

The Virgin Islands Consortium

Judge Throws Out Case Against Basil Ottley Without Hearing Evidence

Politics / **Published On October 23, 2014 09:08 AM /**

Ernice Gilbert **October 23, 2014**



Is Basil Ottley eligible to run for the office of Lieutenant Governor of the Virgin Islands alongside Delegate Donna Christensen?

That's the question many believed would have at least been discussed Wednesday at the District Court of the Virgin Islands on St. Thomas. However, even before hearing evidence from the plaintiff, Allen Haynes, Sr., Judge Curtis Gomez dismissed the lawsuit, refusing to hear the case because, according to him, it would "confuse" the voters of the Virgin Islands and cause disruption to the election process if Ottley were to be found ineligible to run for office.

The case was dismissed with prejudice, meaning it would not be brought before the District Court of the Virgin Islands again. However, the plaintiff's lawyers told the *VI Consortium* in a telephone interview that an update on their next move would be revealed on Thursday.

But, does Basil Ottley meet the necessary requirements, as mandated by Section 11 of the Organic Act, which demands that anyone seeking office must have resided in the islands for five years? According to attorney Robert King, representing Ernest Haynes, Ottley falls way short of the



Basil Ottley fielding questions from Ernest

Gilbert.

King said in 2008, Ottley was working in the Virgin Islands Legislature, but resigned that year to take up a position at the Department of Interior on the mainland. That job required him to move to Washington, D.C. in order to work. King said Ottley resided in the District of Columbia for two years and filed taxes in Maryland, where he also received a driver's license.

King further pointed out that Ottley would have had to give up his Virgin Islands driver's license in order to receive one issued by the state of Maryland; however, because the Court would not allow Ottley to testify in his defense, it was unknown if indeed the lieutenant gubernatorial candidate gave up his Virgin Islands driver's license.

Ottley has maintained he has never voted anywhere outside the Virgin Islands, no matter how frequent or how long he has been away. However, King says where a person votes is not a requirement of Section 11 of the Revised Organic Act; the issue at hand is that,

King contends, Ottley filed taxes in the state of Maryland, which would deem him ineligible to run for political office in the U. S. Virgin Islands in 2014.

Ottley, in a [recent interview](#) with *VI Consortium*, said those who were challenging his eligibility to run for office were "grasping at straws."

"People have said, 'Oh, you were not here' and all of that type of stuff, but what they keep missing is what establishes your bona fide residency in this situation, is where you vote. I think it's title 3 Chapter 13, Section 201 — and I can get the Code wrong, but there's a particular section of the VI Code that speaks to people who are employees of the Virgin Islands, or employees of the federal government who, because of their employment, they were required to leave. The Code says as long as these folks maintain their bona fide residency in the Virgin Islands by not voting in any other place, they are legally accepted as bona fide residents of the Virgin Islands," Ottley said.

View the original embedded media (unavailable in the recovered archive)

To give the case against Ottley more weight, other gubernatorial candidates, Soraya Diase-Coffelt followed by the Kenneth Mapp-Osbert Potter team, tried to adjoin themselves to it. Yet, Judge Gomez blocked them from doing so, King said, and would not allow Haynes, his client, to build his case.

King told the *VI Consortium* that even if Haynes was 100 percent correct--that Ottley is ineligible to run for political office in the U.S. Virgin Islands in 2014--Judge Gomez said he would not stop him from being on the ballot because the election was just weeks away and Ottley's name was already on the ballot with Christensen's.

The *VI Consortium* will continue to follow this story at it develops.

Video Credit: Kendall Jones

Featured Image Credit: Christensen-Ottley Facebook

Body Image Credit: Kendall Jones