

“(a) Application for the Original Writ. All applications for a writ of habeas corpus pursuant to 4 V.I.C. § 31(b)(2) must be accompanied with a statement explaining why the application has not and cannot be made to the Superior Court in the first instance. If the petitioner fails to include such a statement, or if the reasons given in the statement are insufficient to establish that relief cannot be obtained from the Superior Court or other appropriate forum, the Chief Justice or the panel may dismiss the petition without prejudice to its re-filing in the Superior Court. If the panel determines that the petitioner has met his burden of establishing that exceptional circumstances warrant this Court entertaining an application for writ of habeas corpus in the first instance, proceedings on such application shall conform, as far as is practicable, to the procedure prescribed in subdivisions (a) and (b) of Rule 13.

(b) Appeals as of Right from Superior Court. Notwithstanding the provisions of subdivision (a) of this Rule, a final order of the Superior Court denying an application for writ of habeas corpus brought pursuant to chapter 91 of title 5 of the Virgin Islands Code may be appealed to the Supreme Court as of right pursuant to 4 V.I.C. § 32(a) and Supreme Court Rule 5(a).”

It is further

ORDERED that these amendments **WILL TAKE EFFECT IMMEDIATELY**, and **SHALL REMAIN IN EFFECT** unless modified by order of this Court as a result of comments from the public and the local Bench and bar. It is further

ORDERED that, pursuant to V.I.S.C.T.R. 37, the public as well as members of the local Bench and bar **MAY SUBMIT WRITTEN COMMENTS** on this proposed amendment to the Clerk of the Court within thirty (30) days of entry of this order. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 20th day of December, 2010.

_____/s/
IVE ARLINGTON SWAN
Associate Justice

_____/s/
MARIA M. CABRET
Associate Justice

_____/s/
RHYS S. HODGE
Chief Justice