

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

PEOPLE OF THE VIRGIN ISLANDS,)	CASE NO. ST-2025-CR-00323
)	
Plaintiff,)	14 V.I.C. § 1083(a)(1)
)	14 V.I.C. § 792(1)
vs.)	14 V.I.C. § 834(2)
)	14 V.I.C. § 792(1)
BRETT M. McCLAFFERTY,)	14 V.I.C. § 835(a)(1)
)	
Defendant.)	

ORDER GRANTING PERMISSION TO TRAVEL

THIS MATTER is before the Court on the Defendant’s Emergency Motion for Permission to Travel, filed on April 27, 2026. Defendant seeks permission to travel from St. Thomas to San Francisco, California from Monday, May 4, 2026, through Sunday, May 10, 2026 to “assist his cousin, Mason Smith, who will be having major intestinal surgery on Monday, April 27, 2026...”

Defendant asserts that if permission is granted, he will be flying from St. Thomas directly into Miami on Monday, May 4th, and stay the night the home of his friend, Julio Maldonado, who is a Chief in the U.S. Coast Guard. Mr. Maldonado’s address is 9036 SW 97th Ave., Apt. 2, Miami, Florida 33176, and his telephone number is (757) 615-4436. The following morning, Defendant will fly directly to San Francisco, where he will stay at the AC Hotel San Rafael Downtown, 1201 5th Avenue, San Rafael, California 94901, telephone number (628) 336-6500. On his return back to St. Thomas, Defendant will return to Miami, Florida on May 9th, where he will stay at the Miami Marriott Dadeland Hotel, located at 9090 S. Dadeland Boulevard, Miami, Florida 33156, telephone number (305) 670-1035. Finally, Defendant will fly from Miami to St. Thomas on May 10th.

The Motion represents that “Assistant Attorney General Patricia Lynn Prior has objected to this request.” No details are provided as the basis for the objections. However:

It is well-established, in the Virgin Islands and throughout the United States, that the purpose of bail and pretrial release conditions is not to punish the defendant, who is presumed innocent. Rather, the primary purpose of bail is to assure the presence of the defendant for trial under such conditions that also reasonably protect the community. *See* V.I. R. Crim. P. 5.1(b); *Tobal v. People*, 51 V.I. 147, 155 n.4 (V.I. 2009) (collecting cases); *see also United States v. Montalvo-Murillo*, 495 U.S. 711, 719-20 (1990). “Any bail or conditions of release that are not tailored to achieve the purpose of bail are considered excessive and therefore unconstitutional.” *Rieara*, 57 V.I. at 667. Therefore, it is unconstitutional to use bail or other pretrial release conditions as a mechanism to punish the defendant in advance prior to conviction for crimes that may or may not have been committed. *United States v. Alston*, 420 F.2d 176, 179 (D.C. Cir. 1969). And similarly, the fact that the prosecution chose to charge the defendant with a serious crime—*standing*

****553** *alone without more*—should have no bearing on the amount of bail or the conditions of pretrial release, since doing so “would inject into our own system of government the very principles of totalitarianism” which are antithetical to a free society by in effect granting the prosecution the authority to set bail or release conditions through its discretionary charging decisions. *Stack v. Boyle*, 342 U.S. 1, 4 (1951).¹

In addition, Defendant having filed a Waiver of Extradition on April 24, 2026, in support of his Emergency Motion to Travel, filed on January 5, 2026, the Court will grant Defendant permission to travel.

Accordingly, it is hereby

ORDERED that Defendant’s Emergency Motion for Permission to Travel, filed on April 27, 2026, is **GRANTED**; and it is further

ORDERED that the Defendant **Brett M. McClafferty**, is hereby **PERMITTED to travel to San Francisco, California from Monday, May 4, 2026, through Sunday, May 10, 2026**, to assist his cousin, Mason Smith, who will be having major intestinal surgery on Monday, April 27, 2026; and it is further

ORDERED that while in Miami, Florida on Monday, May 4, 2026, the Defendant shall reside with Julio Maldonado, at 9036 SW 97th Ave., Apt. 2, Miami, Florida 33176, and shall be reachable at all times at (757) 615-4436; and it is further

ORDERED that while in San Francisco, California, Defendant shall reside at the AC Hotel San Rafael Downtown, 1201 5th Avenue, San Rafael, California 94901, and shall be reachable at all times at telephone number (628) 336-6500; and it is further

ORDERED that while in Miami, Florida, on May 9, 2026, Defendant shall reside at the Miami Marriott Dadeland Hotel, located at 9090 S. Dadeland Boulevard, Miami, Florida 33156, and shall be reachable at all times telephone number (305) 670-1035; and it is further

ORDERED that prior to leaving St. Thomas, Virgin Islands, the Defendant shall **PROVIDE** the office of Probation with a copy of his travel itinerary or itineraries; and it is further

ORDERED that the Defendant shall **RETURN to St. Thomas, Virgin Islands, no later than May 10, 2026**; and it is further

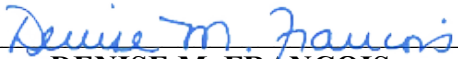
ORDERED that upon the first business day following his return to St. Thomas, Virgin Islands, the Defendant shall contact the Office of Probation to alert the Office of his return; and it is further

¹ *Moran v. People*, 76 V.I. 544, 552–53, 2022 VI 9, ¶ 17 (2022).

ORDERED that **all other conditions of Defendant's pretrial release remain in full force and effect**; and it is further

ORDERED that a copy of this Order Granting Permission to Travell shall be directed to Assistant Attorney General Jeremy G. Weddle, Attorney Nicole-Lynn King-Richardson, and the Office of Probation.

DATED: April 27, 2026



DENISE M. FRANCOIS
Judge of the Superior Court of the Virgin Islands

ATTEST:

TAMARA CHARLES
Clerk of the Court

BY: _____
LATOYA A. CAMACHO
Court Clerk Supervisor: ____/____/____