



**Judicial
Watch™**
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is above the law!*

VIA CERTIFIED U.S. MAIL

April 26, 2007

Honorable Ronald F. Russell
Chairperson
V.I. Commission On Judicial Disabilities
P.O. Box 70
Charlotte Amalie, V.I. 00804

Honorable Andrew L. Capdeville
Commissioner
V.I. Commission On Judicial Disabilities
P.O. Box 70
Charlotte Amalie, V.I. 00804

Honorable Luis "Tito" Morales
Commissioner
V.I. Commission On Judicial Disabilities
P.O. Box 70
Charlotte Amalie, V.I. 00804

Honorable Robert O'Connor, Jr.
Commissioner
V.I. Commission On Judicial Disabilities
P.O. Box 70
Charlotte Amalie, V.I. 00804

Re: Judicial Complaint Against Superior Court Judge Leon Kendall

Dear Commissioners:

Judicial Watch, Inc. is a nonprofit, non-partisan educational organization that seeks to promote integrity, transparency, and accountability in government, politics, and the law, as well as to increase public understanding about the importance of ethics and the rule of law. Judicial Watch, Inc. regularly monitors the judiciary to ensure that judges act in an ethical, impartial, and professional manner. Judicial Watch, Inc. also files judicial complaints when it believes such action is warranted.

Section 657 of Title 4 of the Virgin Islands Code authorizes “any person” to submit a complaint to the Virgin Islands Commission on Judicial Disabilities (“the Commission”) requesting an investigation into the conduct or health of any judge. On behalf of concerned residents of the Virgin Islands, we are requesting an investigation into the conduct of Judge Leon Kendall of the Superior Court of the Virgin Islands.

By numerous accounts, Judge Kendall has engaged in a disturbing pattern of conduct that has undermined public confidence in the judiciary and the administration of justice. On at least eight occasions, Judge Kendall reportedly has allowed persons arrested for violent crimes to be released back into society with little or no bail. This pattern of conduct by Judge Kendall, detailed below, has had tragic results and warrants investigation:

- **Daniel Castillo:** Castillo was arrested and charged with a violent attack on a woman. Judge Kendall released Castillo on his own recognizance, despite the pending charges and an extensive prior criminal history, including charges of rape, assault, and weapons violations. Castillo now has been arrested for the murder of 12-year-old girl that occurred shortly after Castillo’s release. Castillo reportedly has confessed to the murder. Judge Kendall’s conduct understandably has resulted in significant public outcry. *See* Exhibit 1 – Joy Blackburn and Ian Morrison, *Police Say Castillo Confessed To Killing Laquina*, The Virgin Islands Daily News, April 14, 2007 and Exhibit 2 – Molly Morris, *‘Silent’ Protest Against Judge Kendall Draws Diverse Crowd, Approving Honks*, St. Thomas Source, April 23, 2007.
- **Ashley Williams:** Williams was arrested and charged with rape. Williams had 22 prior arrests for an array of offenses including first-degree rape, first-degree robbery, arson, distribution of crack cocaine, resisting arrest, and one felony conviction. Superior Court Judge Brenda Hollar set William’s bail at \$150,000, in part because of his extensive criminal history. Judge Kendall later reduced the required bail amount to an unsecured \$10,000 bond, thereby allowing Williams to be released. *See* Exhibit 3 – Joseph Tsidulko, *Critics Question Judge Kendall’s Release Of Rape Suspect*, The Virgin Islands Daily News, September 26, 2006.

Subsequently, Williams was convicted on two counts of second-degree rape. Judge Kendall permitted Williams to return home, unsupervised, for a weekend to put his affairs in order before returning to prison. Williams failed to report back to prison, barricaded himself in his house when police tried to apprehend him, and threatened to blow up his house. Williams was captured after a five-hour standoff with police. Subsequently, Judge Kendall sentenced Williams to the minimum sentence of 10 years in prison. Judge Kendall expressed regret that he had to

sentence Williams to that period of time because “[t]his court does not consider Williams a danger to the community.” Judge Kendall also rebuked Williams’ defense attorney for failing to file a post-trial motion asking for a judgment of acquittal. *See Exhibit 4 – Joy Blackburn, Victim Advocates Denounce Kendall’s Handling Of Rapist*, The Virgin Islands Daily News, November 22, 2006 and Exhibit 5 – Joseph Tsidulko, *Convict Gets Minimum For Rape; Judge Critical Of Victim Advocates*, The Virgin Islands Daily News, January 26, 2007.

- **Casey Klein, Zachery Kirwin, and Garrett Famigliette:** Klein, Kirwin, and Famigliette were charged with attacking a man they had followed out of a bar, fracturing his skull. Despite the severe injuries to the victim, Judge Kendall released all three, Klein on his own recognizance, Kirwin on an unsecured bond, and Famigliette after he had posted only \$500 of his \$5000 bail. *See Exhibit 6 – Joseph Tsidulko, Three Men Charged With Assault In Havensight*, The Virgin Islands Daily News, March 23, 2007.
- **Chris Carty:** Carty was arrested for stabbing a person in the eye. He also was a suspect in fatal stabbing that occurred on the same day. At that time of his arrest, Carty’s bail was set at \$100,000. At a later hearing, Judge Kendall reduced Carty’s bail to an unsecured \$10,000 bond. Judge Kendall reportedly concluded that Carty, who had at least one prior weapons conviction, was “not a danger” to the community. Judge Kendall also did not allow questioning at a detention hearing concerning Carty’s possible involvement in the fatal stabbing. Carty was free for approximately six hours before police re-arrested him and charged him with first-degree murder for the fatal stabbing. *See Exhibit 7 – Joseph Tsidulko, Stabbing Suspect Arrested On Murder Charges After Release By Judge*, The Virgin Islands Daily News, January 31, 2007.
- **Brian JnCharles:** JnCharles was arrested on February 12, 2006 and charged with burglarizing a home. Judge Kendall reportedly released JnCharles on his own recognizance. Several hours later, JnCharles was arrested again after trying to break into the very same residence. *See Exhibit 8 – Merlin JnBaptiste, Man 29, Charged With Break-In*, The Virgin Islands Daily News, February 14, 2006, Exhibit 9 – Merlin JnBaptiste, *Man Charged In Burglary Of Fortuna Home Released, Arrested Again at Same Address*, The Virgin Islands Daily News, February 15, 2006 and Exhibit 10 – *St. Thomas Arraignments*, The Virgin Islands Daily News, February 24, 2006.
- **Cecil Punter:** Punter reportedly broke into a woman’s apartment and attacked her. Judge Kendall subsequently released Punter on a \$10,000 unsecured bond,

despite the fact that Punter had been arrested previously on weapons charges and spent six months in jail in 2003. A few days after Punter's release, he was re-arrested for failing to appear at a court-ordered appointment with a mental health professional. At that time, another Superior Court Judge, Brenda Hollar, remanded the suspect to jail and denied bail. *See* Exhibit 11 – Joseph Tsidulko, *Assault Suspect Arrested Wandering Nude In Solberg*, The Virgin Islands Daily News, February 3, 2007 and Exhibit 12 – Joseph Tsidulko, *Man Accused Of Attacking A Woman While He Was Nude Must Remain In Jail*, The Virgin Islands Daily News, February 16, 2007.

- **Alanzo Williams and Dale Richards:** Williams and Richards were arrested and charged with first-degree robbery for holding up a man at gunpoint. Bail was initially set for both men at \$75,000 each. However, at a hearing the next day, Judge Kendall reportedly concluded that the two men did not pose a threat to the community. Williams was released on his own recognizance and Richards was allowed to leave jail on a \$20,000 unsecured bond. *See* Exhibit 13 – Joseph Tsidulko, *Two Tutu Men Charged In Armed Robbery On St. Peter Mountain Road*, The Virgin Islands Daily News, January 25, 2007 and Exhibit 14 – Joseph Tsidulko, *Armed Robbery Suspects Released Without Posting Bail; Judge Says They Pose No Threat*, The Virgin Islands Daily News, January 26, 2007.
- **Desmond Hodge:** Hodge was charged with first-degree rape of a 17-year-old girl. Bail was originally set at \$75,000, but Judge Kendall reduced it to a \$5,000 unsecured bond. Judge Kendall offered no explanation for the reduction. *See* Exhibit 15 – Merlin JnBaptiste, *Man, 32, Charged Formally With Rape Of 17-Year-Old Girl*, The Virgin Islands Daily News, February 14, 2006.

In addition to the above-referenced cases, other complaints have been made regarding Judge Kendall's conduct while sitting as a judge on the Territorial Court. These include the release of domestic abuse suspects on their own recognizance in 2003, only to attack the same woman again a short time afterward. *See* Exhibit 16 – Ayesha Morris, *Man Accused Of Attacking Ex-Girlfriend Is Freed*, The Virgin Islands Daily News, December 6, 2003, and Exhibit 17 – Joy Blackburn, *Attack Sparks Criticism Of Judge Kendall By Victim Advocates*, The Virgin Islands Daily News, December 18, 2003.

These reports demonstrate a disturbingly lax approach by Judge Kendall toward the risk that violent crime suspects pose to the community and a consistent misapplication of the law regarding the release of dangerous persons on bail. This pattern of behavior warrants investigation by the Commission, as a judge is required to “respect and comply with the law” and to “be faithful to the law and maintain professional competence in it.” ABA Code of Judicial

Conduct Canon 2A and Canon 3B(2) (as adopted in Commission's "Rules and Procedures" (Rule 4) (July 2, 1997)). Repeated misapplication of law is more than "legal error," as judges in other jurisdictions have been disciplined for repeated legal errors. *In re Scott*, 386 N.E.2d 218, 220 (Mass. 1979) (holding that a "pattern of disregard of, or indifference to, fact or law" can warrant discipline). In fact, one court has found that repeated legal errors, even if the errors are not the same nor made in bad faith, can still constitute a pattern or practice of failing to follow and apply the law. *In re Fuselier*, 837 So. 2d 1257 (La. 2003).

In this case, Judge Kendall's repeated release of dangerous persons, with little or no bail, constitutes a misapplication of judicial authority and is more than sufficient grounds for investigation by the Commission. In addition, as is evident by the attached news accounts, Judge Kendall's actions have become a matter of significant public concern and are having a detrimental impact on the public's confidence in the judiciary. As the Supreme Court has often stated, to work effectively, the criminal process must always "satisfy the appearance of justice." *Offutt v. United States*, 348 U.S. 11, 14 (1954). In order to protect the appearance of justice as well as the public's confidence in the integrity of the judicial system, we respectfully ask that this disturbing pattern of conduct by Judge Kendall be investigated.

