

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,

v.

RICHARDSON DANGLEBEN, JR.,

Defendant.

Case No. 2023-cr-00072

GOVERNMENT’S MOTION TO STAY PROCEEDINGS

The United States of America, by and through Delia L. Smith, United States Attorney for the District of the Virgin Islands, and Michel J. Conley, Assistant United States Attorney, respectfully requests that all proceedings in the above-captioned matter be stayed for at least 120 days in light of the Attorney General’s February 5, 2025 Memorandum Reviving the Death Penalty And Lifting the Moratorium on Federal Executions.

I. February 5th Memorandum.

On February 5, 2025, the Attorney General of the United States issued a memorandum to all Department of Justice employees entitled Memorandum Reviving the Death Penalty And Lifting the Moratorium on Federal Executions (hereinafter “Memorandum”). See Attachment 1.

This Memorandum provides, in pertinent part:

Pursuant to President Trump's Executive Order, federal prosecutors at the Department, including at U.S. Attorney's Offices, shall seek the death penalty- if that is a penalty proscribed by Congress-for the most serious, readily provable offenses, and if doing so is consistent with the relevant statutory considerations and other applicable regulations and Department of Justice guidance. Absent significant mitigating circumstances, federal prosecutors are expected to seek the death penalty in cases involving the murder of a law-enforcement officer and capital crimes committed by aliens who are illegally present in the United States.

Memorandum at 2. The Memorandum further outlines the Department’s intent to review

all Department decisions to refrain from seeking the death penalty in death-eligible cases since January 20, 2021.

The Attorney General's Capital Review Committee is directed to review no-seek decisions in all pending capital-eligible cases (i.e., death-eligible cases that have not yet resulted in a conviction) charged between January 20, 2021, and January 19, 2025. This group shall reevaluate no-seek decisions and whether additional capital charges are appropriate. Particular attention shall be paid to cases involving defendants associated with cartels or transnational criminal organizations, capital crimes committed by defendants present in the United States illegally, and capital crimes committed in Indian Country or within the federal special maritime and territorial jurisdictions. The review required by this paragraph shall be completed within 120 days.

Memorandum at 3.

II. Request for Stay

In light of the Memorandum, the government respectfully requests that the proceedings in this matter be stayed for 120 days in order to permit the Attorney General's Capital Review Committee to review the no-seek decision in this capital-eligible case. During any period in which the proceedings were to be stayed, the Speedy Trial clock would remain tolled as several motions remain pending in which a hearing is yet to be held. 18 U.S.C. § 3161(h)(1)(D).

Defense counsel's position on the Government's request for a stay is as follows:

Mr. Dangleben concurs that the omnibus hearing currently calendared for March 11-12, 2025, should be stricken. Mr Dangleben further concurs that upon the granting of his forthcoming motion for appointment of learned counsel, the parties shall meet and confer regarding the appropriate length of a stay of proceedings necessitated by the attached Executive Order and Attorney General's Memorandum. After meeting and conferring, the parties shall file a notice with the court outlining the parties' positions regarding the stay and further proceedings.

III. Conclusion

The government respectfully requests that all proceedings in the above-captioned matter be stayed for at least 120 days.

Respectfully submitted,

DELIA L. SMITH
UNITED STATES ATTORNEY

Dated: February 12, 2025

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