

REC'D FROM
MARSHAL TONCE
ON OR ABOUT
2019-0604

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISIONS OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS)
)
 Plaintiff)
)
 vs.)
)
 GERARD BRUNN)
)
 Defendant)
)

CRIMINAL NO.: ST-18-CR-289

JUDGMENT OF ACQUITTAL

THIS MATTER came on for trial, without a jury, before the Honorable Magistrate Judge of the Superior Court, Henry V. Carr, III, on Thursday, May 16, 2019. Defendant, Gerard Brunn, appeared with Assistant Public Defender, Paula D. Norkaitis, Esq. The People of the Virgin Islands appeared through Assistant Attorney General, Brenda C. Scales, Esq. Both parties testified. Detective Stephanie Gabriel testified for the People. The complaining witness, Janice Volk, also testified. The Court admitted certain documents into evidence, consisting mainly of photographs, pursuant to joint stipulations between the parties. The criminal complaint charged Defendant in Count One with the domestic violence offense of simple assault in violation of 14 V.I.C. §§ 292, 299(2) and 16 V.I.C. § 91(b)(2) and in Count Two with the domestic violence offense of disturbance of the peace by making threats in violation of 14 V.I.C. § 622(1) and 16 V.I.C. § 91(b)(11). The complaint further alleged that Defendant committed these criminal offenses on November 22, 2018 in the Judicial District of St. Thomas and St. John in the United States Virgin Islands.


During opening arguments, Attorney Scales stressed that there will be no other corroboration of Ms. Volk's testimony, except the photographs of her alleged injuries. On the other hand, Attorney Norkaitis stressed that while this will be a "she said/he said" case, without any independent corroboration, the photographs of Ms. Volk's alleged injuries will not show how they were caused and that they were certainly not caused by Defendant. As a result, the People will not be able to remove Defendant's cloak of innocence in order for the Court to find him guilty beyond a reasonable doubt.

At the conclusion of the trial, the Court took the case under advisement because it required additional time to reconcile the parties' acutely conflicting testimony and to review their video statements to determine what, if any, inconsistencies existed between their testimony at trial and their statements made closer to the time of the alleged criminal offenses. Ms. Volk also testified before this Magistrate Court at a domestic violence hearing held on December 6, 2018 that resulted in the issuance of a 24-month permanent restraining order against Defendant. Defendant's counsel had the recorded domestic violence hearing placed on a CD and filed with the Court. After hearing the testimony at trial, reviewing the documents admitted into evidence and comparing the

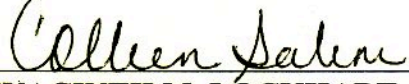
ORDERED, ADJUDGED AND DECREED that any bail that Defendant may have posted in this matter is exonerated and that he is released from the jurisdiction of this Court; and it is further

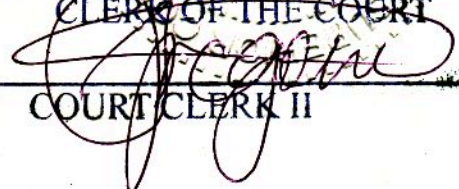
ORDERED, ADJUDGED AND DECREED that a copy of this Judgment of Acquittal shall be directed to Brenda C. Scales, Esq. Assistant Attorney General; Paula D. Norkaitis, Esq., Assistant Public Defender; Detective Stephanie Gabriel, Domestic Violence Crime Unit; and the Defendant.

DATED: May 23 2019


HENRY V. CARR, HI
Magistrate Judge
of the Superior Court of the Virgin Islands

ATTEST:
ESTRELLA H. GEORGE
Clerk of the Court

By: 
for **HYACINTH M. LOCKHART**
Court Clerk Supervisor 5 / 23 / 2019

A CERTIFIED TRUE COPY
DATE 5/23/2019
ESTRELLA H. GEORGE
CLERK OF THE COURT
BY 
COURT CLERK II