Thank you for your consideration of this important matter.

Sincerely,

JUDICIAL WATCH, INC.

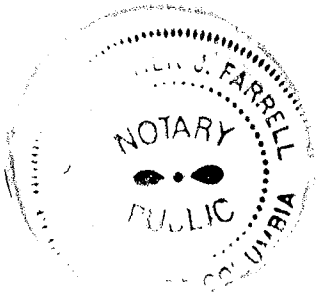


Thomas J. Fitton
President

DISTRICT OF COLUMBIA :ss:

I, Christopher J. Farrell, a Notary Public in and for the District of Columbia, do hereby certify that, Thomas J. Fitton, whose name is signed to the foregoing Judicial Complaint bearing the date of the 26 th day of April, 2007, personally appeared before me and executed said Judicial Complaint, and acknowledged the same to be his act and deed.

Given under my hand and official seal this 26 th day of April, 2007.





NOTARY PUBLIC

My Commission Expires: 11/14/09

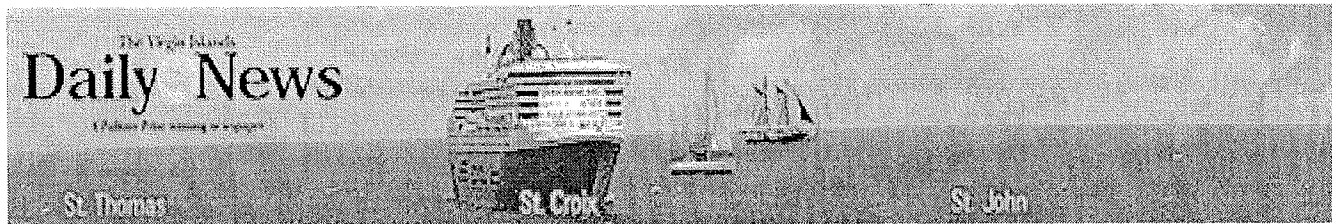
V.I. Commission on Judicial Disabilities
April 26, 2007
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cc: Honorable John P. de Jongh, Jr.
Governor
Government House
21-22 Kongens Gade
Charlotte Amalie, V.I. 00802

Honorable Usie R. Richards
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EXHIBIT 1

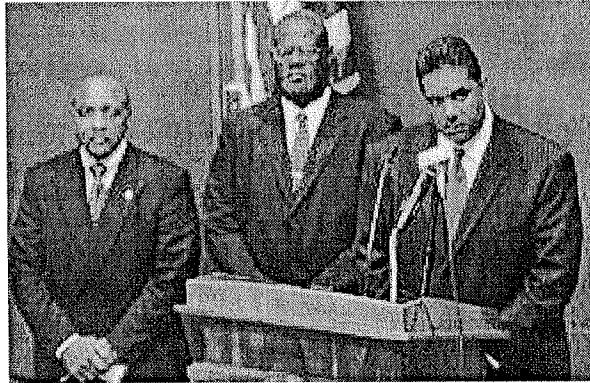


Full Story

[CLOSE WINDOW]

Police say Castillo confessed to killing Laquina
Despite history of violence, Castillo was released on recognizance in March
after arrest in assault case

By JOY BLACKBURN and IAN MORRISON
Saturday, April 14th 2007



Daily News Photo by NICK SCHNEEMAN Police Commissioner James McCall, left, Attorney General Vincent Frazer and Gov. John deJongh Jr. field questions about the death of Laquina Hennis during a press conference Friday at UVI on St. Thomas.

ST. THOMAS - Daniel Castillo, who police say has confessed to killing 12-year-old Laquina Hennis, has faced violent crime charges in the past but has served little jail time.

Castillo was free on his own recognizance on April 6, the day Laquina Hennis was murdered, because he had been released March 2 by V.I. Superior Court Judge Leon Kendall - who frequently has drawn fire from victim advocates for what they consider dangerous leniency in his bail decisions.

Court documents show that at the time Laquina was killed, Castillo was awaiting trial on charges of aggravated assault and battery and disturbing the peace. He is accused of beating his ex-girlfriend in the head in front of his young son.

He was arrested in connection with that attack on March 1. The next day, Kendall found probable cause to charge Castillo but released him pending trial - despite Castillo's history of violence including charges of rape, assault and weapons violations.

On Friday afternoon, Castillo was in court again - this time to be advised of his rights on a second-degree murder charge. V.I. Superior Court Judge Brenda Hollar found probable cause for the charge and set bail at \$1 million - double the minimum \$500,000 bail that the prosecutor requested.

"He's a danger to the community," Hollar said.

Details of the case against Castillo unfolded as Police Detective Roselyn Bedminster testified about the events leading to his Thursday arrest.

Laquina, who lived in Estate Bovoni, went missing on Good Friday, April 6. Bedminster testified that Laquina's mother had left the child and her sister with their aunt at an Oswald Harris Court apartment the day before. On April 6, when they were to be picked up by a family friend, Laquina

could not be located.

The girls' aunt told investigators that Laquina had gone downstairs that day with her little sister to ride a bicycle and play. Around 5 p.m., the sister returned, but Laquina was not with her, Bedminster said.

Investigators interviewed a number of people, including friends who were with the girls when they were outside, Bedminster said. The witnesses indicated the child had walked away with Castillo, the detective said.

Although searches were conducted and fliers about the missing girl were distributed, she was not found until Wednesday, when a call about a foul odor in the Eighth Street area led searchers to Laquina's body.

When they arrived at Lot 16 on Eighth Street - which is listed as Castillo's address - they searched and found a plastic tote bin with what appeared to be a decomposing body inside, Bedminster said.

Laquina was identified on Thursday by a pink dress and a ring she was wearing when last seen alive, Bedminster said.

Castillo was located on Thursday and taken into custody by U.S. Marshals Service officers, the detective testified. She said that Castillo waived his rights and confessed to killing Laquina.

Castillo told police that on April 6 - his birthday - he got up, went to Oswald Harris Court, smoked marijuana and drank several Elephant beers. He told police that he saw Laquina and told her to come with him to pick up some of her uncle's belongings, Bedminster testified.

Laquina's mother previously had shared an apartment with a woman who is the mother of Castillo's children, the detective said.

Castillo told police that when he was gathering the belongings and talking to the child, he used a derogatory term to describe her mother. He said that the girl responded by hitting him twice in the head, according to Bedminster.

He told police that he grabbed the child, turned her around and choked her until she was dead. He said he then emptied out a plastic container, put her body in it and placed it in the plywood shed where it was found, Bedminster said.

V.I. Attorney General Vincent Frazer said at a press conference Friday that his office is reviewing the case and that the charges against Castillo could vary from the second-degree murder charge that he currently faces.

Castillo will be arraigned formally on Thursday.

Frazer said Friday afternoon that he was still waiting for the medical examiner's report, which could affect how Castillo is charged. It was not clear when that report will be completed.

Dr. Francisco Landron, the medical examiner, could not be reached for comment Friday.

Castillo has a reputation for violence and for plea bargaining for reduced jail time.

Court documents from the March 1 arrest indicate that he was accused of attacking his ex-girlfriend in December as she was walking with a man in Sugar Estate. She told police that Castillo, who had his child in his arms, saw her, came up to her, cursed at her and pushed her.

She said she pushed him back, but then he put the boy down on the sidewalk and started hitting her in the head with his fist and grabbed her hair and slammed her onto the ground. She walked to a

store and called police, she said.

Kendall released Castillo on his own recognizance.

Two years earlier, in 2004, Castillo was accused of repeatedly raping a mentally challenged woman at gunpoint. Court documents indicate that he accepted a plea deal. The V.I. Attorney General's Office dropped 10 charges against Castillo - including first-degree rape, first-degree assault, robbery, burglary and weapons charges - in return for Castillo pleading guilty to a third-degree assault charge.

Frazer said Friday that witness problems in that case led prosecutors to conclude that third-degree assault was the only charge they could prove in court.

In that case, Judge Audrey Thomas sentenced Castillo in July 2006 to an 18-month jail term with credit for time served. She also ordered him to get counseling.

Earlier, in 2002, Castillo was accused of possessing stolen property and interfering with an officer discharging his duties.

He made a plea deal in that case, too. He pleaded guilty to possession of stolen property and was sentenced to the time he had served - five months and 18 days in jail - as well as three months' supervised probation and court costs.

On Friday, Gov. John deJongh Jr., accompanied by the territory's top law enforcement officials and education leaders, spoke at a solemn press conference at the University of the Virgin Islands.

"Our territory has experienced a terrible tragedy," deJongh said, adding that his sympathies went out to the victim's family.

The V.I. government is assisting the family with Laquina's funeral arrangements and has provided grief counselors to help them cope with the tragedy, deJongh said.

DeJongh credited cooperation between local and federal law enforcement agencies, plus help from the public, for the speedy arrest of Castillo.

"It is critically important that we have this suspect in custody," deJongh said.

V.I. Police Commissioner James McCall echoed the governor's statements and thanked community members for their "hard work and leads."

"This involvement proved that we can come together as a community and work with the police department," McCall said.

Frazer said that the ongoing investigation will review Castillo's relationship with Laquina's family.

"We are looking into that relationship," Frazer said. He declined to elaborate.

Acting St. Thomas-St. John District Superintendent Lisa Hassell-Forde said the V.I. Education Department will continue to provide mental health services to Laquina's classmates at Lockhart Elementary School and to anyone else in the school system as needed. The department dispatched 16 school psychologists and counselors to Lockhart School on Thursday to meet with students and staff.

"Other schools have resident counselors who will handle cases as they come up," Forde said.

- Contact Joy Blackburn at 774-8772 ext. 332 or e-mail blackburn@dailynews.vi; contact Ian Morrison at 774-8772 ext. 317 or imorrison@dailynews.vi.

