

The Virgin Islands Consortium

Attorney General Files Motion In VI Supreme Court To Rehear Hansen's Case

Politics / **Published On September 12, 2014 11:31 AM /**

Ernice Gilbert **September 12, 2014**



Attorney General Vincent Frazer

Hours before the District Court of the Virgin Islands Chief Justice Wilma A. Lewis announces her verdict and gives her opinion on the issue of Sen. Alicia "Chucky" Hansen's name being placed back on the November 4 General Election ballot, V.I. Attorney General Vincent Frazer filed a motion in the Virgin Islands Supreme Court to rehear the court's original ruling, made on Aug. 28, that barred Sen. Hansen from being on the ballot because her three convictions in 2008 of failing to file taxes, the high court found, were crimes of moral turpitude.

Frazer, in his motion, cited three issues with the V.I. Supreme Court's ruling that, according to him, need to be addressed.

First, Frazer argued the court's determination to set aside nomination papers prior to the election or oath of office was premature, since the defect (Hansen's three convictions of failing to pay taxes) was curable prior to the November election. Secondly, the attorney general contended that due process rights and the ex post facto law--which retroactively changes the legal status of actions that were committed, or relationships that existed, before the enactment of the law established by Section 3 of the Revised Organic Act and the Fourteenth Amendment of the U.S. Constitution--may have been violated by the retroactive effect of the court's Aug. 28 ruling. And thirdly, Frazer says the U.S. Supreme Court has redefined its definition of "willful" as it relates to tax cases, pointing toward the [Cheek v. United States](#) verdict.

Why the Attorney General waited until the last minute to file the motion remains unclear.

[On Wednesday](#), Chief Justice of the District Court of the Virgin Islands gave Hansen's attorneys until 5 p.m. that day to present new evidence that would back up their claim that Governor de Jongh's pardoning of Hansen was "broad and unlimited," and therefore should be applied retroactively. Hansen's legal team had argued that the pardon had "cured" all of their client's past convictions, including those of moral turpitude--the basis on which the Supreme Court of the Virgin Islands barred Hansen's name from appearing on the November 4 ballot.

At 2 p.m. today, the November 4 General Election ballot will be sent to print, and whether or not it includes Sen. Hansen's name will be determined by Chief Justice Wilma A. Lewis' verdict. The judge's opinion is expected to be released this morning, giving the Board of Elections enough time to make the appropriate changes, if necessary.