

logo not found or type unknown

Lawyers Question Judge's Authority in Steven Payne Lawsuit Against Legislature, Seek Answers and Halt in Proceedings

April ruling by Judge Gumbs Carty keeps Payne's lawsuit against legislature alive

Senate / **Published On November 29, 2023 06:31 AM /**

Janeke Simon **November 29, 2023**

Image not found or type unknown



Former Senator Steven Payne Sr. By. V.I. LEGISLATURE

After months of inactivity, a flurry of court filings earlier this month has injected new life into the case brought by former Senator Steven Payne Jr. against the 34th Legislature of the Virgin Islands and its former President Senator Donna Frett-Gregory, [from which he was expelled](#) following a series of sexual assault and misconduct allegations.

In April, Judge Renee Gumbs Carty denied the defendants' motion to dismiss on the grounds of mootness, finding that the question of legislative authority to expel a duly-elected representative was still a live one, despite the fact that the 34th Legislature no longer exists.

Two weeks ago, Judge Gumbs Carty set a trial date of March 14, 2024. Now, lawyers for the defendants say that the judge has been improperly presiding over the matter.

A motion filed on November 22 calls for full transparency and disclosure surrounding Judge Gumbs Carty's tenure on the bench, arguing that her six-year term plus the additional 180-day "hold-over term" had ended by November 30, 2022, but she was not appointed as "Senior Sitting Judge" by the Chief Justice until May 15 2023.

This timeline, defense lawyers argue, raises "very troubling questions about Judge Gumbs Carty's authority and jurisdiction over this case" during the almost 6 months within which her position as a duly-appointed judge of the Superior Court is in question. They are requesting answers about the authority under which she acted between December 1 2022 and May 14 2023, during which she issued five orders and conducted at least one oral hearing.

They are also requesting information on Judge Gumbs Carty's compensation, asking whether she was paid on a per diem basis, or according to the salary of a sitting judge.

Lawyers for the defense also want a complete halt on all proceedings on the matter for 10 business days following Hon. Gumbs Carty's response, which they have asked to be provided on or before Friday December 1.

Mr. Payne has continued to deny the allegations of sexual misconduct against a legislative staffer which [prompted the investigation](#) by his colleagues that ultimately led to his expulsion. Mr. Payne is currently fighting [sexual battery charges](#) brought by authorities in Florida.