EXHIBIT 2

'Silent' Protest Against Judge Kendall Draws Diverse Crowd, Approving Honks

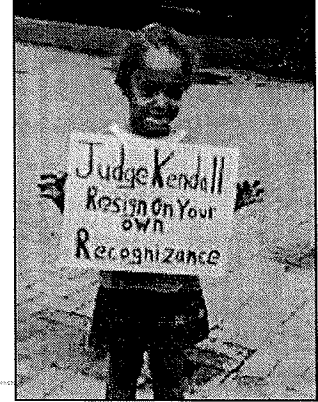
by Molly Morris

April 23, 2007 -- A cacophony of car horns spoke loudly for silent demonstrators Monday as dozens gathered to protest the rulings of V.I. Superior Court Judge Leon Kendall, which have allowed convicted criminals out on the street.

"We want to take a stand and make it known that this type of behavior is totally unacceptable," said organizer Maria Ferreras last week. "People keep asking me what we can do. People's hearts are broken."

A public outcry has arisen since Kendall released Daniel Castillo in March on his own recognizance pending trial on domestic-violence charges. Castillo, who has a record of violent criminal behavior, stands accused of killing 12-year-old La'Quina Hennis while he was free awaiting trial.


(Click for rest of article)



Blayke Wright brought his three-year-old daughter, Hannah, to the protest.

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4/26/07 - Thursday (J'ouvert) St. John St. Thomas	Regular service hours FirstBank Plaza, Port of Sale, Red Hook, Estate Thomas, Crown Bay Center: Regular service hours Waterfront, Charlotte Amalie Business Center: Lobby hours - 12:00pm - 5:00pm
4/27/07 - Friday (Children's Parade) St. Thomas/St. John	All branches closed
4/28/07 - Saturday (Adult's Parade) St. Thomas	All branches closed

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Castillo's release was the most egregious of Kendall's court decisions, but the judge has a long list of others that have allowed accused and convicted criminals loose on the streets, protesters say.

On Monday, Ferreras took action. Joining her were civic leaders, women's advocates, a few children, individual citizens, mothers, grandmothers, some fathers, teachers and groups that work to prevent domestic violence and uphold citizens' rights. The protesters formed at Emancipation Garden at noon and marched to the Farrelly Justice Complex, where they stood peacefully and silently -- as mandated in the group's police permit - - on either side of Veterans Drive waving their signs.

The protesters did speak, however, in two-word shouts of "thank you" to their long string of supporters honking down the road.

The Family Resource Center closed its office for the noon hour to participate. Community activist Stephanie Scott Williams carried a banner for the Women's Coalition of St. Croix because members were unable to participate.

The protest fell during National Crime Victims' Rights Week, April 22 to 28. From St. Croix came five sign-carrying members of the V.I. Domestic Violence and Sexual Assault Council to show their support.

"We're here to support St. Thomas and St. John," said Lynn Gittens Spencer, the council's executive director. "We are expressing our concern. Crime victims do have rights. Kendall is forgetting the victim's rights. There is unequal handling of justice in his courtroom in domestic violence, sexual assault and other criminal cases. I'm happy St. Thomas and St. John spoke out, and I hope the governor notes the protest and hears the horns at Government House."

Almost every driver honked repeatedly, many giving a thumbs up. Many of the cars were taxi drivers, men and women, who loudly lent their support. One yelled, "It's about time someone did something! Keep it up!"

Holding a sign declaring, "Criminals in, Kendall Out," Ferreras pointed out her police permit for the silent, one-hour event on the other side of the sign, and she made certain that everyone dispersed at 1 p.m.

The turnout was large even though dark skies threatened, she said. "If the rain don't stop the Carnival, it don't stop the demonstration," she said earlier in the day. "My phones have been ringing all morning. Some folks in Red Hook were having traffic problems, but they're trying to get here through some flooding."

Ferreras made note of the diverse crowd of protesters: "It's a good cross-section of the community: children, elderly and men, too."

While she criticized Kendall, Ferreras said credit should go to the V.I. Police. "They catch the criminals, only to see them released on the street," she said. "I think our police do a good job. They receive a lot of abuse, then see these criminals let loose. It's very discouraging for them."

Holding a sign stating "Criminals In, Kendall Out," Evaristo Rios Jr., a father, said, "He's just as crazy as the criminals, and he should step down right now. That's all I have to say."

Three-year-old Hannah Wright held her own with a little smile and a big message: "Judge Kendall: Resign on Your Own Recognizance." Her father, Blayke Wright, said, "We are here for her. Protecting her is important."

Holding a sign promoting Victims' Rights week that read, "Every Victim, Every Time," Susan Chandler said, "I've never done a protest before, even growing up in the '60s and '70s. But this (Kendall's decisions) just isn't right. You have to stand up for what is right."

Many people approached Ferreras about what the next step will be. If they wanted to do something immediately, she encouraged them to write to Supreme Court justices suggesting Kendall be transferred to Traffic Court. Ferreras also spoke of another option, asking for action by the Judicial Disabilities Commission, which Gov. John deJongh Jr. spoke of Saturday at the annual meeting of the League of Women Voters.

League members explored the authority given to the territory's Judicial Disabilities Commission -- a five-member body that has the ability to retire or remove a judge sitting on the V.I. Superior or Supreme courts. (See "[Women Voters Make Judicial Reforms, Accountability Top Priority.](#)")

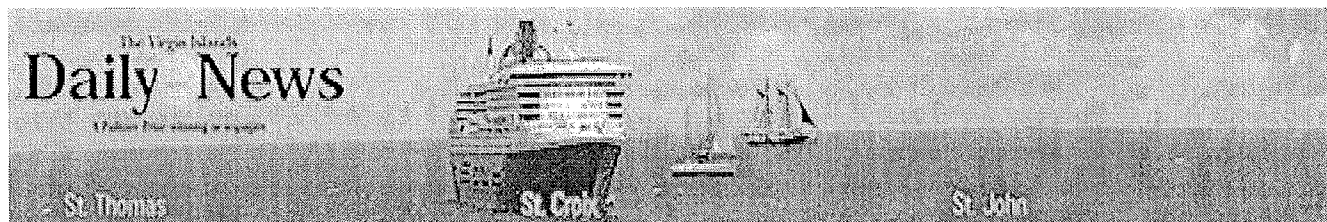
At present, the commission has four sitting members and is chaired by Sen. Ronald E. Russell. Other members include attorney Andrew Capdeville, Robert O'Connor and local labor leader Luis "Tito" Morales. Since the death of St. Croix businessman Mario de Chabert in 2001, the commission has functioned without a full complement of members.

This will soon change, deJongh said during Saturday's meeting. "I have one appointment left to the Judicial Disabilities Commission," he said. "I have to do it, and then they will have a full board."

Residents concerned about Kendall are already beginning to act, Ferreras said: "Organizations and individuals are drafting complaints now to send to the commission."

Back Talk Share your reaction to this news with other Source readers. Please include headline, your name and city and state/country or island where you reside.

EXHIBIT 3



Full Story

[CLOSE WINDOW]

Critics question Judge Kendall's release of rape suspect**By JOSEPH TSIDULKO****Tuesday, September 26th 2006**

ST. THOMAS - Amid increasing public concern, a V.I. Superior Court judge with a high-profile judicial history on Monday defended his decision to release from jail a defendant accused of brutally raping a homeless man.

At a pretrial hearing on Wednesday, Judge Leon Kendall unexpectedly released Ashley Williams - a man with an extensive and violent criminal history who is facing charges of luring a homeless man to his home with crack cocaine and then raping him.

As conditions for his pre-trial release on a \$10,000 unsecured bond, Kendall instructed Williams to have no unlawful contact with the rape victim and to check in on a weekly basis with the probation office, according to court documents. An unsecured bond does not require the defendant to post any money.

The 49-year-old Estate Mahogany resident is set to stand trial in November on charges of first-degree rape, first-degree aggravated rape, first-degree assault, first-degree unlawful sexual contact, kidnapping and using a dangerous weapon.

Kendall's past bail rulings have perplexed prosecutors and have drawn sharp criticism from victims' advocates.

While his critics accuse Kendall of a dangerous leniency in how he handles criminal defendants, the judge said his rulings are always in compliance with local and federal laws, Superior Court rules and legal precedents.

In his courtroom, Kendall frequently asserts his position - bail is not designed to incarcerate and punish defendants before they are convicted but are simply a means of ensuring the accused will appear in court. Those who question his rulings simply do not know the law, he said on Monday.

His pattern of releasing suspects without imposing large bail amounts is inconsistent with his colleagues.

In Williams' case, Judge Brenda Hollar raised bail from \$75,000 to \$150,000 at a Nov. 18 hearing after learning of the defendant's criminal history.

Hollar said on Monday that when she increased the bail amount, she took into account the fact that another criminal case was pending against Williams, that he had a previous felony conviction and that the nature of the charged crime was extremely heinous.

Williams has been arrested a total of 22 times on charges that include first-degree robbery, first-degree rape, arson, distributing crack and resisting arrest.

He was sentenced to three years in prison, with one year suspended, for grand larceny in February of 2001. He currently has a contempt of court and aggravated assault case pending before the

Superior Court.

Police arrested Williams during a Nov. 17, 2005, traffic stop after the homeless rape victim who reported the crime earlier that day identified him as the rapist.

According to Detective Cleopatra Brooks, Williams met the victim the evening of Nov. 16 in the alley of Prindsesse Gade.

The homeless man got into Williams' car after he was offered crack. Williams drove the man to his home in Estate Mahogany, Brooks said.

When the two went inside the house, Williams locked the front door. He said something derogatory to the victim and led him to the bedroom, according to Brooks.

The victim told police Williams gave him some crack to smoke and then ordered him to take off his clothes, Brooks said. He said he feared for his life and did as told.

The man told police he yelled out in pain while Williams sodomized him. Williams left the room, only to return with an 18-inch souvenir baseball bat. He used the bat to continue raping the man, Brooks said.

After the assault, Williams drove the victim to West End Cemetery and left him there, Brooks said. After daybreak, the victim called police and was picked up in the Market Square area. He was treated at Schneider Hospital, where a rape kit was performed to collect forensic evidence.

DNA samples were sent to an off-island laboratory for analysis, according to court documents.

Kendall said that in his three years on the bench, every bail decision he has made has followed the federal Bail Reform Act. He pointed out that the V.I. Justice Department has never appealed one of his decisions regarding bail.

"To me, that speaks volumes," Kendall said.

The Bail Reform Act was drafted to ensure that criminal suspects, regardless of their financial status, are not imprisoned when detention "neither serves the ends of justice or the public interest."

