

The Virgin Islands Consortium

Judge Brady Cancels Bryan Hearing

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V.I. Superior Court Judge Douglas A. Brady has canceled an emergency hearing scheduled for 9:30 this morning at the Superior Court, after Sen. Alicia "Chucky" Hansen's lawyers filed a motion that the case be removed to the District Court, instead.

Brady had granted the hearing as a result of an emergency motion filed last week by Board of Elections Chairman Adelbert Bryan, to force Elections Supervisor Caroline Fawkes to enforce an earlier Supreme Court order remanding the Superior Court to remove Hansen's name from the November 4 ballot because of Hansen's crimes of the failure to file taxes that fell under the "moral turpitude" umbrella. The motion also sought to bring contempt sanctions against Fawkes for her failure to remove Hansen's name from the ballot.

In his order issued late on Tuesday, Brady said he received the notice of filing of removal filed on behalf of Hansen and Fawkes advising him that the matter has been removed to the V.I. District Court. Brady cannot move further on Bryan's motion because rules of proceedings disqualifies him from doing so, unless and until the case is sent back to the Superior Court from the District Court, according to the counter motion filed in District Court on Tuesday by Hansen's attorneys.

Hansen was joined by Assistant Attorney General Carol Thomas-Jacobs on behalf of the VI Joint Boards of Elections, and Elections Supervisor Caroline Fawkes in the capacity of the office she holds.

Earlier

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.