

ant to section 1612(b) of this title shall continue to be had by information, except such as may be required by the local law to be prosecuted by indictment by grand jury.

**(c) United States marshal**

The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 37 of title 28 shall apply.

(July 22, 1954, ch. 558, §24, 68 Stat. 506; Pub. L. 85-851, §7, Aug. 28, 1958, 72 Stat. 1095; Pub. L. 91-272, §3(b), June 2, 1970, 84 Stat. 296; Pub. L. 98-454, title VII, §706(a), (b), Oct. 5, 1984, 98 Stat. 1740.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

In subsec. (c), “chapter 37 of title 28” substituted for “chapter 33 of title 28” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, section 4(c) of which revised part II of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454, §706(a), substituted provisions extending the term of a judge of the district court from eight to ten years, further substituted “of a court of the Virgin Islands established by local law,” for “a judge of the municipal court of the Virgin Islands,” in third sentence, and inserted provisions regarding the designation of the chief judge.

Subsec. (b). Pub. L. 98-454, §706(b), substituted provisions relating to criminal procedure in the district courts for former provisions which related to the chief judge of the district court and which are now set out in subsec. (a).

1970—Subsec. (a). Pub. L. 91-272 designated existing provisions as subsec. (a), increased from one to two the number of district judges, added judges of the municipal court of the Virgin Islands to the list of judges from which may be drawn temporary judges for the district court, and transferred to subsec. (c) provisions covering the appointment of a United States marshal for the Virgin Islands.

Subsec. (b). Pub. L. 91-272 added subsec. (b).

Subsec. (c). Pub. L. 91-272 added subsec. (c), the substance of which was formerly contained in subsec. (a).

1958—Pub. L. 85-851 substituted “the Attorney General shall appoint a United States marshal” for “the Attorney General shall, as heretofore, appoint a marshal and one deputy marshal”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

CHIEF JUDGE; DISTRICT COURT; DETERMINATION AND QUALIFICATIONS

Pub. L. 98-454, title VII, §706(c), Oct. 5, 1984, 98 Stat. 1741, provided that: “The provisions of subsection (a) of this section [amending this section] regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title].”

EXTENSION OF TERM OF DISTRICT JUDGES

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984,

see section 1004 of Pub. L. 98-454, set out as a note under section 1424b of this title.

PRESENT INCUMBENT

Enactment of this chapter as not affecting term of office of judge of the District Court of the Virgin Islands in office on the date of its enactment, see Effective Date note set out under section 1541 of this title.

RESIGNATION AND RETIREMENT OF JUDGES

Resignation and retirement of judges in the Territories and possessions, see section 373 of Title 28, Judiciary and Judicial Procedure.

**§ 1615. Judicial divisions**

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays.

(July 22, 1954, ch. 558, §25, 68 Stat. 507; Pub. L. 95-598, title III, §336(b), Nov. 6, 1978, 92 Stat. 2680; Pub. L. 98-454, title VII, §707, title X, §1001, Oct. 5, 1984, 98 Stat. 1741, 1745; Pub. L. 101-219, title II, §203, Dec. 12, 1989, 103 Stat. 1874.)

AMENDMENTS

1989—Pub. L. 101-219 struck out provision that court for the Division of Saint Croix be held in Christiansted and for the Division of Saint Thomas and Saint John at Charlotte Amalie.

1984—Pub. L. 98-454 amended section generally, inserting provisions setting forth places for the holding of court of each judicial division and striking out provisions relating to the applicability of procedural rules and prosecutions by information and indictment, which are now covered under section 1614 of this title, and repealed section 336 of Pub. L. 95-598 which had amended this section.

1978—Pub. L. 95-598 substituted “section 2075 of title 28 in cases under title 11” for “section 53 of title 11 in bankruptcy cases”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-598, title IV, §402(e), Nov. 6, 1978, 92 Stat. 2682, which provided a prospective effective date for the amendment of this section by section 336(b) of Pub. L. 95-598, was repealed by Pub. L. 98-454, title X, §1001, Oct. 5, 1984, 98 Stat. 1745.

**§ 1616. Trial by jury**

All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

(July 22, 1954, ch. 558, §26, 68 Stat. 507; Pub. L. 85-851, §8, Aug. 28, 1958, 72 Stat. 1095.)

AMENDMENTS

1958—Pub. L. 85-851 substituted requirement of jury trial upon demand by defendant or Government for pro-