

The Virgin Islands Consortium

New Date: Superior Court Will Hear Bryan v. Fawkes Remand Case on October 7

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

A new court date of Tues., Oct. 7 at 2 p.m. has been set for the Bryan v. Fawkes Motion for Remand case to be heard at the Superior Court of the Virgin Islands. The hearing had originally been scheduled for today.

This new round of court proceedings came about when District Court Judge Wilma A. Lewis received Board of Elections Chairman Adelbert Bryan's motion for remand, and

decided that Sen. Hansen's eligibility to be on the Nov. 4 ballot, not her eligibility to serve as a senator, should be handled by the local courts.

In a 14-page document, which includes Judge Lewis' opinion and order, Lewis opines that while she believes "there are federal issues of great significance that are critical to the ultimate resolution of Sen. Hansen's eligibility to be a member of the legislature," the case must be remanded to the Superior Court because Bryan, in his Emergency Motion for Remand, maintains that his Motion for Enforcement of the Superior Court's decision ordering Elections Supervisor Caroline Fawkes to set aside Hansen's nomination papers and remove her name from the Nov. 4 ballot, "was predicate purely on local law."

Lewis went on, arguing that the District Court, in its Sept. 24 ruling, answered the federal questions of Hansen's eligibility "in the affirmative" when it granted Hansen the Temporary Restraining order and Permanent Injunction. So "it is in issues of local law, therefore, that Bryan's Emergency Motion must be grounded. And as previously articulated in this Court's Permanent Injunction Opinion, such issues exists," Lewis wrote.

She continued: "Indeed, separate and apart from federal issues regarding Hansen's eligibility to run for, and hold senatorial office, there remains the issue of ballot access -- an issue governed by the Virgin Islands Code."

Lewis later added in her opinion that "the fact that this Court -- interpreted the relevant statutory provisions of the Virgin Islands Elections Code, and the Order of the Supreme Court of the Virgin Islands, differently from Bryan argues they should be interpreted, does not give this Court jurisdiction over Bryan's local claims in the pre-pardon action."

[On September 24](#), Lewis ordered the Board of Elections to keep Sen. Hansen's name on the Nov. 4 ballot by way of permanent injunction. Wednesday's ruling, and the subsequent hearing on Oct. 7, has the potential of rendering Lewis' order as having no effect as it relates to Hansen's name being on the ballot, as the Supreme Court twice ruled that the veteran senator was not eligible to be on it.