

NOT FOR PUBLICATION

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

PEOPLE OF THE VIRGIN ISLANDS,

Plaintiff,

VS.

FRANCIS WILLIAMS, JR.,

Defendant.

SX-16-CR-257

MEMORANDUM OPINION

THIS MATTER is before the Court on Defendant Francis Williams, Jr.'s, (hereinafter "Williams") motion for modification of conditions of release (hereinafter "Motion") filed on September 16, 2016. On October 14, 2016, the Court held a hearing on the Motion. At the October 14, 2016 hearing, the People of the Virgin Islands (hereinafter "People") orally opposed Williams' Motion. For the following reasons, the Court will grant Williams' Motion.

FACTS AND PROCEDURAL HISTORY

On August 11, 2016, Williams was arrested and charged with stalking, false imprisonment, and aggravated assault and battery in case number SX-16-CR-226. By Order entered August 12, 2016, Williams was released into the custody of his father Francis Williams, Sr., with conditions of posting property located at No. 67BA & 67BB Estate Whim, Frederiksted, St. Croix, U.S. Virgin Islands with an estimated value of \$189,000.00, twenty-four hour house arrest at No. 67BB Estate Whim, Frederiksted, St. Croix, U.S. Virgin Islands, and a GPS monitor.¹ Motion at 1, Ex. A.

¹ See *People of the Virgin Islands vs. Francis Williams, Jr.*, SX-16-CR-226, Pretrial Release Order.

On September 8, 2016, Williams was re-arrested. On September 9, 2016, a new Information was filed that included charges in SX-16-CR-226 plus additional charges, to wit: two counts of First Degree Murder. At the advice of rights hearing in this instant matter, the judge found probable cause for Williams' arrest and set bail at \$2,000,000.00. Williams was unable to post bail and is currently incarcerated at the Golden Grove Correctional Facility on St. Croix, U.S. Virgin Islands.

A bail hearing was held on September 30, 2016. At the bail hearing, Williams stated that he was unable to post the required bail of \$2,000,000.00. Williams stated that he is not a flight risk because he is a life-long resident of St. Croix and his friends and family live on St. Croix. Williams also stated that his family could post additional property valued at \$158,000.00. The People argued against reducing bail. They argued that this case arose out of the killing of two police officers and that Williams' service weapon is still outstanding. The People also argued that because of the nature of the charges, Williams was a flight risk and that \$380,000.00 in property is insufficient. Williams responded that the charges are only allegations and that the People have not offered any evidence to support their allegations. The People countered that Williams was a flight risk and a danger to the community, and there are no conditions that can be imposed that will insure the safety to the community and eliminate the risk of flight. The People further argued that the evidence against Williams is indeed strong and moved for a detention hearing. The Court set the detention hearing for October 12, 2016.

On October 12, 2016, the People moved to withdraw their request for a detention hearing because of "the sensitive nature and circumstance of the charges pending against the Defendant." People's Mot. to Withdraw its Request for a Detention Hearing at 1. In their motion, the People requested that "the Court decide the matter on the facts of the case currently before the Court and the arguments put forth by the People at the September 30, 2016 bail hearing." *Id.* On October 14, 2016, the Court granted the People's motion. Williams had no opposition to the Motion to Withdraw the

Dentention Hearing, but requested the completion of the bail hearing so he can put on additional evidence. The Court granted Williams' request and the bail hearing was held on October 14, 2016. At the conclusion of the hearing, the Court took the matter under advisement.

STANDARD OF REVIEW

A Motion for Release is governed under Section 3 of the Revised Organic Act, Rule 141 of the Rules of the Superior Court, the standards as articulated in *Tobal v. People of the Virgin Islands*, 51 V.I. 147 (V.I. 2009), *Rieara v. People of the Virgin Islands*, 57 V.I. 659 (V.I. 2012), *People of the V.I. v. Stevens*, 2013 V.I. LEXIS 68 (V.I. Super. Ct. Nov. 26, 2013), Virgin Islands Supreme Court Rule 9, and to some extent, *Williams v. People of the Virgin Islands*, 53 V.I. 514 (V.I. 2010), *Browne v. People*, 50 V.I. 241 (V.I. 2008) and the Bail Reform Act.

