

The Virgin Islands Consortium

Final Judgement: "Chucky" Hansen Remains On Nov. 4 Ballot

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

Late on Friday, Superior Court Judge Douglas Brady released what appears to be the final ruling on the matter of Bryan v. Fawkes, denying Bryan the motion to remove Sen. Alicia "Chucky" Hansen from the Nov. 4 ballot, after District Court of the Virgin Islands Chief Justice, Wilma Lewis, granted Bryan the motion for remand back to the Superior Court.

Judge Lewis decided early this month 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. The motion was granted on Wed., Oct. 1 and a remand appearance had been set for Oct. 7 at the Superior Court.

Brady heard oral arguments from both sides on Tuesday, allowing both parties to submit additional briefs by the end of the day on Wednesday.

In his Friday ruling on the matter, Brady said while Bryan presented arguments asking the Superior Court to uphold the Supreme Court's August 28 ruling ordering the removal of Hansen from the Nov. 4 ballot, nowhere did Bryan set forth a legal standard by which the court should be guided, especially in light of the District Court's order, which granted Hansen a permanent injunction to be back on the Nov. 4 ballot.

"In light of the fact that the pardon removed the sole impediment to Hansen's prior ineligibility, Bryan as the moving party failed to carry the burden of persuading the court to impose contempt sanctions," the Brady order read, referring to Gov. de Jongh's pardon of the embattled Senator Hansen.

Brady continued: "It is undisputed that Fawkes gave Hansen notice on September 2, that her papers had been disqualified. Following the governor's pardon on Sept. 3, Hansen filed her new papers on Sept. 4," speaking of the portion of VI law which allows someone with defective nomination paperwork to avoid being disqualified if new, valid documents are then filed.

In closing, Brady wrote: "This court's Aug. 29 order directing Fawkes to set aside Hansen's May 13 nomination papers had no effect on the subsequent nomination papers filed by Hansen. The court will not entertain petitioner's arguments, raised for the first time by his post-judgment motion, concerning the validity of Hansen's new nomination papers that were not the subject of the relief sought by his petitioner."