a). When considering challenges to the sufficiency of evidence, the question is "whether any reasonable jury, when viewing the evidence in the light most favorable to the government, could find the defendant guilty beyond a reasonable doubt." *Merrifield v. People of the Virgin Islands*, 56 V.I. 769, 774 (S. Ct. 2012) (citing *Smith v. People*, 51 V.I. 396, 397-98 (S. Ct. 2009). See *McIntosh v. People of the Virgin Islands*, 57 V.I. 669, 678 (S. Ct. 2012) (stating that the standard

of review “is whether there is substantial evidence, when viewed in the light most favorable to the government, to support the jury’s verdict”).

¶ 8 The guilty verdict of a jury is sustainable even when there is only circumstantial evidence. *James v. People of the Virgin Islands*, 59 V.I. 866, 877 (S. Ct. 2013) (finding that the lack of eyewitnesses to a murder does not mean that there is insufficient evidence for a conviction because the jury makes a choice as to which witnesses to believe). In fact, the standard of review is very deferential to the jury. *Smith*, 51 V.I. at 397 (citing *United States v. Kellogg*, 510 F.3d 188, 202 (3d. Cir. 2007)).

DISCUSSION

1. There is Sufficient Evidence to Convict Williams of Murder in the Second Degree and Voluntary Manslaughter.

¶ 9 Williams was found guilty of Murder in the Second Degree in violation of Title 14, Section 922(b) and Voluntary Manslaughter in violation of Title 14, Section 924(1). Upon making the motion for acquittal, Williams argued that the great majority of the evidence against him is circumstantial and that forensics do not clearly indicate that he was at the scene of the murders. In response, the People argued that the forensic evidence was sufficient to infer his presence. Further, the People cited to the extensive testimony that Williams’ relationship with both Lammy and Javois had soured, and that he was angry they had started dating. According to the People’s theory of the case, Williams followed Lammy and Javois to Hams Bluff where he shot them with malice aforethought or perhaps after a quarrel regarding their relationship.

¶ 10 Williams is correct that much of the People’s case is circumstantial. *See Circumstantial Evidence*, BLACK’S LAW DICTIONARY (9th ed. 2009) (defining “circumstantial evidence” as “[e]vidence based on inference and not on personal knowledge or observation”). However, “circumstantial evidence may support a guilty verdict so long as that circumstantial evidence is sufficient for a jury to infer the elements of the charge offense.” *Galloway v. People*, 57 V.I. 693, 700

(citations omitted). Here, much of the evidence is circumstantial but allows the jury to infer Williams' illegal conduct.

¶ 11 Detective Obadiah Toussaint testified that she identified and collected several items of evidence from the Hams Bluff crime scene, including a shell casing found on the ground. The casing was later packaged and sent to ballistics expert Meredith Acosta for testing in comparison to Williams' VIPD-issued firearm and his personal firearm. Acosta testified that the bullet casing bore the marks of a firing pin that matches the one in Williams' VIPD gun. She also testified that each gun leaves a firing pin mark unique to that weapon, meaning the shell casing found at the crime scene was fired from Williams' gun.

¶ 12 Other evidence collected by the VIPD forensics team included fingerprints which were lifted from the outer doors of Javois' Jeep. Detective Andrea Claxton testified that she examined the latent prints and was able to determine that one print matched Williams while others matched Javois but not Lammy. Some of the prints could not be conclusively matched to any particular person. Detective Claxton was unable to give a specific timeframe in which the prints might have been left on the car but testified that the prints she examined were recent because they would have been eroded otherwise. Dr. Landon, a Virgin Islands Medical Examiner, examined the bodies. He testified that the cause of death for both Lammy and Javois was multiple gunshot wounds.

¶ 13 The jury also heard testimony regarding problems in the relationship between Williams and Lammy. According to Officer Lester Mitchell (hereinafter "Officer Mitchell"), the negative change in Williams' relationship with Lammy was noticeable. Officer Mitchell recalled a day when Williams became angry upon seeing Lammy receive a phone call from Javois while at work. Williams later expressed to Officer Mitchell that he felt betrayed by Javois who he had previously considered a friend.

