

of a common scheme or plan, if such act or transaction or acts or transactions also constitutes or constitute an offense or offenses against one or more of the statutes over which the District Court of the Virgin Islands has jurisdiction pursuant to subsections (a) and (b) of this section.

(July 22, 1954, ch. 558, §22, 68 Stat. 506; Pub. L. 95-598, title III, §336(a), Nov. 6, 1978, 92 Stat. 2680; Pub. L. 98-454, title VII, §703(a), title X, §1001, Oct. 5, 1984, 98 Stat. 1738, 1745; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

#### AMENDMENTS

1986—Subsec. (a). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1984—Pub. L. 98-454 amended section generally, designating existing provisions as subsec. (a), substituted provisions that District Court would have all jurisdiction of a district court of the United States, including diversity jurisdiction and bankruptcy jurisdiction as well as civil and criminal matters regarding the income tax laws applicable to the Virgin Islands for former provisions conferring general jurisdiction on the court and providing for the transfer of cases, repealed section 336 of Pub. L. 95-598, which had amended this section, and added subsecs. (b) and (c).

1978—Pub. L. 95-598 inserted “and a bankruptcy court” after “jurisdiction of a district court”.

#### 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(a) of Pub. L. 95-598, was repealed by Pub. L. 98-454, title X, §1001, Oct. 5, 1984, 98 Stat. 1745.

#### JURISDICTION OF DISTRICT COURT OVER PENDING CASES

Pub. L. 98-454, title VII, §703(b), Oct. 5, 1984, 98 Stat. 1738, provided that: “The provisions of this section [amending this section] shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title] and such complaint and proceeding may be pursued to final determination in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, and the Supreme Court, notwithstanding the provisions of this amendatory Act [Pub. L. 98-454].”

### § 1613. Relations between courts of United States and courts of Virgin Islands; review by United States Court of Appeals for Third Circuit; reports to Congress; rules

The relations between the courts established by the Constitution or laws of the United States and the courts established by local law with re-

spect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings.

(July 22, 1954, ch. 558, §23, 68 Stat. 506; Pub. L. 98-454, title VII, §704, Oct. 5, 1984, 98 Stat. 1739; Pub. L. 103-437, §17(a)(4), Nov. 2, 1994, 108 Stat. 4595; Pub. L. 112-226, §1, Dec. 28, 2012, 126 Stat. 1606.)

#### AMENDMENTS

2012—Pub. L. 112-226 substituted a period for “: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 1611(a) of this title, the United States Court of Appeals for the Third Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of the Virgin Islands from which a decision could be had. The Judicial Council of the Third Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this section.” at end.

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

1984—Pub. L. 98-454 amended section generally, substituting provisions relating to the relations between local law courts and already established courts under the Constitution or laws of the United States with respect to appeals, certiorari, etc. and providing that the Court of Appeals for the Third Circuit shall have jurisdiction to review all final decisions from the highest court of the Virgin Islands for fifteen years after the appellate court is established for former provisions relating to the jurisdiction of inferior courts, transfer of actions, status as committing court, bail and rules.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-226 applicable to cases commenced on or after Dec. 28, 2012, see section 3 of Pub. L. 112-226, set out as an Effective Date note under section 1260 of Title 28, Judiciary and Judicial Procedure.

#### 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.

### § 1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Third Circuit; rules; appeals to appellate court

#### (a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1611(a) of this title, the District Court of the Virgin Islands shall have such appellate jurisdiction over the courts of the Virgin Islands established by local law to the extent now or hereafter prescribed by local law: *Provided*, That the legislature may not preclude the review of any judgment or order which

involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Virgin Islands or of any order or regulation issued or action taken by the executive branch of the government of the Virgin Islands with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

**(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions**

Appeals to the District Court of the Virgin Islands shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The chief judge of the district court shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1614(a) of this title: *Provided*, That no more than one of them may be a judge of a court established by local law. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure. Appeals pending in the district court on the effective date of this Act<sup>1</sup> shall be heard and determined by a single judge.

**(c) United States Court of Appeals for Third Circuit; jurisdiction; appeals; rules**

The United States Court of Appeals for the Third Circuit shall have jurisdiction of appeals from all final decisions of the district court on appeal from the courts established by local law. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

**(d) Appeals to appellate court; effect on District Court**

Upon the establishment of the appellate court provided for in section 1611(a) of this title all appeals from the decisions of the courts of the Virgin Islands established by local law not previously taken must be taken to that appellate court. The establishment of the appellate court shall not result in the loss of jurisdiction of the district court over any appeal then pending in it. The rulings of the district court on such appeals may be reviewed in the United States Court of Appeals for the Third Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

<sup>1</sup> See References in Text note below.

(July 22, 1954, ch. 558, §23A, as added Pub. L. 98-454, title VII, §705, Oct. 5, 1984, 98 Stat. 1739.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

The effective date of this Act, referred to in subsec. (b), probably means the effective date of title VII of Pub. L. 98-454, which is 90 days after Oct. 5, 1984, and which enacted this section.

EFFECTIVE DATE

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

**§ 1614. Judges of District Court**

**(a) Appointment; tenure; removal; chief judge; compensation**

The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of ten years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The judge of the district court who is senior in continuous service and who otherwise qualifies under section 136(a) of title 28 shall be the chief judge of the court. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of a court of record of the Virgin Islands established by local law, or a circuit or district judge of the Third Judicial Circuit, or a recalled senior judge of the District Court of the Virgin Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

**(b) Criminal offenses; procedure; definitions; indictment and information**

Where appropriate, the provisions of part II of title 18 and of title 28 and, notwithstanding the provisions of rule 7(a) and of rule 54(a) of the Federal Rules of Criminal Procedure relating to the requirement of indictment and to the prosecution of criminal offenses in the Virgin Islands by information, respectively, the rules of practice heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the district court and appeals therefrom: *Provided*, That the terms "Attorney for the government" and "United States attorney" as used in the Federal