The law, which was adopted in the rules of the V.I. Superior Court, directs judges to release defendants on personal recognizance or an unsecured bond unless the release will not reasonably assure appearance in court or will endanger the safety of others in the community.

Kendall said that in order to make the best determination of someone's risk of flight, he always places defendants under oath and questions them about their criminal history and ties to the community. He is not bound to a schedule used by police after an arrest, which he said sets "arbitrary" bail amounts. The schedule in use was authored by the court's presiding judge in 1993, Kendall said.

And if prosecutors are concerned that a defendant poses a serious threat to the community, they have the option of invoking a V.I. statute that allows for the pretrial detention of dangerous criminals.

"If they think he is a danger, move to have him detained" pursuant to that law, Kendall said.

The judge said he believes the government rarely invokes that statute because it has a high burden of proof. Prosecutors therefore improperly rely on judges setting large bail amounts as a substitute, he said.

V.I. Attorney General Kerry Drue expressed disappointment with the Williams decision. However,

she said, the court's rules of professional conduct limit her public statements.

"Rape is a crime of violence, and the Attorney General's Office sees persons that commit such crimes as a danger to members of the community," Drue said.

Drue agrees with Kendall, however, that case law makes clear that pre-trial detention should not be the norm.

At Wednesday' hearing, Assistant Attorney General Rene Gumbs-Carty was not prepared to argue the detention statute because Williams already was incarcerated, Drue said.

"Both parties were a little surprised," the attorney general said about Kendall's decision.

Before Kendall released Williams on the unsecured \$10,000 bond, defense attorney Joseph Mingolla asked only that his client be moved from St. Croix's Golden Grove Adult Correctional Facility to a St. Thomas jail and made an oral motion to have bail reduced to \$50,000 with an allowance for release upon posting 10 percent.

Hollar sent Williams to Golden Grove after learning that the 48-year-old victim was being held in the same St. Thomas jail as Williams. The victim was arrested on an unrelated theft charge after reporting the rape. He has since been released from jail.

Iris Kern, director of The Safety Zone, a St. John victim advocacy organization, often has questioned Kendall's rulings.

She said the Tri-Island Council, a coalition of victims' groups in the Virgin Islands, has "very deep concerns about Judge Kendall."

Several past rulings have sparked outrage.

In December 2003, Rensfield Jarvis, a man charged with assaulting his girlfriend, was rearrested on suspicion of hitting the same woman with a rock after Kendall released him without requiring bail.

Advocates again raised concerns in September 2005 when Kendall released two men facing rape and child abuse charges, in unrelated cases, without requiring bail.

Kern said the rights of the accused need to be weighed against the need to protect victims from their past assailants.

"We continue to be outraged," Kern said about Kendall's decision regarding Williams.

Kern said she believes the judge "desperately needs judicial education."

According to Kendall, it is his detractors who are not familiar with the law.

He cites a U.S. Supreme Court decision - *Bandy vs. United States* - that to demand a large bail amount from an indigent defendant is to unconstitutionally deny that person his freedom.

Community outrage over his decisions regarding bail is a result of a public "conditioned to having their rights violated with respect to bail," Kendall said.

Kendall said he could not qualify the degree to which he considers the danger posed to the community by a defendant in setting a bail amount, saying he makes that determination on a case-by-case basis.

He said most people - including himself - would hope if a family member were before a judge that

their "rights were not violated and they were treated with respect and dignity."

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EXHIBIT 4

The Daily News, Wednesday, November 22, 2005

Virgin Islands

Victim advocates denounce Kendall's handling of rapist

By JOY BLACKBURN

ST. THOMAS — A convicted rapist taken into custody after a five-hour standoff with police Monday night was still hospitalized Tuesday evening in critical condition.

Police subchief Ashley Williams, 49, with a Taser — a stun gun — when Operations Bureau Special Agent Kevin Kendall and a medical team burst into his Mangrove Ledge home hours after Williams tearfully begged himself in and threatened to howl the place up with gasoline rather than go to jail.



Judge Kevin Kendall

Territorial Police Chief Novelle Francis said on Tuesday that it appeared that Williams had some kind of "outrage reaction" to being Tasered. But Francis did not have further details. Emergency medical workers on standby rushed into the home once police had Williams subdued. He was taken by ambulance to Schneider Hospital.

Adeline Conway, Schneider Hospital administrator on call, said Tuesday evening that Williams remained in critical condition in the hospital's intensive care unit.

Meanwhile, victim advocates in the territory expressed anger and frustration with V.I. Superior Court Judge Leon Kendall's decision to allow Williams — convicted Friday of two counts of first-degree rape, a count of first-degree assault and a count of

attempted to arrest Williams at his home sometime after 4 p.m.

Williams barricaded inside three days to quiet protests and then fired self-up. Marshals stormed police, who then took the lead in a standoff that eventually involved more than 50 first-responders from a number of local and federal agencies.

Police and family members negoti-ated with Williams, but to no avail. Kendall also arrived during the evening.

"I was asked to speak to me," Kendall said Tuesday afternoon. "And I thought that I could assist the law enforcement officers to resolve the situation."

Kendall, standing outside the home, spoke to Williams through a window. He said, "I was trying to get him to turn himself in. He was fearful of being Tasered."

Kendall said Williams pressed him and another judge through the window while the judge a sandwich.

When he was unable to converse with Williams to give up the standoff, the

judge left the scene.

On Tuesday, police spokeswoman Sherrica Richards said she did not know whether authorities knew any-thing about Williams' custody.

Victim advocates said Francis said they believe Williams never should have been released into the commu-nity.

"It's unheard of to release a violator without after conviction," said Alan Magnus, co-director of The Women's Coalition of St. John.

Mrs. Kara Kennedy, of The Safety Zone on St. John, who sat in the courtroom during Williams' trial on Thursday — said, "It was shocking to me."

"My understanding is that if there's a reason to believe someone is a danger to themselves or the community, that's a reason you don't release them," Ken-dall said.

However, Kendall said that the sec-ond of the Federal Bail Reform Act addressing the release of convicted persons pending sentencing does not require him to consider both the dan-ger to the community and whether a person is a flight risk. Kendall later posted the law as requiring him to con-

sider only one of those factors.

"The law does not require me to rely on both of them," he said.

Kendall noted that Williams had completed with all of the terms of his pre-trial release. He also said that although Williams has a history with the courts, he had no history of failure to appear.

The judge also said there was no indication on Friday that Williams posed a danger to the community. Williams was arrested Nov. 17, 2003. According to investigators and court documents, Williams and the victim — a 26-year-old man — met the evening before in a Philadelphia Code alleyway. He lured the man to his home with the offer of crack cocaine.

The victim told police that Williams drove him to his home and, once there, gave him crack for smoke. The victim reported that Williams then offered him to take off his clothes and he com-plied because he feared for his life.

The victim said that Williams then sodomized him. Williams then left the victim and returned with an 12-inch souvenir baseball bat, which he used to continue raping the man.

The victim said that after the assault, Williams dropped him off at Western

Carriway. After daybreak, the victim notified police and was treated at Schneider Hospital, where a rape kit was performed. Williams was arrested that afternoon.

Kendall said he considers such case separately, and that this is the first time he has released someone convicted of a violent crime pending sen-ten-

ce. "It's not unusual. It's not uncom-mon," he said. "I have done it before."

The judge also said he saw the case against Williams as a case of "sex for drugs."

Kendall said the victim testified he had no money to pay for the crack, but willingly got into Williams' car and went to his home.

"What bothers me is that you have two individuals engaged in virtual activity and only one is on trial," Kendall said. "The victim admits smoking crack in Mr. Williams' house. He had no money to pay for it."

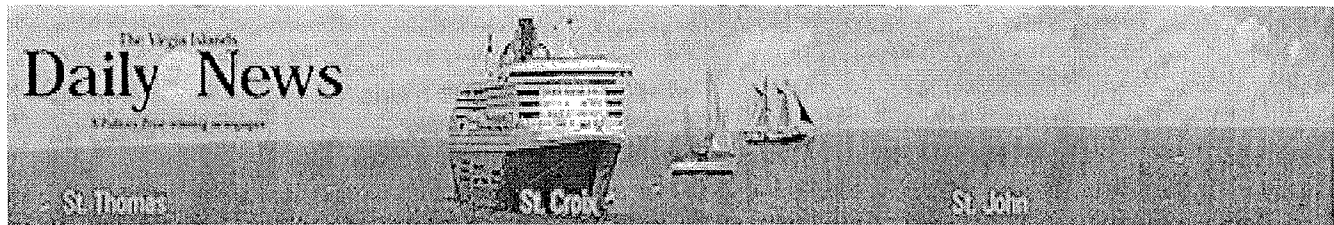
Kendall said that although the victim admitted that he went with Williams to get high, the situation was not a case of sex for drugs.



Medical (Part D)
Open Enrollment Period Begins
November 15th

Do you need assistance with buying your prescription drugs?
 Do you have a Part D plan, but would like to change your class?

EXHIBIT 5

[Full Story](#)[\[CLOSE WINDOW\]](#)

Convict gets minimum for rape; judge critical of victim advocates

By JOSEPH TSIDULKO

Friday, January 26th 2007

ST. THOMAS - V.I. Superior Court Judge Leon Kendall sentenced a man convicted of forcibly sodomizing a homeless man with a wooden stick to 10 years in prison Thursday - the minimum sentence allowed by the law and one the judge said he believes is excessive.

Kendall said that despite the jury's conviction of 49-year-old Ashley Williams on two counts of first-degree rape, first-degree assault and first-degree unlawful sexual contact, he does not believe the defendant brutally raped the homeless victim after luring him to his Mahogany Run home with an offer to smoke crack cocaine, but instead believes the two engaged in consensual sex.

Victims' advocates who filled Kendall's courtroom said they were appalled when the judge told the court he would have imposed a more lenient sentence if the law allowed him to do so.

"This court does not consider Mr. Williams a danger to the community," Kendall said.

The real dangers are "those who pose a threat to the independence of judges, who threaten judges into doing what is popular," the judge said, a clear jab at the advocates who have harshly criticized Kendall's handling of the Williams case.

Those people create a "climate of intimidation in this jurisdiction," the judge said.

While Kendall did not direct his comments at specific people, two of his most frequent critics, victims' advocates Cynthia Farmer and Iris Kern, said after the hearing that they had never been accused of intimidation and do not believe their efforts to educate the community can be construed as that.

