

The Virgin Islands Consortium

Chucky Hansen Barred From Seeking Re-election

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Ron De Lugo Federal Building

The Supreme Court of the Virgin Islands has ruled against Senator Chucky Hansen, disqualifying the Senator from seeking office in the 31st Legislature.

Chairman of the Board of Elections Adelbert Bryan challenged Hansen's candidacy, citing moral turpitude as the reason why she should not be eligible to seek re-election, and the Supreme Court of the Virgin Islands has ruled in his favor.

Supreme Court Opinion Excerpt:

Senator Hansen's failure to file tax returns is a crime involving moral turpitude that renders her ineligible to serve in the 31st Legislature. Thus, we reverse the Superior Court's July 13th, 2014 order and direct the Superior Court to grant Bryan's petition, and remove Hansen from the General Election's ballot.

The ruling was unanimous.

On Tuesday, the Virgin Islands Supreme Court heard testimony by attorneys representing Senator Alicia 'Chucky' Hansen, defendant, and Board of Elections Chairman Adelbert Bryan, plaintiff, concerning the legitimacy of the Senator's candidacy and more pointedly her eligibility to seek office in the upcoming 31st Legislature of the Virgin Islands.

In Hansen's defense, attorney Lee Rohn argued that the crimes Hansen was convicted of were misdemeanors, therefore they did not fall under the 'moral turpitude' umbrella. However the prosecutor, attorney Emile Henderson, contended that they were indeed acts of moral turpitude because the Senator's actions were "willful", a term used when determining moral turpitude.

The Supreme Court decision bars Chucky Hansen from seeking re-election -- even if she is pardoned by Governor John. P. deJongh, as the pardon would be too late to change the Supreme Court's ruling. If Senator Hansen is pardoned by Gov. deJongh, she will be able to seek re-election in 2016.

Furthermore if Senator Hansen decides to appeal, her case would have to be taken all the way to the U.S. Supreme Court in accordance with a law Congress passed in December 2012. As such, it would be near impossible for Senator Hansen to be on the November 4th General Election ballot.

Moral Turpitude And Chucky Hansen:

The Virgin Islands Consortium, through its sources, managed to secure documents detailing the nine counts of criminal activity that Senator Hansen was charged with in the District Court of the Virgin Islands, a copy of the section of V.I. Code describing when a person should be eligible to vote or seek office, documents revealing Senator Hansen's voting history, a letter written by V.I. Attorney General Vincent Frazer giving his opinion on moral turpitude as it relates to Senator Hansen's candidacy, and documents revealing changes made to the V.I. Code in relation to committing a felony and voting.

Grand Jury charges against Senator Alicia 'Chucky' Hansen are as follows in screenshot form. Click the image to view.

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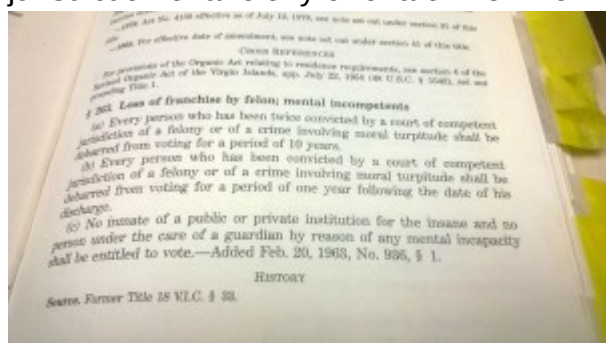
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As you can see, Senator Hansen was charged with nine counts of criminal acts from 2001 through September 13th, 2006. Five counts of Failure to file taxes and four counts of perjury. On May 28th, 2009, Senator Hansen was convicted of Counts I, II and III. Furthermore, 5 out of 5 times the charges stated that the criminal acts of not paying taxes were performed “willfully” by Senator Hansen.

V.I. Code 263 Section A states that “every person who has been twice convicted by a court of competent jurisdiction of a felon or of a crime involving moral turpitude shall be debarred from voting for a period of ten years.

Section B says, “Every person who has been twice convicted by a court of competent jurisdiction of a felony or of a crime involving moral turpitude shall be debarred from the date of discharge. See the screenshot below.



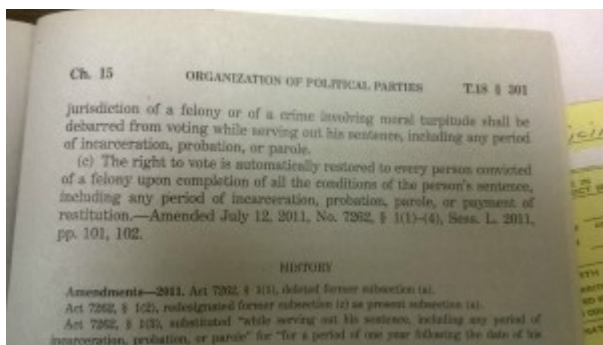
V.I. Code 263, Section A

Senator Alicia ‘Chuck’ Hansen has never been barred from voting, as the records below e.

