

VI Criminal Procedure (Excerpt)

The courts of the Virgin Islands are comprised of the *District Court of the Virgin Islands* ("District Court"), the *Superior Court of the Virgin Islands* ("Superior Court"), and the Supreme Court of the Virgin Islands ("V.I. Supreme Court").

The Superior Court has jurisdiction to try only offenses that violate Virgin Islands laws (*territorial offenses*).

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The VI Supreme Court has appellate jurisdiction to review the final judgments, decrees and orders of the Superior Court.

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Because the Virgin Islands is an *unincorporated territory* of the United States, provisions of the federal Constitution do not automatically apply in the Virgin Islands. Only "fundamental" constitutional rights automatically apply in the Virgin Islands; "remedial" constitutional rights only apply to the Virgin Islands if the United States Congress has enacted legislation applying those rights. This is called the ***doctrine of territorial incorporation***.

Domestic Relations **(Excerpt)**

Vesper Marriage

A vesper marriage is a civil marriage between a man and woman who are both *over 60 years of age*, competent, and unmarried. Parties agree to live together as Husband and Wife but with no interest in or claim to the others marital estate, property or income and without a legal right of inheritance from the other (eg. intestate distribution to surviving spouse).

Parties to Vesper Marriage would assume only the duties of care, maintenance and support of the other while they live together. If things do not work out, marriage can be easily terminated.

Domestic Violence

The Virgin Islands Domestic Violence Statute is designed to protect “victims” of domestic violence. “Victim” is not limited to wives.

A victim may seek *ex parte* emergency relief in the form of a Temporary Restraining Order (“TRO”).

EXAM QUESTION

(Example)

In 1990, when he was 21, Harry, with the help of his older brother, purchased land in Estate Contant on St. Thomas. The property was deeded to Harry and his brother as joint tenants. Harry built a home on the property in 1991 where he lived alone for several years. Harry's brother lived elsewhere.

In 1995, Harry met Wilma, the woman of his dreams. Harry married Wilma soon thereafter and Wilma moved into the house in Estate Contant with Harry.

The dream faded five years later and Harry and Wilma separated in June of 2000. Wilma moved out of the house when the persistent arguing with Harry over money made her life miserable. She filed for divorce in July 2000, prior to her finding out in August of 2000 that Harry had been having a secret affair during their marriage with one of Harry's co-workers.

In her divorce petition, Wilma petitioned the court to give her possession of the marital home in Estate Contant. After learning of Harry's infidelity, Wilma amended the petition, claiming that Harry's extramarital affair contributed to the end of the marriage.

Will the divorce court distribute the Estate Contant home to Wilma?