Assistant Attorney General Rene Gumbs-Carty asked Kendall to impose a 30-year sentence on Williams, who she said is a violent and dangerous criminal beyond any hope for rehabilitation.

"These actions were just outrageous. They were despicable," Gumbs-Carty said, adding that Williams' victim must surely think of him as "a monster."

The 48-year-old homeless man will never forget what happened to him, she said.

"Let us make sure Mr. Williams will not forget this either," Gumbs-Carty said.

According to Gumbs-Carty, the case "is about rape; it's not about sex."

Kendall disagreed.

"It might have gotten a little rough and kinky, but was otherwise consensual," he said.

"You're not going to get crack for free anywhere in the world," Kendall said. The victim knew what

he was getting into when he got into Williams' car, according to Kendall.

In his allocution, Williams did not mention the victim, but he did apologize to Kendall for not listening to the judge on Nov. 20, when the convict holed up in his Mahogany Estate Home for five hours and threatened to blow himself up.

Williams, convicted days earlier after a one-day trial, threatened to ignite propane inside the house rather than go to jail. Kendall had allowed him an unsupervised weekend in the community to put his affairs in order before reporting to prison - a decision that outraged community activists.

The judge said on Thursday that high-profile defendants such as Ken Lay and Jeff Skilling of Enron and Martha Stewart got the same post-conviction treatment, which should not be reserved for rich, white-collar criminals.

Kendall went to the house during the standoff but could not talk Williams into surrendering. A police Special Operations Bureau tactical team eventually burst into the house and subdued Williams with a Taser.

Kendall first drew sharp criticism in the case during a pretrial hearing in September at which the judge unexpectedly released Williams - who has an extensive and violent criminal history - on a \$10,000 unsecured bond.

Williams has been arrested a total of 22 times on charges that include first-degree robbery, first-degree rape, arson, distributing crack and resisting arrest, and he had a previous felony conviction.

Defense attorney Joseph Mingolla had asked Kendall for a 10-year to 15-year sentence, telling the court his client had a longstanding drug addiction and was "not in his right mind when the event took place." Williams, who has no family to support him, was unaware of his actions because of the effects of his drug abuse, Mingolla said.

"This case has been turned into a very lurid matter by the press," Mingolla said.

Kendall said it was unfortunate that Mingolla had not filed a post-trial motion asking for a judgment of acquittal, saying verdicts often get set aside by the court.

Kendall sentenced Williams to concurrent 10-year sentences on the rape charges and time served for the two other offenses. After the hearing, he assigned defense attorney Steven Bruschi to represent Williams in his appeal.

Farmer, an advocate for the Family Resource Center, said Kendall's reminder that the victim was a petty criminal in Florida and continued his criminal activities and drug use in the Virgin Islands, "revictimized the victim," who had already suffered so much.

That kind of mistreatment is common for rape victims, said Kern, co-chair of the Domestic Violence and Sexual Assault Counsel.

The advocates said they are grateful for mandatory minimum sentences because they tie judges' hands - the same reason Kendall said he opposes them.

Police arrested Williams during a Nov. 17, 2005, traffic stop after the victim, who reported the crime earlier that day, identified him as his attacker.

The homeless man got into Williams' car on Nov. 16 in the alley of Prindsens Gade after he was offered crack. Williams drove the man to his house.

When the two went inside, Williams locked the front door. The victim told police Williams gave him some crack to smoke and then ordered him to take off his clothes. He said he feared for his life.

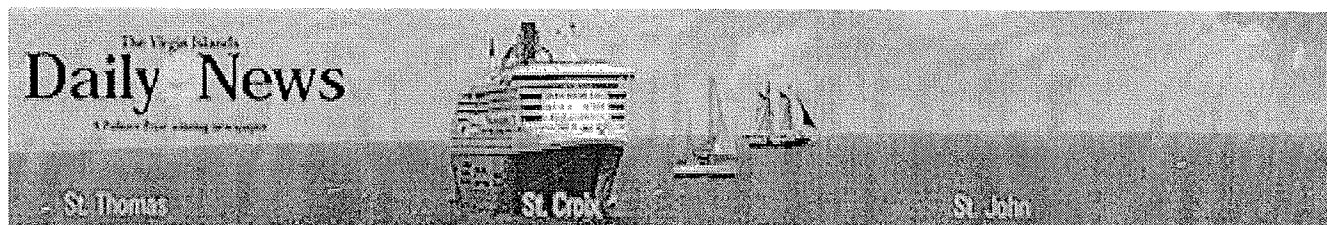
The man told police he yelled out in pain while Williams sodomized him. Williams left the room, only to return with a wooden chair leg, which he used to continue raping the man.

After the assault, Williams drove the victim to West End Cemetery and left him there.

- Contact Joseph Tsidulko at 774-8772 ext. 332 or e-mail jtsidulko@dailynews.vi.

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EXHIBIT 6

[Full Story](#)[\[CLOSE WINDOW\]](#)

Three charged with assault in Havensight

By JOSEPH TSIDULKO

Friday, March 23rd 2007

ST. THOMAS - Three Estate Dorothea men were arrested early Thursday after witnesses reported seeing them severely beating a man whom they followed out of a Havensight bar and attacked from behind.

The attack fractured the victim's skull and required him to undergo emergency facial surgery at Schneider Hospital.

Casey Klein, 21, Zachery Kirwin, 19, and Garrett Famigliette, 20, all were taken into custody at 4:11 a.m. and charged with third-degree assault.

V.I. Superior Court Judge Leon Kendall found probable cause for the arrests later Thursday morning. Kendall released Klein on his own recognizance, Kirwin on an unsecured bond and set bail at \$5,000 for Famigliette, whom the judge allowed to go free after posting 10 percent of that amount.

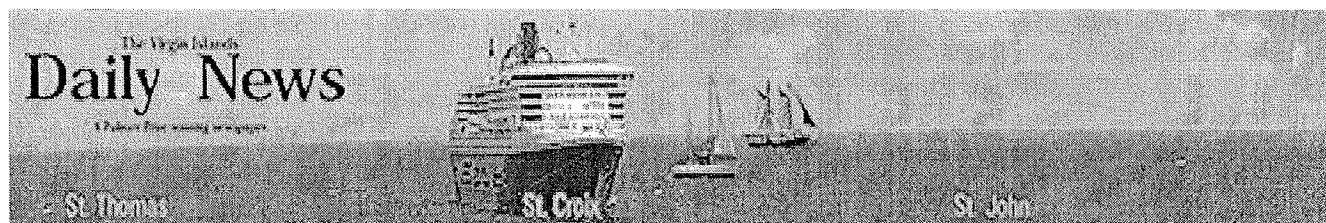
In a probable cause fact sheet, Officer Tracy Richardson described the events: The victim told police he left Shipwreck Tavern to get something from his car just past 4 a.m. when he heard someone call his name. As he turned, a man struck him and he fell to the ground. That is all he remembered. Two witnesses said they watched Klein, Kirwin, Famigliette and two other men who have not been identified beat the victim without provocation. The pack repeatedly kicked and punched the man's body and head as he lay on the ground.

Police Cpl. Leroy Francis was inside the bar, heard witnesses screaming for help and ran outside. He caught the three defendants in a nearby parking lot. Witnesses later identified the three as the attackers.

The victim suffered cuts in both eyebrows, a fractured right eye socket and head trauma, authorities said.

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EXHIBIT 7

[Full Story](#)[\[CLOSE WINDOW\]](#)

Stabbing suspect arrested on murder charges after release by judge

By JOSEPH TSIDULKO

Wednesday, January 31st 2007

ST. THOMAS - Hours after a V.I. Superior Court judge released from custody on Tuesday a St. Kitts native charged with stabbing a Hospital Ground vendor in the eye while in an apparent violent delirium, police detectives arrested the 27-year-old on murder charges in connection with a second stabbing that took place soon after the attack on the vendor.

Judge Leon Kendall ruled Tuesday morning that Chris Carty could be released on a \$10,000 unsecured bond - a bail amount that does not require the defendant to post any collateral with the court. Kendall conducted a detention hearing at Schneider Hospital, where Carty is recovering from injuries suffered the day of the two stabbings.

Although Carty, who was the likely suspect in the fatal stabbing, has family in another Caribbean nation and has a previous weapons conviction, Kendall decided he was neither a flight risk nor a danger to the community.

Carty was legally free to leave the hospital for about six hours, until detectives with the Police Department's Major Crimes Unit arrested him at 6:10 p.m. on charges of first-degree murder and possession of a dangerous weapon during a crime of violence.

Police suspect Carty fatally stabbed 37-year-old Glenn Blyden Sr. soon after he maimed a food-stand vendor by stabbing him in the eye on Sunday afternoon.

Carty, a resident of Princesse Gade, was first arrested Monday at Schneider Hospital on suspicion of assaulting the vendor. He had been admitted to the hospital for the treatment of head wounds suffered around the time the two stabbings were reported. Police initially set bail at \$100,000.

While the exact nature of his injuries, and extent of his physical capabilities, was not made clear, police and bystanders have indicated Carty was hospitalized because of the combined effects of a fight and a pre-existing medical condition. Carty, known by the nickname "Little Christ," was taken to the room set up for Tuesday's hearing in a wheelchair.

At that hearing, Kendall upheld charges of mayhem, third-degree assault and possession of a dangerous weapon.

Assistant Attorney General Courtney Reese argued Carty was a risk for flight and tried to solicit testimony from Detective Albion George about the investigation into Blyden's death.

Reese said Carty's attorney, Samuel Joseph, opened the door to testimony about the second attack when cross-examining the detective. But Kendall quickly halted that entire line of questioning, and there was no mention of any possible pending murder charges.

The maimed victim told police he did not pay much attention to Carty when he saw him walking back and forth by the Ital Irie vegetarian food stand across the street from Lionel Roberts Stadium around 4 p.m. on Sunday, according to a probable cause fact sheet filed by George.

He said Carty stabbed him in the eye without provocation. Bystanders administered first aid and called for an ambulance at 4:19 p.m. The man underwent surgery after the attack, required 20 stitches at the hospital and may lose his left eye, according to George.

The man told police that Carty was "on some kind of drug and acting crazy," said police spokeswoman Shawna Richards.

