

The Virgin Islands Consortium

New Ballots Arrive On St. Croix Without Hansen's Name, Brady Enforces Supreme Court Order

Politics / **Published On October 31, 2014 11:58 PM /**

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The Adelbert Bryan vs Fawkes case made yet another appearance in the Superior Court of the Virgin Islands on St. Croix Friday morning.

Justice Douglas Brady heard arguments surrounding the emergency motion Bryan filed in the Supreme Court of the Virgin Islands for Criminal Contempt, Contempt Sanctions, and for an Order directed to respondents Caroline Fawkes and certain members of the V.I. Joint Boards of Elections to show cause why they should not be held in criminal contempt for their failure to comply with the Supreme Court's Oct. 24 order to remove Alicia "Chucky" Hansen's name from the November 4 ballot.

Bryan filed the emergency motion in the Supreme Court on Wednesday, but the case was remanded to the Superior Court on Thursday. During Friday's court hearing, Judge Brady said he would only deal with the issue of enforcement of the Supreme Court's Oct. 24 order, noting that the other items in Bryan's motion would be addressed at a later date in order to give all parties involved enough time to produce evidence to prove their cases.

Elections Supervisor Caroline Fawkes, who was expected to testify, did not appear at the hearing, as she was on St. Thomas meeting with ES&S officials regarding the voting machines for the Nov. 4 General Election, according to Assistant Attorney General Carol Thomas-Jacobs, who is representing Fawkes in her official capacity as supervisor of Elections.

"There is no time for her to change her schedule and be here today," Thomas-Jacobs told the Court. With that, she called St. Croix District Board member, Rupert Ross, Jr. to testify on Fawkes' behalf.

When asked if he knew whether or not Fawkes had ordered new ballots without Hansen's name, Ross said, under oath, he was aware she had placed the order. He pointed out that during lunch on Mon., Oct. 27, three days after the Supreme Court issued its ruling ordering Hansen's name off the ballot, Fawkes told him she had placed an order for the new ballots with ES&S.

Ross further testified that Fawkes again informed the Joint Boards of Elections of her compliance with the Supreme Court's order at a meeting on St. Thomas on Thurs., Oct. 30, where she revealed the ballots would be in the territory by Sat., Nov. 1.

However, when Ross was cross examined by Bryan's attorney, Emile Henderson III, the longtime elections board member answered "no" when Henderson asked if he had done any independent verification to confirm Fawkes' statements.

Thomas-Jacob then called Bryan to the stand to testify. She asked the chairman of the St. Croix District Board of Elections, if, at anytime, he had seen a ballot without Hansen's name included. Bryan said Fawkes had shown him a sample ballot earlier in the week with a "blank space" where the senator's name had been; however, he didn't clearly state whether or not the senator's name was on the ballot. In an effort to gain clarification, Thomas-Jacobs pressed further and Bryan confirmed Hansen's name was not anywhere on the sample ballot that was shown to him.

Then, Henderson cross examined his client, asking him if he is aware of any official ballots being printed without the Senator's name included.

To that, Bryan testified under oath that he was aware official ballots had been printed--a revelation that seemed to surprise many in the courtroom, including Lee Rohn, lead attorney for Sen. Hansen, who was also present at the hearing.

Bryan went on to say that although he had not physically seen the new ballots himself, he had received electronic confirmation via email as well as through tracking the shipment using a tracking number, that the new ballots without Hansen's name had arrived on St. Croix as of 2:02 p.m. on the afternoon of Thurs., Oct 30. As of Friday morning, Bryan said the ballots were still being stored at the facility of the postal service used to ship them.

After Bryan's revelation, Attorney Thomas-Jacobs took to the podium and told Brady "it is clear" there was no reason for him to enforce the Supreme Court's order to remove Hansen's name from the ballot, as Bryan had testified new ballots were already printed in compliance with the Supreme Court's order. However, Brady took exception to Thomas-Jacob's request.

"Nothing's clear in any context of this election," Brady told the attorney.

Attorney Henderson also objected to Thomas-Jacob's statement, noting that the Superior Court should still issue an order out of an abundance of precaution.

With that, Brady said he would issue an order to enforce the Supreme Court's Oct. 24 order banning Hansen from the Nov. 4 ballot and directed Fawkes, through her attorney, to submit an affidavit by 5 p.m. Friday showing the new ballots had been ordered and printed.