Election Year	Election Name	Jurisdiction	Election Date	Party	Position	Voting Location	Voted	Remarks
1992-93	General Election	St. John	11/03/92	1st	Senator	St. John District Elementary School	Public Place	
1994-95	General Election	St. John	11/03/94	1st	Senator	St. John District Elementary School	Public Place	
1996-97	General Election	St. John	11/03/96	1st	Senator	St. John District Elementary School	Public Place	
1998-99	General Election	St. John	11/03/98	1st	Senator	St. John District Elementary School	Public Place	
2000-01	General Election	St. John	11/03/00	1st	Senator	St. John District Elementary School	Public Place	
2002-03	General Election	St. John	11/03/02	1st	Senator	St. John District Elementary School	Public Place	
2004-05	General Election	St. John	11/03/04	1st	Senator	St. John District Elementary School	Public Place	
2006-07	General Election	St. John	11/03/06	1st	Senator	St. John District Elementary School	Public Place	
2008-09	General Election	St. John	11/03/08	1st	Senator	St. John District Elementary School	Public Place	
2010-11	General Election	St. John	11/03/10	1st	Senator	St. John District Elementary School	Public Place	
2012-13	General Election	St. John	11/03/12	1st	Senator	St. John District Elementary School	Public Place	
2014-15	General Election	St. John	11/03/14	1st	Senator	St. John District Elementary School	Public Place	
2016-17	General Election	St. John	11/03/16	1st	Senator	St. John District Elementary School	Public Place	

Senator Alicia Hansen's voting history

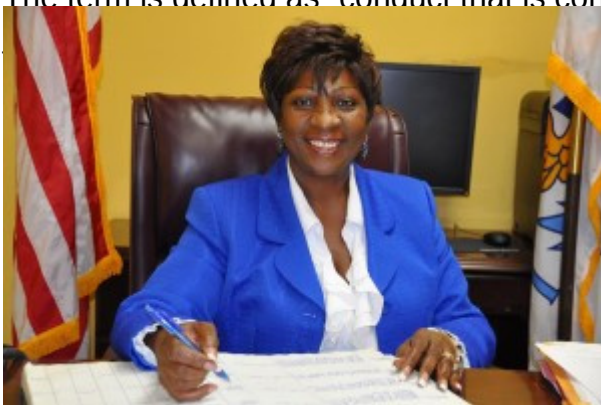
On July 12th, 2011 the V.I. Code was amended with the following text to replace V.I. Code 263 Section A of the 1963 law. It now reads: “The right to vote is automatically restored to every person convicted of a felony upon completion of all the conditions of the person’s sentence, including any period of incarceration, probation, parole, or payment of restitution.” Have a look at the screenshot below.



Revised Code

But although the Organic Act was amended to reflect new voting rules for convicted felons, it was revised on July 12th, 2011, two years after Senator Hansen was convicted in the Virgin Islands District Court.

So what is moral turpitude? And does Senator Hansen's crimes really classify as such? The term is defined as "conduct that is considered contrary to community standards of



Senator Alicia 'Chucky' Hansen

In his case against Hansen, attorney Henderson argued that it is "indisputable that Hansen was convicted of three counts of willful failure to file income tax returns — a crime not just against the Virgin Islands government, but a violation of her oath to the people of the Virgin Islands," he said.

Henderson contends that although the crime is a misdemeanor, it involves "evil motive, bad purpose and intentional, deliberate conduct, which would then constitute a crime involving moral turpitude"

On May 28th, 2009, U.S. Attorney Paul A. Murphy announced that Senator Alicia 'Chucky' Hansen had been sentenced to three years in prison for failure to pay her tax returns. She was given one year for each charge, but winded up serving no time in prison because visiting District Judge Frank Savage suspended all three years of her sentence and placed Hansen on probation for three years with "numerous and strict conditions", according to the press release.

"Every person, especially those sworn to serve the people as public servants should take notice that every case is being reviewed for possible tax evasion and failure to file," Murphy said.