¶ 14 According to Dolores Silas, Lammy's mother, after Lammy had ended their relationship, Williams would frequently come by the house she shared with Silas to speak to Lammy. Williams

complained to Silas that Lammy did not wish to speak to him. Silas recalled one incident where Williams had blocked Lammy's car with his own and then taken her keys from her, leaving her unable to operate her vehicle. Williams later returned to the house to apologize and expressed to Silas that he was in love with Lammy.

¶ 15 Williams' partner on the day Lammy and Javois went to Hams Bluff was Officer Karishma Smith. She testified that Williams drove them to Frederiksted to the area where Lammy's home was located. When he saw that Javois' Jeep was at Lammy's house, Williams grew very agitated. Detective Moses Francis, who was Williams' supervisor at his part-time security job at Sunshine Mall, stated that Williams clocked into work on that same afternoon the bodies were discovered but then left for an unusually extended period of time. Detective Francis stated that Williams often went home to change clothes, but that his home was nearby, and it did not usually take Williams long to return to work. Detective Francis also testified that he did not know where Williams may have been during the time he was gone, but that he did not personally see Williams again for perhaps an hour-and-a-half.

¶ 16 In this case, a review of the evidence shows that a reasonable jury could find Williams guilty of Murder in the Second Degree beyond a reasonable doubt. According to testimony, Williams was angry and distressed that his relationship with Lammy was over and that she was seeing Javois, a person Williams formerly considered a friend. Williams had seen Lammy and Javois together on the day they went to Hams Bluffs and was agitated because of that occurrence. Further, Williams left his part-time job that afternoon and apparently did not return until much later. Moreover, reliable expert testimony has shown that the shell casing recovered from Hams Bluff matches one of Williams' guns, and a recent fingerprint belonging to Williams was found on Javois' vehicle. Regardless of its circumstantial nature, the culmination of the evidence favors the jury's verdict. As Voluntary Manslaughter is a lesser included offense, no further discussion of that charge is necessary.

2. There is Sufficient Evidence to Convict Williams of Assault in the First Degree

¶ 17 In Counts Five and Six, the People charged Williams with Assault in the First Degree in violation of Title 14, Section 295(1). To uphold the convictions under this statute, the People must have proved that Williams assaulted Lammy and Javois with the intent to commit murder. See 14 V.I.C. § 295(1). Assault is defined as “any unlawful violence upon the person of another with intent to injure him, whatever be the means or degree of violence used.” 14 V.I.C. § 292.

¶ 18 As noted in the previous section, the evidence sufficiently demonstrates that Williams had bad relationships with Lammy and Javois, which suggests a motive to cause them harm. The forensic evidence is also enough to place Williams at Hams Bluff in the timeframe of the murders. Further, evidence shows that Lammy and Javois each suffered multiple gunshot wounds which ultimately proved fatal. Therefore, it is reasonable from all the evidence for a jury to conclude that Williams committed unlawful violence on Lammy and Javois by means of shooting them. The fact that Lammy and Javois were wounded multiple times with a dangerous weapon—discussed further below—is demonstrative of an intent to commit murder. As such, the conviction must be upheld.

3. There is Sufficient Evidence to Convict Williams of Using a Dangerous or Deadly Weapon During the Commission of a Crime of Violence

¶ 19 In Counts Eight and Nine, the People charged Williams with Using a Deadly Weapon During the Commission of a Crime of Violence in violation of Title 14, Section 2251(a)(2)(b). The statute reads in pertinent part:

Whoever... has, possesses, bears, transports, carries or has under his proximate control, any such [dangerous or deadly] weapon during the commission or attempted commission of a crime of violence...shall be fined \$10,000 and imprisoned not more than fifteen (15) years, which penalty shall be in addition to the penalty provided for the commission of, or attempt to commit, the crime of violence.

¶ 20 The phrase “crime of violence” means “the crime of, or the attempt to commit, murder in any degree, voluntary manslaughter...[or] assault in the first degree....” 23 V.I.C. § 451(g). See 14 V.I.C.

§ 2253(d). Accordingly, to uphold the convictions for Counts Eight and Nine, the People must have proved beyond a reasonable doubt that Williams murdered and/or assaulted in the first degree Lammy and Javois using a dangerous or deadly weapon.

