

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **15-2721**

JAMAL JUSTIN FAHIE, Petitioner

VS.

PEOPLE OF THE VIRGIN ISLANDS

(V.I. S. Ct. Crim. No. 2013-42)

Present: CHAGARES, GREENAWAY, JR. and SLOVITER, Circuit Judges

Submitted are:

- (1) Petitioner's petition for a writ of certiorari;
- (2) Respondent's response thereto;
- (3) Petitioner's reply; and
- (4) Petitioner's motion to file certain audio and video files in electronic format only

in the above-captioned case.

Respectfully,

Clerk

MMW/TRA/nmr

ORDER

The motion to file certain audio and video files in electronic format only is granted. The petition for a writ of certiorari is granted¹ on the following issues: (1) whether the Virgin Islands Supreme Court erred in ruling that it was appropriate for the

¹ Judge Greenaway, Jr. would have denied the petition for certiorari.

trial court to give an “aiding and abetting” instruction under the circumstances of this case; and (2) accepting the Virgin Islands Supreme Court’s ruling that the “anti-CSI” instruction was erroneous, whether the Virgin Islands Supreme Court used the correct standard to assess whether that error was harmless.

By the Court,

s/ Dolores K. Sloviter
Circuit Judge

Dated: February 16, 2016

NMR/cc: Pamela R. Tepper, Esq.
Su-Layne E. Walker, Esq.
David J. Cattie, Esq.