After his arrest, Carty waived his right to not incriminate himself and made a statement to police. He said he was smoking marijuana and drinking Brugal - a rum from the Dominican Republic - before the attack, according to George.

Carty said he went into the Ital restaurant to buy Funta, a tobacco product, but the victim kicked him and told him to leave, George said. In response, he stabbed the man with scissors, then walked toward an area of Hospital Ground referred to as "Jah Yard," according to George.

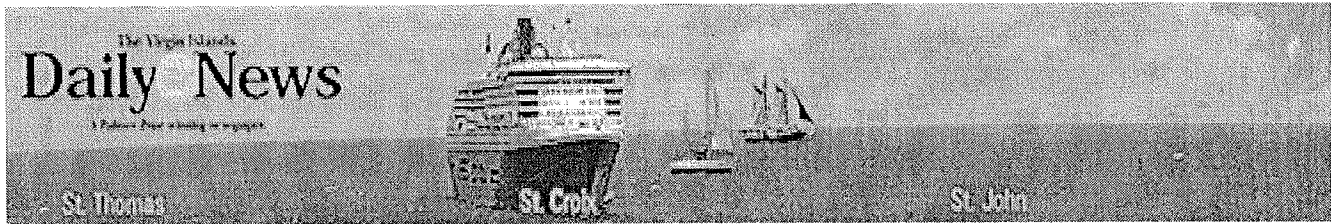
Police said Blyden was playing dominoes with some friends in that area just before he was fatally stabbed in the neck.

Carty is being held without bail in connection with Blyden's murder, and he will once again face Kendall this morning in an advice-of-rights hearing, at which the judge will make another bail ruling.

- Contact Joseph Tsidulko at 774-8772 ext. 332 or e-mail jtsidulko@dailynews.vi.

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EXHIBIT 8



Full Story

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Man, 29, charged with break-in
By MERLIN JnBAPTISTE
Tuesday, February 14th 2006

ST. THOMAS - A Superior Court Judge ordered a 29-year-old homeless man accused of breaking into a Fortuna home for food to check into the Bethlehem House for shelter Monday.

Judge Leon Kendall released Brian JnCharles, who is charged with third-degree burglary, on his own recognizance after finding probable cause for his arrest.

Officer Charles Gumbs testified that JnCharles was detained by members of the Special Operations Unit about 7 p.m. Saturday.

"At 7 p.m. the owner of the house received a call from a next-door neighbor that someone was breaking into his home," Gumbs said. The homeowner called 911, he said.

Gumbs said the burglar broke a sliding glass door with a rock to gain access to the home.

JnCharles told Kendall he had a previous arrest for breaking into a home for food a few years ago.

Kendall told him to report to Bethlehem House for shelter, food and assistance.

"Thanks," JnCharles said softly to Kendall after his release.

Arrest was scheduled for 9 a.m. Feb. 23.

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EXHIBIT 9

After arresting him, he was taken to jail.

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Man charged in burglary of Fortuna home released, arrested again at same address

By MERLIN JnBAPTISTE
Daily News Staff

ST. THOMAS — Within hours of his release Monday, a 29-year-old homeless man charged with burglary was arrested again with trespassing at the same Fortuna home.

He was arrested with breaking into Superintendent Judge Levitt's home.

After the second arrest, Kendall found probable cause in the citizens' arrest of JnCharles during an advice of rights hearing Tuesday. Kendall ordered JnCharles to remain jailed pending a psychological evaluation.

Peter Wholihan — the tenant at the Fortuna residence — testified Tuesday that he was on the telephone when he saw the top of someone's head peering out from the window about the robbery, Wholihan said.

He said he ended his telephone call and went downstairs to see who was on the property. "I went into the kitchen, and there he was standing outside the door on the patio," he said referring to JnCharles for the judge. "I told him — Get out!

Get out!"

Wholihan said JnCharles left the property, and he called 911.

Cpt. Lauchland B. ... arrived at 5:16 p.m. and asked Wholihan if he wanted to make a citizens arrest.

"I said yes," Wholihan said.

JnCharles was charged with trespassing and contempt of court because he failed to obey Ket ... order from a hearing hours before his second arrest.

On Monday, Kendall released JnCharles on his own recognizance after police charged him with third-degree burglary at Wholihan's home.

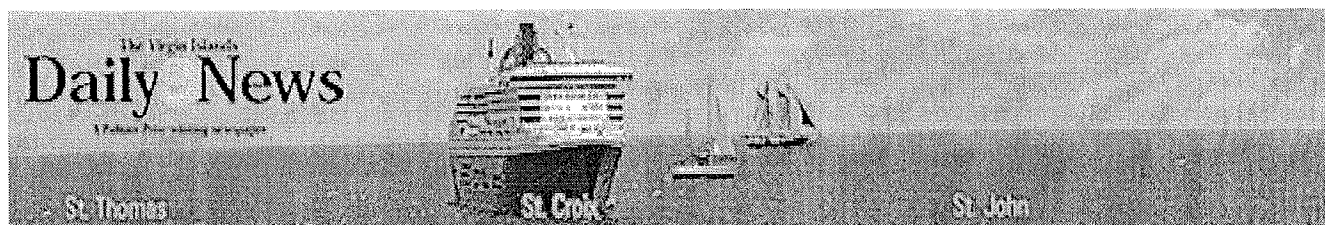
Wholihan said he and his wife ... something was going on at the house. Police ... JnCharles had broken a sliding glass door and gas ... to the house. Officer ... Gunths arrested ... Charles and charged him with third-degree burglary.

Kendall said JnCharles' conduct made him a danger to the community and he would be held in jail.

— Contact Merlin JnBaptiste at 774-8772 ext. 352 or e-mail mjnbaptiste@dailynews.wi

... to ... of her boyfriend ...

EXHIBIT 10



Full Story

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St. Thomas Arraignments Friday, February 24th 2006

Arraignments Thursday in Superior Court include:

- Melvin Belleau, 21, of Oswald Harris Court housing community and Akil Francis, 23, of Estate Lovelund pleaded not guilty to two counts each of possession of an unlicensed firearm and two counts each of possession of ammunition.

They were arrested Feb. 11 after police received reports of rapid gunfire behind Schneider Hospital. Police said they stopped Belleau's Jeep Wrangler, which was traveling west without any lights on, scanned the vehicle with a flashlight and saw a 9 mm Glock 17 on the floor behind the driver's seat. Francis was seated in the passenger seat of the vehicle.

Police said Belleau and Francis did not have a firearm license.

Judge Leon Kendall dismissed the \$45,000 bail and released Belleau and Francis on their own recognizance. They will appear before Judge Audrey Thomas jury trials. The trial date was not available.

- Michael Carmichael, 48, of Mandahl had all of the conditions of release against him vacated after prosecutors filed a statement of no prosecution in Superior Court.

He was arrested Feb. 14 and charged with destruction of property and vehicle tampering. The arresting officer, Hermon Bell Jr. of the Bureau of Corrections, said that at 3:32 a.m. on Jan. 7 that Carmichael tried to steal his 1991 Chevy Cavalier, which was parked outside of his Nye Nordsidevej residence. Prosecutors said Bell failed to promptly file formal complaints against Carmichael.

Judge Leon Kendall dismissed the \$15,000 bail during a probable cause hearing on Feb. 15 and released Carmichael on his own recognizance.

- Desmond Hodge, 32, of Sugar Estate pleaded not guilty to 14 counts that included first and second-degree aggravated rape, unlawful sexual contact and additional charges.

He was arrested Feb. 11 on charges that he raped a 17-year-old girl who was visiting his home. He is free on an unsecured bond of \$5,000 pending a jury trial before Superior Court Judge Brenda Hollar. The trial date was not available.

- Angel James, 28, of Palm Strade pleaded not guilty to grand larceny, possession of stolen property and third-degree robbery.

He was arrested Feb. 15 on charges that he snatched a \$975 chain from a man's neck after a failed attempt to get into the man's Plantation Manor home. He is free on his own recognizance pending a jury trial before Judge Brenda Hollar. The trial date was not available.

- Brian JnCharles, a 29-year-old homeless man, pleaded not guilty to third-degree burglary.

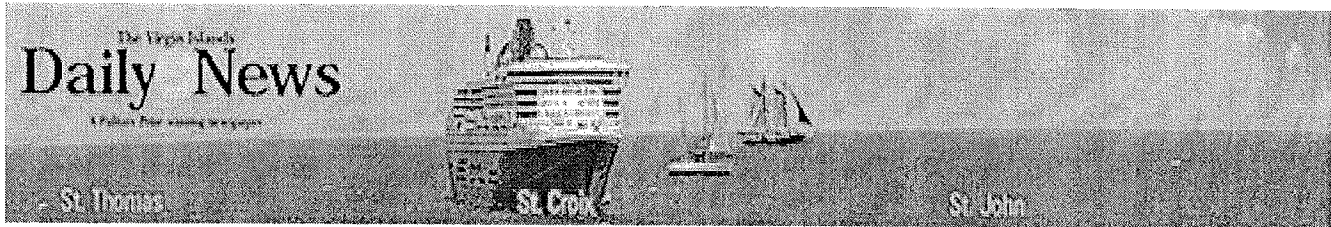
Trespassing charges against JnCharles in a second case were dismissed to be combined with the first case. JnCharles was arrested Feb. 12 on charges of burglarizing a Fortuna residence. He was arrested again on Feb. 13 and charged with trespassing on the same Fortuna property. He remains in custody for a psychiatric evaluation pending a jury trial. The trial date and judge were not available.

- Saihinly Tonge, 23, of Estate Carolina pleaded not guilty to one count of simple possession of marijuana.

He was arrested Feb. 12 in Coral Bay on charges that marijuana was found in his pockets when police searched him. He was released on his own recognizance pending a bench trial before Judge Leon Kendall. The trial date was not available.

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EXHIBIT 11

[Full Story](#)[\[CLOSE WINDOW\]](#)

Assault suspect arrested wandering nude in Solberg

By JOSEPH TSIDULKO

Saturday, February 3rd 2007

ST. THOMAS - A man accused of breaking into a woman's Savan apartment in the nude, throwing her onto a sofa and then biting her foot after she managed to fight him off and escape outdoors was advised of his rights on Friday by a V.I. Superior Court Judge.

Cecil Punter, 24, was still naked when police found him wandering the streets of Solberg. The Hospital Ground man was arrested at 10:30 p.m. on Thursday, according to the police department's arrest log.