¶ 21 As stated above, there is sufficient evidence in the record to find that Williams murdered Lammy and Javois and committed first degree assault against them. Dr. Landron testified that Lammy and Javois were each shot multiple times, and that the gunshot wounds caused their deaths. Acosta testified that the shell casing found at the scene bore the identifying mark of Williams' VIPD issued firearm. The infliction of multiple lethal wounds and the connection to Williams' gun, viewed most favorably to the People, is enough for a jury to find beyond a reasonable doubt that Lammy and Javois were assaulted in the first degree and murdered by Williams. This is supported by the fact that firearms are known to be dangerous and deadly weapons because they are "likely to produce death or serious bodily injury." *See Connor v. People*, 59 V.I. 286, 295 (citing *Gov't of the V.I. v. Robinson*, 30 V.I. 428 (3d. Cir. 1994)). Moreover, almost anyone can kill with a firearm, meaning that they are deadly weapons when used in a manner calculated to kill. *See Robinson*, 30 V.I. at 440-41 ("If almost anyone can kill with it, it is a deadly weapon when used in a manner calculated to kill. Thus the following items have been held to be deadly weapons in view of the circumstances of their use:...iron bars, baseball bats, bricks, rocks, ice picks, automobiles, and pistols used as bludgeons.") (citation omitted). For these reasons, this conviction must be upheld.

4. *There is Sufficient Evidence to Convict Williams of Stalking Lammy*

¶ 22 With regard to Count Ten, a conviction for Stalking requires proof beyond a reasonable doubt that Williams purposely and repeatedly followed Lammy and engaged in a course of conduct, or made a credible threat, with the intent of annoying her or placing her in reasonable fear of death or bodily harm or injury. 14 V.I.C. § 2072(a). Williams argued that any interaction with Lammy prior to her death lacked the intent to annoy her cause fear of harm. At trial, there was no testimony that Williams

threatened Lammy. However, the People counter that Williams' conduct toward Lammy demonstrates that he repeatedly put himself in her path, and Lammy's conduct indicates annoyance at his presence.

¶ 23 In addition to the testimony of Silas and Officer Smith, Officer Sharon Santiago, a coworker and friend of Lammy, testified that she and Lammy had gone with a group one night to a place Williams did not usually frequent. According to Officer Santiago, Williams appeared during the evening. However, she did not know if he had been there before their arrival. Williams cut between Lammy and Javois while they were dancing together so that he could dance with Lammy instead. Lammy did not wish to dance with Williams, and so she and Officer Santiago moved away. Later, Williams confronted Lammy in a tense and angry manner while she was seated and placed his arms on either side of her chair to prevent her from standing up. He indicated that he wanted to speak to Lammy, but Officer Santiago testified that Lammy was not interested. Officer Santiago was able to pull Lammy away and they left the building together while Williams followed them to the door, glaring.

¶ 24 According to Officer Smith, Lammy saw Smith and Williams the day Williams drove to her home while on duty. Video evidence indicates that after Lammy saw them she and Javois sought out Sgt. Christian at the Frederiksted command police station. Sergeant Christian testified that Lammy was distressed as she spoke to him.

¶ 25 In sum, Williams tried repeatedly to see and interact with Lammy but was rebuffed. He went to her home on many occasions, once took her car keys from her, and interrupted her while she danced with Javois and attempted to dance with her. He also went out of his way to drive to her home during his work hours. Williams' pattern of behavior outside of work indicates that he purposely and repeatedly put himself in Lammy's presence in a manner that annoyed her. Lammy's annoyance with Williams' behavior is indicated by her general avoidance of him, that she sought out Sergeant Christian after seeing Williams near her home, and the perception of multiple witnesses that Lammy did not

wish to speak to or interact with Williams. A reasonable jury could therefore find beyond a reasonable doubt that Williams is guilty of stalking Lammy after their breakup.

CONCLUSION

¶ 26 For the foregoing reasons, and upon a review of the evidence in a light most favorable to the People, the Court finds that there is sufficient evidence to sustain the Defendant's conviction for the offenses listed above.

ATTEST:
Estrella H. George
Clerk of the Court


HAROLD W.L. WILLOCKS
Administrative Judge of the Superior Court

By: 
Court Clerk Supervisor
Dated: 7/25/19