

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

IN RE: PETITION FOR
EXPUNGEMENT OF CRIMINAL
RECORD

Plaintiff)

)

)

)

vs)

CHRIS CARTY)

)

)

Defendant

CASE NO. ST-16-MC-0000077

ACTION FOR: EXPUNGEMENT

NOTICE OF ENTRY OF AN
ORDER

TO: CHRIS CARTY
ACTING CLERK OF THE COURT
VI DEPT. OF JUSTICE
IT DIVISION

Please take notice that on December 07, 2016 a(n) AN ORDER dated
December 02, 2016 was entered by the Clerk in the above-entitled matter.

Dated: December 07, 2016

Estrella H. George
Acting Clerk of the Court



DONNA DONOVAN
COURT CLERK SUPERVISOR

SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

**In Re: Petition for Expungement of
Criminal Record concerning**

CHRIS CARTY

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)
)
) **CASE NO. ST-16-MC-77**
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ORDER

Petitioner Chris Carty filed a *pro se* Petition for Expungement on November 3, 2016, seeking expungement of records related to his arrest on July 13, 2007, that resulted in Crim. Case No. 270/07. Though not statutorily mandated, Superior Court Rule 400.2 directs petitioners to submit petitions for expungement on Form A, but Carty did not submit his Petition on this form. For the sake of clarity and to ensure that the Court has all information necessary to determine Carty's Petition, the Court will direct Carty to supplement his Petition for Expungement by completing Form A, a copy of which is attached with this Order.

With his Petition for Expungement, Carty attached a request to proceed *in forma pauperis* and supporting Affidavit, attesting that he is unable to pay the necessary fees and costs associated with this expungement proceeding because he is an indigent prisoner currently incarcerated in Virginia and receives a monthly income of \$11.01. Due to his indigency and incarceration, Carty contends that he is unable to obtain a copy of his criminal record or certified copies of the arrest, complaint or information, as required under the expungement statute, 5 V.I.C. § 3735, and requests the Court assist him in locating these documents.¹

¹ Pet. for Expungement, p. 2.

Considering the foregoing, the Court will grant Carty permission to proceed *in forma pauperis* in accordance with 4 V.I.C. § 513 and direct the Acting Clerk of the Superior Court to obtain a copy of Carty's criminal record and certified copies of the arrest, complaint or information, without cost to Petitioner. Additionally, the Acting Court will direct the Clerk of the Superior Court to issue and the Virgin Islands Marshal to serve all process in this proceeding without cost to Petitioner, as provided under 4 V.I.C. § 513(c). Therefore, upon receipt of the aforementioned documents, the Court will direct the Virgin Islands Marshal to serve the summons, original Petition for Expungement, and Petitioner's supplementation and documents on the Virgin Islands Department of Justice, who may respond within thirty days of service in accordance with 5 V.I.C. § 3735(c) and Super. Ct. R. 400.2(c).

Accordingly, it is

ORDERED that Petitioner Chris Carty's request to proceed *in forma pauperis* in this expungement proceeding is **GRANTED**, that Petitioner shall proceed without the prepayment of fees and costs, and that the Acting Clerk of the Superior Court and Virgin Islands Marshal shall serve all process in this proceeding without cost to Petitioner in accordance with 4 V.I.C. § 513; and it is

ORDERED that by **December 29, 2016**, the Acting Clerk of the Superior Court shall obtain and file a copy of Petitioner's criminal record and certified copies of the arrest, complaint or information for Crim. Case No. 270/07, without cost to Petitioner; and it is

ORDERED that by **December 29, 2016**, Petitioner Chris Carty shall supplement his Petition for Expungement by completing and submitting Form A to the Court, a copy of which is attached with this Order; and it is

ORDERED that copies of this Order shall be directed to Petitioner Chris Carty, *pro se*, the Virgin Islands Department of Justice, and the IT Division of the Superior Court of the Virgin Islands.

Dated: December 2, 2016

ATTEST: Estrella George
Acting Clerk of Court

by

Donna D. Donovan

Court Clerk Supervisor



HON. MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

12 / 7 / 2016