

## MEMORANDUM

**TO:** Jeffrey Epstein  
**FROM:** Darren K. Indyke  
**RE:** Voting in November 2, 2010 Election  
**DATE:** October 25, 2010

I have attached a copy of Title 18, Section 263 of the Elections law under the Virgin Islands Code. After speaking with Attorney Maria Hodge, it is my understanding that Section 263(a) is inapplicable because it was intended to apply to repeat offenders and not simply to an offender who happened to be convicted of two distinct felonies at the same time. As you were only convicted one time (June 30, 2008), it is Attorney Hodge's view that Section 263(a) is inapplicable to you, even though you were convicted at that time of two different felonies.

Since Section 263(a) appears to be inapplicable to your situation, then Section 263(b) would apply. Section 263(b) provides that "[e]very person who has been convicted by a court of competent jurisdiction of a felony . . . shall be debarred from voting for a period of one year following the date of his discharge." After speaking with Attorney Hodge, it is my understanding that it is her view that the "date of his discharge" refers to the date that you are discharged from the entirety of your sentence, including the community control portion of your sentence, ended on July 21, 2010. Attorney Hodge reached this conclusion after reviewing the attached opinion by the Virgin Islands Attorney General who opined that "discharge" does not occur until the probationary portion of sentence has concluded. Consequently, under Section 263(b), you are debarred from voting until one year after the conclusion of your community control or July 20, 2011.

Under the circumstances, it appears that you are unable to vote in, and, therefore, need not be present on St. Thomas for, the upcoming election on November 2, 2010.