FINDINGS OF FACTS

1. Williams is a life long resident of St. Croix, U. S. Virgin Islands.
2. Williams has no prior criminal History.
3. Williams has family ties to St. Croix, U.S. Virgin Islands.
4. On August 11, 2016, Williams was arrested and charged with stalking and other offenses in SX-16-CR-226.
5. Williams was a police officer at the time of his arrest on August 11, 2016.
6. On August 12, 2016, Williams was released to the custody of his father Francis Williams , Sr., with the condition of the posting of property located at No. 67BA and 67BB, Estate Whim, Frederiksted, St. Croix, U.S. Virgin Islands, with the estimated value of \$180,000.00; and twenty-four hour arrest with GPS electronic monitoring.
7. Williams was re-arrested on September 8, 2016, and charged with two counts of murder and other charges similar to those in SX-16-CR-226.
8. At the Advice of Rights Hearing, Williams' bail was set at \$2,000,000.00.
9. On October 27, 2016, SX-16-CR-226 was dismissed.

DISCUSSION

The People charged Williams with four counts of murder in the first degree, two counts of assault in the first degree, false imprisonment, aggravated assault and battery/domestic violence, two counts of using a deadly weapon during the commission of a crime of violence, and stalking/domestic violence.

Danger to the Community

Francis Williams, Sr. is a Suitable Third-Party Custodian

On August 12, 2016, in SX-16-CR-226, Williams was released into the custody of his father Francis Williams Sr., with twenty-four hour house arrest at No. 67BB Estate Whim, Frederiksted, St. Croix, U.S. Virgin Islands and GPS electronic monitoring.

At the October 14, 2016 bail hearing, no report, nor has the People put forward a scintilla of evidence that Williams has violated any conditions of his release. Nor has the People put forward any evidence that Francis Williams, Sr., is not a suitable third-party custodian. Hence the Court finds that Francis Williams, Sr. is a suitable third-party custodian.

At the hearing, Williams stated that all of his friends and family reside on St. Croix and he has resided on St. Croix for his entire life. Before, he was arrested in the instant matter, Williams was on release pending trial in the related case styled SX-16-CR-226.

The Surety is Sufficient

“In considering the conditions of release...the judicial officer may... conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.” 18 U.S.C. §3142(g)(4).

At the October 14, 2016 hearing, Williams' father, Francis Williams, Sr. testified that he is willing to serve as Williams' third-party custodian and post property located at No. 67BA & 67BB Estate Whim, Frederiksted, St. Croix, U.S. Virgin Islands with an estimated value of \$189,000.00. James Wakefield, Williams' brother, testified that he was willing to post additional property at Plot 5-B Estate Paradise, Frederiksted, St. Croix, U.S. Virgin Islands with an estimated value at approximately \$180,000.00 to ensure Williams' appearance at trial. The Court finds that the posting of these properties sufficient to secure Williams' pre-trial release.

The Court finds the Employment by Williams May Pose a Risk of Flight or Threat to the Community

Though admittedly, there has been no evidence that Williams pose a threat to the community and a risk of flight, this Court cannot in good conscience allow Williams to seek employment. The charges against Williams are very serious and if convicted of first degree murder, he will be imprisoned for life. Imposing a twenty-four hour house arrest with GPS electronic monitoring assures this Court that the possibility of risk of flight has been removed significantly. To allow for a 6:00 a.m. to 6:00 p.m. curfew, allows too much of a window for Williams to abscond from the territory.

CONCLUSION

Based on the foregoing analysis, the Court will grant Williams' Motion. Williams offered sufficient proof that conditions exist to reasonably assure the safety of the community and his appearance at trial. Despite the myriad charges against Williams, he has no history of violence or prior criminal record. Williams lived on St. Croix for his whole life and all of his friends and family reside here. Furthermore, the family property posted is sufficient to assure Williams' appearance as required. Williams will be released from detention pending trial subject to specific conditions. The Court will issue an Order consistent with this Opinion.

DONE and so ORDERED this 3rd **day of October, 2016.**

ATTEST:

Estrella H. George

Acting Clerk of the Court

By:


Court Clerk Supervisor

Dated:

11/2/16



HAROLD W.L. WILLOCKS

Administrative Judge of the Superior Court