"Every resident of the Virgin Islands, whose income meets the reporting requirements, has an obligation to file an income tax return and pay his/her fair share of the tax



Board of Elections St. Croix District Chairman

Adelbert Bryan

Murphy continued: “Good public services, schools, hospitals, roads, sewers, police and fire services need the support of all taxpayers equally. Failing to pay income taxes that are due is cheating the fellow citizens of the Virgin Islands, not just the Government of the Virgin Islands.”

Murphy in his assessment believed that the convictions were so serious that he suggested to the courts that Senator Hansen be considered for upward departure. The term upward departure concerns giving a convicted criminal extended time in jail based on a varying amount of factors. To learn more, follow [this link](#).

On Tuesday, when the court trial was over, many Virgin Islanders could be seen leaving the building and talking about what they’d just heard, and in several groups, most believed that once the Supreme Court rules, Senator Alicia ‘Chucky’ Hansen will be disqualified to seek office in the upcoming 31st Legislature.

I spoke to Adelbert Bryan about the case, asking him how he felt about the prospects of Hansen being disqualified.

“The true test of the Supreme Court will be seen soon,” Bryan said, adding that over the years the Board of Elections has been “spineless” by ignoring the facts and allowing Senator Alicia ‘Chucky’ Hansen to run for office.

“This is nothing personal. People think it’s something personal that I have against Hansen, but we presented the facts.”

I also spoke to Senator Hansen, asking her simply how she felt about the case.

“I feel great,” Hansen told me.

When I asked what would her response be if the Judges did not rule in her favor, Hansen was noticeably perturbed by the question and told me how she felt about the allegations of moral turpitude leveled against her.

“Adelbert Bryan shot his son three times in the back,” Hansen told me. “He killed the people them pregnant cow and have the nerve to talk about damn moral turpitude? That’s how I feel about it.”

Alicia Chucky Hansen Disqualified: The Ramifications

The Supreme Court's ruling leaves the door open for challenges from would-be Senators who sought office in the 29th and 30th Legislature, especially the candidates who came in 8th, because if Senator Alicia 'Chucky' Hansen was ineligible to seek office all along, then those responsible for making sure that she did not appear on the ballot may come under fire.

Also, bills that were sponsored by Senator Hansen and became law can now be challenged -- and even those sponsored by other members of the senate body and passed by one vote, if said vote included the Senator's, can be disputed. This is the beginning of a long journey, and as the dust settles, we'll get a clearer understanding of the legal ramifications.

Supreme Court opinion summary below, download full opinion [here](#):

Bryan vs Fawkes

"Considering an appeal from a Superior Court order dismissing a petition brought by Adelbert Bryan, the Chair of the St. Croix Board of Elections, seeking to disqualify Alicia "Chucky" Hansen, an incumbent Senator in the Virgin Islands Legislature, from the general election ballot for membership in the 31st Legislature, both the Superior Court and the Supreme Court of the Virgin Islands unquestionably possess jurisdiction to adjudicate Bryan's challenge to Hansen's eligibility to serve in the 31st Legislature.

"The Senator, as an intervenor, lacks standing to challenge Bryan's standing to bring this proceeding. In 18 V.I.C. § 4(b)(2), the Virgin Islands Legislature, consistent with section 6(c) of the Revised Organic Act of 1954, 48 U.S.C. § 1572(c), vested the Supervisor of Elections with the authority to certify for primaries and elections, the names of candidates for all public and territorial offices and membership on party committees. In 18 V.I.C. § 411(a), the Legislature further authorized the Supervisor to disqualify a candidate and delete the candidate's name from the ballot if the Supervisor determines that the candidate does not meet the qualifications established by law for the office, and in 18 V.I.C. § 412, expressly provided for judicial review of such determinations.

"In conducting such judicial review, Virgin Islands courts apply plenary review to legal questions addressed in the Supervisor's determinations, rather than deference to the administrative determination under *Chevron, U.S.A., Inc. v. Natural Res Def. Council, Inc.*, 467 U.S. 837 (1984). Addressing the merits, and notwithstanding the Supervisor's resolution of the question, pursuant to binding United States Supreme Court precedent construing and applying a nearly identical federal statute, 26 U.S.C. § 7203, Hansen's prior misdemeanor conviction for willful failure to file tax returns under 33 V.I.C. § 1524 is a "crime involving moral turpitude" that renders her ineligible to serve in the 31st Legislature by operation of section 6(b) of the Revised Organic Act of 1954, 48 U.S.C. § 1572(b). Accordingly, the Superior Court's July 30, 2014 Order is reversed, and the Superior Court is directed on remand to grant the petition, set aside the Supervisor's decision to place Hansen on the general election ballot as a candidate for membership to the 31st Legislature pursuant to 18 V.I.C. § 412, and remove Hansen from the general election ballot."