At a Friday morning hearing, Judge Leon Kendall upheld charges of first-degree burglary, aggravated assault and battery and obscene and indecent conduct. Kendall did not find probable cause for a first-degree assault charge.

Kendall released Punter on a \$10,000 unsecured bond. He assigned the defendant's mother as a third-party custodian and ordered Punter to report twice a week to his probation officer while he lives at his Hospital Ground home.

Police arrested Punter on suspicion of attempting to rape the woman whose house he broke into, but prosecutors did not bring the rape charge to court.

Officer Tracy Richardson wrote in a probable cause fact sheet that the victim had just escorted a friend out of her Silke Gade home when she saw Punter running around in the nude.

She said she ran up the stairs leading back to her house, and unsuccessfully tried to lock the front door, but Punter was able to force himself inside, she told police.

The woman said Punter threw her on the sofa and tore her shirt off. But she managed to get away from the assailant, and she was screaming as she ran outside of the house. The woman grabbed the porch railing as Punter grabbed her and bit her foot, Richardson said.

About that time, the woman's 1-year-old son came outside and Punter ran away, Richardson said.

Several officers searched the Savan area after the crime was reported to police, and ultimately they found the suspect on a Solberg street, Richardson said.

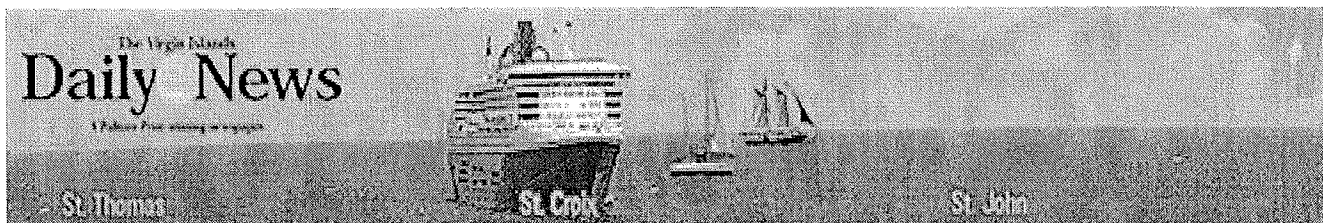
The victim identified Punter as her attacker at the police department's Zone A Command.

Punter was previously arrested on weapons charges and spent six months in jail in 2003, according to his criminal rap sheet. Police did not provide information on Friday regarding whether he is a suspect in other home invasion rapes reported in St. Thomas in recent years.

- Contact Joseph Tsidulko at 774-8772 ext. 332 or e-mail jtsidulko@dailynews.vi.

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EXHIBIT 12

**Full Story**

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Man accused of attacking a woman while he was nude must remain in jail**By JOSEPH TSIDULKO****Friday, February 16th 2007**

ST. THOMAS - A V.I. Superior Court judge on Thursday ordered that a man arrested on charges of breaking into a woman's Savan apartment in the nude, throwing her onto a sofa and then biting her foot be held in jail while awaiting trial.

Judge Brenda Hollar ruled that 24-year-old Cecil Punter - charged with first-degree burglary, third-degree assault and obscene and indecent conduct - is a danger to the community who should not be free to wander the streets.

Another Superior Court judge, Leon Kendall, released Punter on an unsecured bond at the defendant's preliminary hearing on Feb. 2. Kendall assigned the defendant's mother as a third-party custodian and ordered two weekly visits to a probation officer while Punter lived at his Hospital Ground home.

Punter was sent back to jail a few days following his arrest because he missed an appointment with a mental health professional, said Assistant Attorney General Courtney Reece. While the burglary suspect was in custody, prosecutors asked for the detention hearing to have him officially remanded to jail until trial.

Punter was still naked when police found him wandering the streets of Solberg on the evening of Feb. 1.

Officer Tracy Richardson testified at Thursday's hearing that the nude man told arresting officers he needed help and said he had no recollection of attacking a woman in her home just hours earlier.

Richardson wrote in a probable cause fact sheet that the victim had just escorted a friend out of her Silke Gade home when she saw Punter running around in the nude that day.

She said she ran up the stairs leading back to her house and tried to lock the front door, but Punter was able to force himself inside.

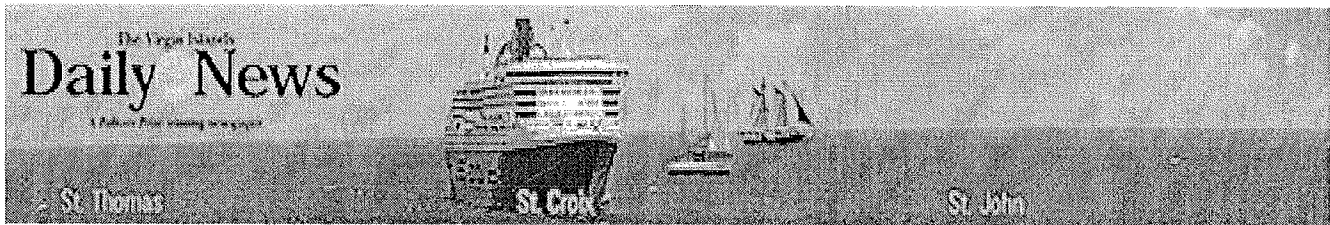
The woman said Punter threw her onto the sofa and tore her shirt off. But she managed to get away - screaming as she ran outside of the house. The woman grabbed the porch railing as Punter grabbed her and bit her foot, Richardson said.

About that time, the woman's 1-year-old son came outside and Punter ran away, Richardson said.

- Contact Joseph Tsidulko at 774-8772 ext. 332 or e-mail jtsidulko@dailynews.vi.

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EXHIBIT 13

[Full Story](#)[\[CLOSE WINDOW\]](#)

Two Tutu men charged in armed robbery on St. Peter Mountain Road

By JOSEPH TSIDULKO

Thursday, January 25th 2007

ST. THOMAS - Police arrested two suspected armed robbers Wednesday on suspicion of holding up a man at gunpoint earlier that morning on St. Peter Mountain Road.

Alanzo Williams, 19, and Dale Richards, 26, were taken into custody at 7 a.m. and charged with first-degree robbery, according to the police department's arrest log.

The two Estate Tutu men were identified as the assailants in an armed robbery reported at 6:19 a.m., according to police.

Bail was set for each man at \$75,000.

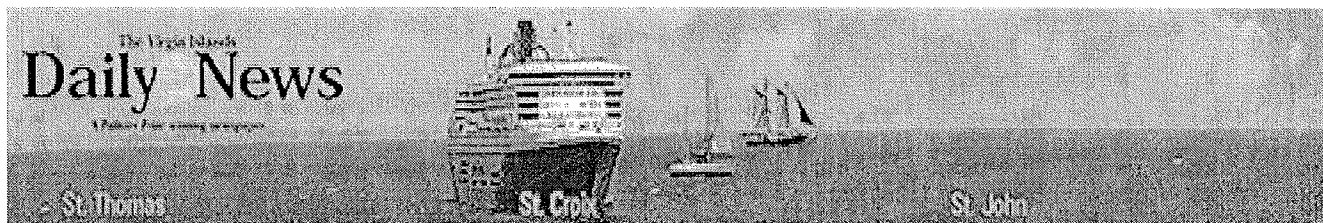
They will both face a judge this morning at an advice-of-rights hearing.

Police were unable to provide more information on Wednesday about the circumstances under which the two suspects were apprehended.

- Contact Joseph Tsidulko at 774-8772 ext. 332 or e-mail jtsidulko@dailynews.vi.

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EXHIBIT 14

**Full Story**

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Armed robbery suspects released without posting bail; judge says they pose no threat**By JOSEPH TSIDULKO****Friday, January 26th 2007**

ST. THOMAS - After upholding the arrests of two men charged with perpetrating a gunpoint robbery at daybreak in North Star Village, a V.I. Superior Court judge released the defendants on Thursday without securing bail.

Judge Leon Kendall said Alanzo Williams and Dale Richards, charged with holding up a man just after 6 a.m. Wednesday along St. Peter Mountain Road, do not pose a threat to the community.

Police arrested 19-year-old Williams and 26-year-old Richards minutes after the armed robbery. The victim immediately called 911 to report the crime and provided authorities with a description of the car the men were driving and the license plate number.

Central dispatch informed responding officers that the silver Honda Civic's registered owner was Richards and radioed them the suspect's Tutu address. Several patrol officers quickly sealed all roads leading away from the crime scene, stopping the Honda at an intersection separating Donoe and Wintberg estates.

Officer Tracy Richardson testified at Thursday's hearing that as police closed in on the car, he saw a handgun in the center console. After Williams and Richards were detained, the robbery victim identified both of them as his assailants, according to Richardson.

Kendall found probable cause to charge both men with first-degree robbery, possession of an unlicensed firearm and unauthorized possession of ammunition. However, he said bail amounts of \$75,000 for each defendant - set in accordance with a schedule used by police - were too high.

Kendall released Williams on his own recognizance and allowed Richards to leave jail on a \$20,000 unsecured bond - one not requiring any collateral - into the third-party custody of his mother.

Williams has not had any previous run-ins with the law. Richards' criminal records indicate he was arrested before, on suspicion of armed robbery, rape and unlawful sexual contact.

The armed robbery case was dismissed in July 2001. While rape charges were also dismissed, Richards received a two-year suspended sentence in 2001 on the two unlawful-sexual-contact counts in that same case.

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EXHIBIT 15



Full Story

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Man, 32, charged formally with rape of 17-year-old girl

By MERLIN JnBAPTISTE

Tuesday, February 14th 2006

ST. THOMAS - A 32-year-old Sugar Estate man accused of raping a 17-year-old girl was advised of his rights on Monday in Superior Court.

Judge Leon Kendall dismissed the \$75,000 bail that had been set for Desmond Hodge on the first-degree rape charges, and he instead required an unsecured bond of \$5,000 for Hodge's release. Kendall did not explain the bail reduction.

As of Monday afternoon, Hodge had not been released. Hodge was arrested Saturday.

Detective Alva Chesterfield testified Monday in court that a 17-year-old girl was visiting Hodge's Sugar Estate home about 3 p.m. Saturday. She asked him for money, Chesterfield said.

