

The Virgin Islands Consortium

Court Date Set for Motion to Enforce Judgment, Contempt

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The Superior Court of the Virgin Islands has granted Board of Elections Chairman Adelbert Bryan a hearing after an emergency motion was filed last Thursday through his attorney, Emile A. Henderson III, demanding that Elections Supervisor Caroline Fawkes enforce the Court's Aug. 29 judgment to remove embattled Sen. Alicia "Chucky" Hansen's name from the 2014 General Election ballot. The motion also seeks to hold Fawkes in contempt for her continued failure to do so.

The hearing is set for Wed., Sept. 24 at 9:30 a.m. in Courtroom 211 at the Superior Court in St. Croix, and will be presided over by Judge Douglas A. Brady.

The hearing is open to the public; however, valid identification and a security search are required to gain access to the courtroom.

Earlier

In his client's complaint, Henderson referenced Superior Court Rule III regarding the Court's "authority to enter orders to show cause and hold parties in contempt for any party's failure to comply and to disobey an order of the Court."

Rule III provides:

Where an order has been made directing a person to do or refrain from doing certain acts and it shall appear to the court that the offending party or parties have failed to comply with the order theretofore made, the court shall upon notice of the offending party or parties hear the matter in a summary manner and upon finding that the party or parties have willfully violated terms of the order, may commit the offender or offenders to jail, place them on probation or fine them as shall seem to the court to meet and just.

A [2014 sample ballot](#) containing the name 'Senator Alicia "Chucky" Hansen' assigned to the #10 slot was obtained by the *VI Consortium* last Thursday in a visit to the Board of Elections Office, St. Croix District. The ballot shows Fawkes to be in clear violation of the Superior Court's order, when on Aug. 29, the Supreme Court of the Virgin Islands entered an order remanding the Superior Court to rule in Bryan's favor and remove Hansen from the General Election ballot.

The employee who provided the copy of the ballot to the *VI Consortium* confirmed it was an exact replica of the final ballot that was sent to the printer. The lower right corner of the document bears Fawkes' signature authorizing its contents.

The ballot was approved during a contentious Board of Elections meeting on Sept. 15, when Rupert Ross, Raymond Williams, Lisa Harris-Moorhead and Glenn Webster voted for its approval, which is in direct violation of the Superior Court's order because Hansen's name remained on the ballot. Those board members, reportedly, had not seen the ballot prior to the meeting; and, from this reporter's observation of comments made at the meeting, they did not care to see it, one way or another, in order to render their approval. Election Board members Roland Molenaar and Bryan did not vote to approve the ballot. Board member Liliana Belardo de O'Neal was absent.

As the Sept. 26 expiration of a temporary restraining order granted Hansen by District Court Chief Justice Wilma A. Lewis is fast approaching, Bryan's [13-page complaint](#) provided a detailed outline of Hansen's ineligibility.

A major part of the complaint centered around Hansen's filing of her nomination papers to run for office in the 31st Legislature. The original filing deadline was May 13, 2014, a deadline that Hansen met. However, after the Supreme Court ordered the Superior Court, on remand, to "set aside" Hansen's nomination papers on Aug. 29 because of her crimes that fell under the "moral turpitude" umbrella; thus, it was as if Hansen had never filed those papers.

Following a series of court proceedings, which can be found [here](#) in a timeline of events, on Sept. 4, Hansen refiled her nomination papers, well past the May 2014 deadline

mandated in the VI Code, which states that nomination papers must be submitted by the second Tuesday in May of an election year.

In the complaint, Henderson writes on behalf of Bryan:

Moreover, the fact that Hansen's September 4, 2014 nomination papers violate § 410(a)(2)'s statutory filing deadline further supports the need for an order of contempt since neither Fawkes, the Joint Boards of Elections, the St. Croix Board of Elections, nor the District Court have the authority to extend the statutory filing deadline.

In closing, Henderson writes on behalf of Bryan:

Accordingly, Petitioner respectfully requests that this honorable Court enforces its August 29, 2014 Order ordering Fawkes to remove Hansen from the 2014 General Election Ballot, and that this Court order Fawkes to show cause why she should not be held in contempt of court for violating this Court's order. Further, in light of the emergency nature of this motion, Petitioner respectfully requests that the Court schedule this hearing forthwith.

The VI Consortium will continue its coverage of this story as it develops.