

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA

LOUIS M. WILLIS,
Petitioner,

v.

TERRITORY OF THE VIRGIN ISLANDS,
Respondent.

On Petition for Writ of Certiorari to the
Supreme Court of the Virgin Islands.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner, LOUIS M. WILLIS, asks leave to file the accompanying petition for writ of certiorari, without prepayment of costs, and to proceed *in forma pauperis*. Petitioner was represented by court appointed counsel, the Office of the Territorial Public Defender, in Supreme Court of the Virgin Islands and was permitted to proceed *in forma pauperis* in that Court.

This motion is filed pursuant to Rule 39 of this Court and title 4, section 513 of the Virgin Islands Code. Petitioner has previously been granted leave to proceed

in forma pauperis in the following courts:

1. The District Court of the Virgin Islands.
2. The Supreme Court of the Virgin Islands, pursuant to title 4, section 513 of the Virgin Islands Code, which order is annexed to this motion.

For the foregoing reasons, Petitioner requests this Court to grant leave for him to proceed *in forma pauperis* without payment of costs and fees.

Date: November 13, 2019.

Respectfully submitted,



Kelechukwu Chidi Onyejekwe
Appellate Public Defender
Counsel of Record
Office of the Territorial Public Defender
P.O. Box 6040
Saint Thomas
United States Virgin Islands 00804
Telephone: 340 774-8181
Facsimile: 340 774-3052

Counsel for Petitioner

July 1, 2016

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

LOUIS M. WILLIS,
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS
Appellee/Plaintiff.

S. Ct. Crim. No. 2015-0078
Re: Super. Ct. Crim. No. 74/2014(STT)

2016 JUL - 1 PM 2:26

SUPREME COURT

NOTICE OF ENTRY OF JUDGMENT/ORDER

TO: Justices of the Supreme Court
Louis Milton Willis
09488-094
FCI Morgantown
Federal Corrections Institution
P.O. Box 1000
Morgantown, West Virginia 25507
“LEGAL MAIL – please open in the presence of inmate only”
Treston E. Moore, Esq.
Samuel L. Joseph, Esq., Chief Territorial Public Defender
Kimberly L. Salisbury, Esq., AAG
Veronica J. Handy, Esq., Clerk of the Court
Supreme Court Law Clerks
Supreme Court Secretaries
Order Book

Please take notice that on July 1, 2016, a(n) **ORDER** dated July 1, 2016, was entered by the Clerk in the above-entitled matter.

Dated: July 1, 2016

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 

Sandra A. Henry
Deputy Clerk II

July 1, 2016

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

LOUIS M. WILLIS,
Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,
Appellee/Plaintiff.

S. Ct. Crim. No. 2015-0078
Re: Super. Ct. Crim. No. 74/2014 (STT)

2016 JUL - 1 PM 2:00

SUPREME COURT

On Appeal from the Superior Court of the Virgin Islands

ORDER

THIS MATTER is before the Court on Attorney Treston Moore's Entry of Limited Appearance, filed on June 27, 2016 and Motion to Extend Time filed on June 29, 2016. Appellant filed this appeal *pro se* along with an application to proceed *In Forma Pauperis* ("IFP"). That application was denied on November 17, 2015 based on Appellant's failure to include a full financial disclosure. Appellant was allowed to file a renewed application to proceed IFP within 14 days.

After Appellant failed to submit any further documents in this appeal, the Court issued a *sua sponte* Order on June 8, 2016 noting that the Virgin Islands Supreme Court Rules require his retained counsel in the criminal matter, Treston Moore, Esq., to continue to represent him until granted leave to withdraw. *See* V.I.S.C.T.R. 210.3(e). The Court therefore appointed Attorney Moore for the limited purpose of advising whether Appellant intends to continue with this appeal and, if so, filing Appellant's renewed application to proceed IFP. Additionally, in the event that the motion is granted, Attorney Moore was required to advise as to whether he would like to be appointed.

July 1, 2016

VERONICA MANDY, ESQUIRE
CLERK OF THE COURT

Willis v. People
S. Ct. Civ. No. 2015-0078
Order
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In his Entry of Limited Appearance, Attorney Moore discusses the breakdown in communication and the Appellant's failure to comply with the retainer agreement both during and after Appellant's Superior Court proceedings. He also states that Appellant was relocated to another prison and has a new mailing address. Finally he states that he sent a letter to Appellant on January 25, 2016 stating that he would provide "transitional assistance to Appellant and/or his new counsel," but received no response. In his motion for an extension of time, Attorney Moore further discusses his difficulties with Appellant in this case and his continuing efforts to obtain all financial information in order to complete a renewed application to proceed IFP. Additionally, he provides the steps that can be taken in order to obtain the financial information regarding any encumbrances on his property.¹ Based on Attorney Moore's statements, the Court will vacate its June 8, 2016 Order appointing him for the limited purpose of filing a Renewed Motion to Proceed IFP and will instead appoint the Office of the Territorial Public Defender (OTPD) for that purpose. See V.I.S.C.T.R.210.3(b). Accordingly, the premises considered, it is hereby

ORDERED that the Court's June 8, 2016 Order is **VACATED**; and it is further

ORDERED that the Office of the Territorial Public Defender is hereby **APPOINTED** to represent Appellant for the limited purpose of either filing a Renewed Motion to Proceed *In Forma Pauperis* or a Statement that Appellant no longer wishes to pursue this appeal, which **SHALL BE FILED** within 21 days of the date of entry of this Order; and it is further

¹ Additionally, Attorney Moore states, and the docket entries confirm, that Appellant qualified for CJA funding and was appointed counsel in his proceedings before the District Court of the Virgin Islands, Division of St. Thomas and St. John, *United States v. Willis*, Case No. 3:14-cr-00028 -which took place during the time this case was pending before the Superior Court. He was also appointed counsel before the United States Court of Appeals for the Third Circuit, Case No. 15-2264, which is currently under advisement. But his financial statements in these matters are not accessible for public review. Moreover, he may have been unable to retain counsel for his federal proceedings because he had already retained counsel for his local proceedings. Finally, in light of his stated income within the past 12 months, the value of the property that he owns, and the absence of a statement that there are any encumbrances on this property, the Court will still require a full financial disclosure, regardless of the federal courts' determinations that he qualified for CJA funding.

July 1, 2016

VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

Willis v. People
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ORDERED that Attorney Treston Moore **SHALL PROVIDE** all necessary assistance to the Office of the Territorial Public Defender in order to file a Renewed Application to Proceed *In Forma Pauperis*; and it is further

ORDERED that the Motion to Extend Time is **DENIED AS MOOT**; and it is further

ORDERED that copies of this Order shall be distributed to the appropriate parties.

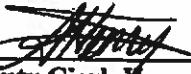
SO ORDERED this 1st day of July, 2016.



RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk II

Dated: July 1, 2016

Copies to:

Justices of the Supreme Court
Louis Milton Willis
09488-094
FCI Morgantown
Federal Corrections Institution
P.O. Box 1000
Morgantown, West Virginia 25507

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Treston E. Moore, Esq.
Samuel L. Joseph, Esq., Chief Territorial Public Defender
Kimberly L. Salisbury, Esq., Assistant Attorney General
Veronica J. Handy, Esq., Clerk of the Court
Supreme Court Law Clerks
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