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Govt of VI v. Barton

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-1341

GOVERNMENT OF THE VIRGIN ISLANDS,

Appellant

v.

CHRISTOPHER BARTON

APPEAL FROM THE DISTRICT COURT OF THE VIRGIN ISLANDS

(D.C. No. 04-cr-00089)

Chief District Judge: The Honorable Raymond L. Finch

District Judge: The Honorable Thomas K. Moore

Territorial Judge: The Honorable Darryl Dean Donohue

ARGUED DECEMBER 5, 2005

BEFORE: SCIRICA, Chief Judge, McKee and Nygaard, Circuit Judges.

(Filed :April 5, 2006)

Richard S. Davis, Esq. (Argued)
Office of Attorney General of Virgin Islands
Department of Justice
34-38 Kronprindsens Gade
GERS Building, Second Floor
Charlotte Amalie, St. Thomas, USVI 00802

Counsel for Appellant

Andrew C. Simpson, Esq. (Argued)
5025 Anchor Way, Suite One
Gallows Bay
Christiansted, St. Croix, USVI 00820

Counsel for Appellee

OPINION OF THE COURT

NYGAARD, Circuit Judge.

The issue in this appeal is whether a copy of a court order, submitted in an attempt to establish the finality of a Florida custody order, was properly admitted into evidence during the trial of Christopher Barton for concealing a material fact from a government agency. The Territorial Court admitted the copy into evidence and, based entirely on the admitted copy, a jury convicted Barton. On appeal, the Appellate Division of the District Court (consisting of three District judges) reversed and vacated the sentence. We agree substantially with the Appellate Division's opinion that the copy was not admissible under any relevant Federal Rule of Evidence. Accordingly, we will affirm the Appellate Division's order vacating Barton's conviction.