

The Virgin Islands Consortium

Judge Gives Hansen's Lawyers Until 5 p.m. To Make Their Case

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Sen. Alicia "Chucky" Hansen after a court hearing at the District Court of the Virgin Islands

A final judgement on the issue of Alicia "Chucky" Hansen's eligibility to be on the November 4 General Election ballot will come tomorrow, as District Court Judge Wilma Lewis has given the embattled senator's legal team until 5 p.m. today to bring more evidence that supports their case of allowing Senator Hansen's name to return to the ballot.

Judge Lewis made today's decision based on one pressing factor: time.

On Fri., Sept. 12 the November 4 ballot will be sent out to print, leaving Hansen with only Thursday to be reinstated and once again be placed on the ballot. Judge Lewis, not convinced by Hansen's lawyers' argument that the Governor's pardon is "broad and unlimited," and therefore should be applied retroactively, ordered the team to return with more evidence by no later than 5 p.m. today, which would give the judge enough time to reach a verdict and issue an opinion on the case.

The Plaintiff's Case

In today's court proceedings, attorneys Lee Rohn and Rhea R. Lawrence argued that Governor de Jongh's pardon "cured" all of Hansen's past convictions, and that the cure should be applied retroactively. With visible passion, Lawrence argued that the lack of ability to put Hansen's past illegalities to rest because of Elections Supervisor Caroline Fawkes' decision to omit Hansen's name from the ballot, is a constitutional violation.

"The [Governor's] pardon is the cure that renders Hansen qualified," Lawrence said.

Lawrence further contended that this case is one of common sense, and "that's what should drive the decision." She said Hansen received 8,306 votes in 2010 and 5,461 votes in 2012, therefore choosing to leave her off the ballot after the governor had pardoned her would deprive her supporters from "voting for their standard bearer"--something that Lawrence said is unacceptable.

"The fact that one person can get on their computer and choose not to type [Hansen's] name on [to the ballot] is unacceptable," Lawrence said, referring to Fawkes' ability to manipulate computer work.



Alicia "Chucky" Hansen

Judge Lewis countered, stating that "the Court needs law, not common sense" when it comes to deciding what is legal and what isn't in this case. Judge Lewis appeared composed throughout the hearing, asking Hansen's lawyers a battery of questions as she fished their definition of the V.I. Code and the Constitution.

The sticking point for Judge Lewis was the explanation of the governor's pardon as it relates to being applied retroactively. Lawrence used the term "broad and unlimited" to describe the pardon, but the examples of similar cases that Lawrence cited to backup her argument were not specific enough for Judge Lewis.

Defense

There was a certain confusion that captured the attention of many in attendance when the attorney representing Fawkes took to the podium and started making her case.

Carol Thomas-Jacobs, an attorney in the Attorney General's office, only defended Fawkes in relation to the Supreme Court's ruling, stating that Fawkes chose not to put Hansen back on the ballot because she did not want to go against the Court's order and risk being held in contempt of court. But that was it.

The rest of the day saw both sides arguing why Hansen should be placed back on the ballot, while Fawkes sat by quietly. When asked by Judge Lewis, attorney Thomas-Jacobs admitted that hers and Hansen's lawyers' arguments were "fundamentally the same"--that the Governor's pardon is sufficient for Hansen's name to be returned to the ballot.

In the end, Judge Lewis gave Senator Hansen's lawyers four hours to return to the court room with more specific information that would make it plain why the Governor's pardon should be applied retroactively, and give examples of other cases similar in nature that occurred in other jurisdictions where the governor's pardon was used retroactively.