

The Virgin Islands Consortium

New Supreme Court Ruling: "Chucky" Hansen Out, Fawkes Ordered To Recall Nov. 4 Ballots

Politics / **Published On October 24, 2014 10:09 PM /**

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Late Friday, the Supreme Court of the Virgin Islands gave what appears to be a [final ruling](#) on embattled Senator Alicia "Chucky" Hansen's fate for the 2014 elections--the High Court has ruled that Hansen's name be removed from the November 4 ballot. Full Supreme Court opinion [here](#).

Fawkes is ordered to immediately recall all general election ballots for the November 4, 2014 general election with Hansen's name and replace them

with ballots omitting her as a candidate, or to otherwise remove Hansen's name from the ballot, such as by covering her name with a sticker. The case is remanded to the Superior Court with directions to make the factual findings and legal conclusions necessary to determine whether Fawkes should be held in contempt or otherwise sanctioned for her non-compliance with the prior orders of this Court and the Superior Court.

Furthermore, the Supreme Court of the Virgin Islands has ordered Elections Supervisor Caroline Fawkes to "immediately recall all general election ballots for the November 4, 2014, or to find other means of omitting her name, such as covering it with a sticker."

The *VI Consortium* contacted Fawkes seeking comment; however, she said she had not heard of the ruling and would be seeking legal counsel on the matter.

This brings to an end the most contentious political battle in recent Virgin Islands history. Hansen fought long and hard to stay on the ballot after the Supreme Court found in August that she was ineligible to run for office because of crimes she committed involving moral turpitude.

The Supreme Court, in its latest ruling, also chastised the District Court of the Virgin Islands, stating in its opinion that "the federal District Court lacked subject matter jurisdiction to enter a temporary restraining order and permanent injunction interfering with the in rem proceeding that remained actively litigated in the Virgin Islands local court system. Such District Court orders are therefore void, and conflicts between that court and the local Virgin Islands courts on issues of Virgin Islands law must necessarily be resolved in favor of the local courts."

Documents Filed To Hold Elections Supervisor In Contempt of Court

The Supreme Court of the Virgin Islands also ordered that an application be filed to hold Fawkes in contempt of court for her failure to comply with the Superior Court's August 29, 2014 order implementing the Supreme Court's August 28, 2014 opinion disqualifying Hansen from the general election ballot for membership in the 31st Legislature.

The case has been remanded to the Superior Court with "directions to make the factual findings and legal conclusions necessary to determine whether Fawkes should be held in contempt or otherwise sanctioned for her non-compliance with the prior orders" of the Supreme Court and the Superior Court, according to an excerpt from the Supreme Court's opinion seen below.

Get the full opinion [here](#).

In proceedings relating to the Superior Court's August 29, 2014 order implementing this Court's August 28, 2014 opinion disqualifying Alicia "Chucky" Hansen from the general election ballot for membership in the 31st Legislature, including an application to hold the Supervisor of Elections—Carolyn Fawkes—in contempt for her failure to comply with that order, the federal District Court lacked subject matter jurisdiction to enter a temporary restraining order and permanent injunction interfering with the in rem proceeding that remained actively litigated in the Virgin Islands local court system. Such District Court

orders are therefore void, and conflicts between that court and the local Virgin Islands courts on issues of Virgin Islands law must necessarily be resolved in favor of the local courts. This Court's August 28, 2014 opinion and the Superior Court's August 29, 2014 order remain valid, and the portion of the Superior Court's October 10, 2014 order that denied the motion to enforce them is reversed. Fawkes is ordered to immediately recall all general election ballots for the November 4, 2014 general election with Hansen's name and replace them with ballots omitting her as a candidate, or to otherwise remove Hansen's name from the ballot, such as by covering her name with a sticker. The case is remanded to the Superior Court with directions to make the factual findings and legal conclusions necessary to determine whether Fawkes should be held in contempt or otherwise sanctioned for her non-compliance with the prior orders of this Court and the Superior Court.