The girl started to leave the house when Hodge refused to give her the money. He then "grabbed her from behind and asked her to dance with him," the officer said.

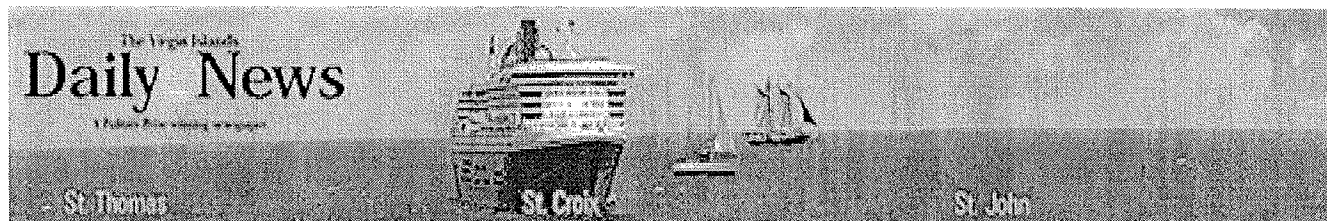
The girl told police that she struggled to get away from Hodge, but he managed to take her into a bedroom. Chesterfield said the attack stopped when a car horn sounded outside of the home.

The girl told police she ran from the house and Hodge followed her up the street. "He kept telling her to stop crying," Chesterfield said. The girl notified her mother and was taken to the hospital, he said.

Chesterfield said a rape kit was performed and specimens were collected from Hodge.

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EXHIBIT 16

[Full Story](#)[\[CLOSE WINDOW\]](#)

Man accused of attacking ex-girlfriend is freed

By **AYESHA MORRIS**

Saturday, December 6th 2003

ST. THOMAS - Rensfield Jarvis, 33, of Paul M. Pearson Gardens housing community was advised of his rights on aggravated assault and battery charges and released from jail on his own recognizance after a hearing in Territorial Court on Friday.

Jarvis was arrested Thursday on charges that he assaulted his ex-girlfriend.

Police Detective Alpha Harris testified Friday that Jarvis' ex-girlfriend reported that on Nov. 29 at around 6:30 p.m., Jarvis approached her outside the Market Square East movie theater and asked if they could get back together. She said she told him no. After the movie, he met her outside of the theater and asked her again to start the relationship over, and she told him no again, Harris said.

"He grabbed her around the neck and pushed her on the ground," Harris said the woman told police. "When she tried to get back up, he dragged her."

Jarvis was arrested at 4 p.m. Thursday. His bail was set at \$1,000.

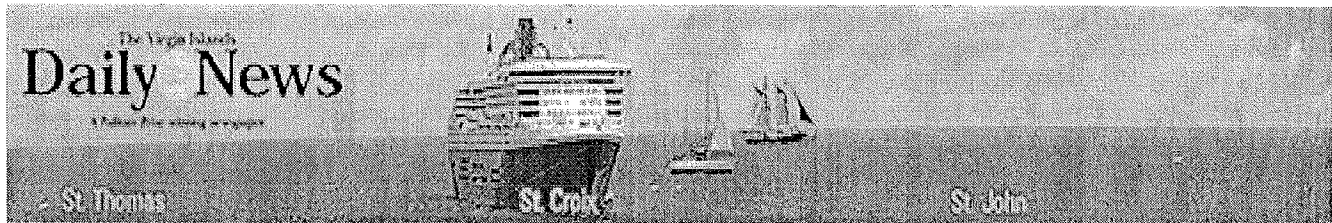
Judge Leon Kendall ordered him to stay away from the victim.

The woman was treated at Schneider Hospital for scratches and bruises on her foot, Harris said.

Jarvis is scheduled to appear in court again on Dec. 11 for arraignment.

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EXHIBIT 17

[Full Story](#)[\[CLOSE WINDOW\]](#)

Attack sparks criticism of Judge Kendall by victim advocates

By JOY BLACKBURN

Thursday, December 18th 2003

ST. THOMAS - Police are looking for a man who was released on his own recognizance earlier this month after being accused of attacking his ex-girlfriend on St. Thomas. He is being sought on assault charges in the Monday night attack of the same woman.

Local victim advocates say they are outraged that the man was released without having to post bail after the first incident.

"I think it's absolute evidence of how we are every day putting victims at risk," said Iris Kern, executive director of The Safety Zone on St. John. "We are putting victims at risk, and we are telling them how little we value them."

Rensfield Jarvis, 33, was one of three men on St. Thomas accused of attacking women in domestic violence incidents earlier this month and then released on their own recognizance by Territorial Judge Leon Kendall.

"Every one of these women's lives are at risk," Kern said.

Police spokesman Sgt. Thomas Hannah on Wednesday did not have the police report on the Monday night attack, but he said that the victim required treatment for her injuries at Schneider Hospital. At this time, the incident is being classified as a third-degree assault, he said.

Victim advocates said the woman was hit with a rock.

"He did re-offend when he was released by our wonderful Judge Kendall, and he beat the woman with a rock," said Mary Mingus, co-director of the Women's Coalition on St. Croix. "It is our opinion that Judge Kendall could have been in violation of the bail reform act by releasing people who are a danger on their own recognizance."

Kendall said Monday - prior to the second attack involving Jarvis - that he was upholding the federal bail reform act and territorial law when he released the men on their own recognizance.

"The purpose of bail is not to punish the defendant, regardless of how heinous the crime may be," Kendall said. "The purpose of bail is to ensure that the defendant appears for trial."

Jarvis, who lives in Paul M. Pearson Gardens housing community, was arrested Dec. 4. He was accused of grabbing his ex-girlfriend around the neck, throwing her to the ground and dragging her on Nov. 29 outside the Market Square East movie theater. Police said the attack began when Jarvis asked the victim if they could get back together. She refused.

When arrested, Jarvis was charged with aggravated assault and battery, and bail was set at \$1,000. At his initial appearance before Kendall, he was released on his own recognizance and ordered to stay away from the victim.

Victim advocates referred to two other incidents:

- Laughton Thibou, 38, is accused of stabbing his wife several times in the face and eyes after an argument in their home Dec. 4. Police found the bloodied victim walking on an Agnes Fancy Road. She told them she had escaped through a window.

Although Thibou's bail on a first-degree assault charge was set at \$80,000, Kendall released him on his own recognizance the next day and ordered him to stay away from his wife, find another place to live and to surrender his travel documents.

- Arnold Bell of Smith Bay is accused of stabbing his child's mother in the head with a steak knife on Dec. 4 in front of the victim's children. The victim was found lying on the porch, crying, bleeding from the head and naked from the waist down. Her teen-age son was trying to help her while her three daughters cried nearby.

The woman told police, "Next time, he's going to kill me."

Bell was arrested the next day, after police were called to the home again and found him in the driveway. At his initial appearance before Kendall, Bell was released on his own recognizance and ordered to stay away from the victim.

"These women were brutalized - put in life-threatening situations. They were beaten, stabbed, dragged on the ground and attacked in front of their children. These are heinous crimes that need to be taken seriously by our court system," Mingus said. "How could a judge release men who are this incredibly violent on their own recognizance?"

Kendall said he is upholding the law.

"I am not going to get emotional and hysterical about these offenses," Kendall said. "It is not the law. I am not going to punish anybody prior to being tried and convicted."

Kendall said his obligation at the advice of rights hearing is to determine whether police had probable cause to arrest the defendant and to set bail. He said the first thing he is required by law to consider is releasing the defendant on his own recognizance.

Kendall said federal law requires him to consider either the flight risk posed by the defendant or the safety of the community and the victim - but not both. However, he said that in domestic violence cases he takes both factors into account.

Territorial Presiding Judge Maria Cabret would not comment Tuesday on Kendall's interpretation of the law, saying that she is prohibited from doing so by the code of judicial conduct.

Christine Hutton, a professor of law at the University of South Dakota, said that her understanding of the federal bail reform act is that judges are to consider both the flight risk the defendant poses and the danger to the victim and community.

Daniel Dodson, a spokesman for the National Association of Criminal Defense Lawyers, said that federal law indicates that judges are to take both factors - the defendant's flight risk and the safety of the community and victim - into account when considering bail, "but the spirit of the law in bail cases should be that the presumption is in favor of pre-trial release."

V.I. Attorney General Iver Stridiron said he agrees with Kendall's interpretation of the law. Stridiron said he does not question Kendall's decision in any of the three cases.

Kern, Mingus and Sandra Hodge, acting executive director of The Family Resource Center on St. Thomas, said that domestic violence victims are in greater danger once a batterer has been arrested and then is released.

"The dynamics of domestic violence speak to the fact that you are dealing with power and control issues. If the perpetrator is losing control of the victim, they will go to increased lengths to maintain their power and control," Kern said. "If slashing doesn't work, the next step is even more horrendous."

Kendall said his rulings protected victims by ordering defendants to stay away from them.

Victim advocates disagreed.

"Many, many batterers do not obey court orders," Mingus said. "It's been a proven fact that when a woman leaves the situation after an incident, her life is more in danger because of the power and control issues."

The Daily News could not reach Kendall for comment after police confirmed they were looking for Jarvis in connection with a second reported attack on his ex-girlfriend.

Kendall said Monday that if an accused domestic violence perpetrator killed a victim after being released on his or her own recognizance, the perpetrator would be charged with murder.

"I am dealing with the situations before me," Kendall said. "I cannot speculate about those things."

Mingus said that releasing the men accused of the assaults on their own recognizance sends a powerful message.

"In my opinion, the message to the community is that domestic violence is not an important or serious crime," Mingus said.

Kendall said that he does take domestic violence seriously but that bail is not meant to be a punishment.

"I am putting out a message that excessive bail will not be tolerated in my court and that the presumption of innocence shall reign supreme," Kendall said.

Kern said she thinks domestic violence training for judges needs to be mandated by law.

"I don't see any other way to get through to them. We have not been successful," Kern said.

Kendall said that during two weeks of training he participated in at the National Judicial College in October, he did take a course in domestic violence.

"Nobody is going to lecture me about the evils of domestic violence. All I am saying is that when an alleged perpetrator of domestic violence comes before me, my job is to ensure that they appear for trial," Kendall said.

The 25th Legislature overwhelmingly confirmed Kendall's appointment to the bench Sept. 3, despite criticism that surfaced during the confirmation process about his judicial temperament and trial experience. He was sworn in Oct. 3.

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