

The Virgin Islands Consortium

Arrest Warrant Issued For Supervisor Of Elections Caroline Fawkes

Politics / **Published On December 16, 2014 09:45 AM /**

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Supervisor of Elections Caroline Fawkes

At a sometimes contentious court hearing convened Monday to address the legality of embattled Senator Alicia "Chucky" Hansen's right to a recount of votes cast for her in the November 4 General Election, Virgin Islands Superior Court Justice Harold Willocks issued a warrant for the arrest of Caroline Fawkes, as the elections supervisor was a no-show at the court proceedings.

Fawkes, along with the entire St. Croix District Elections Board and the Deputy Supervisor of Elections, last week had been subpoenaed to appear before Judge Willocks to provide testimony in the case brought against Hansen by Senator Nereida "Nellie" Rivera-O'Reilly. Rivera-O'Reilly contends that Hansen should not have been granted a recount of her votes because she has no legal grounds for such, as Hansen was a write-in candidate and her name did not officially appear on the ballot.

When, in court on Monday, the availability of transcripts of a Joint Boards of Elections meeting that took place in St. Thomas on Nov. 3, where it was allegedly discussed and a motion was passed to grant Hansen the right to a write-in campaign took center stage and required testimony from the absent Fawkes, Judge Willocks called a two-minute recess to prepare the warrant for Fawkes' detainment.

It was revealed that Fawkes had traveled off island on Dec. 14.

"The court will have an outstanding warrant until Fawkes is picked up," Judge Willocks said, later informing the court that he had sent the warrant to St. Thomas in the event the elections supervisor had traveled there.

The *VI Consortium* later on Monday learned Fawkes had a scheduled trip to Florida prior to being subpoenaed and did not change her travel plans in order to accommodate the court's request.

By the close of Monday's court hearing, Fawkes still had not appeared, although email correspondence was sent to her informing her of the warrant for her arrest. Her bail has been set at \$5,000.

The hearing covered a range of events leading up to the recounting of votes cast for Sen. Hansen, which have been conducted on Dec. 4, 5, 12, 13 and 14. Votes are also being recounted for Epiphane Joseph and Sen. Diane Capehart, who both say they had not requested a recount of their votes.

Discussed at length was the issue of whether the Joint Boards actually approved a write-in candidacy for Sen. Hansen. When being questioned by Rivera-O'Reilly's attorney, Joel Holt, Lilliana Belardo de O'Neal, vice-chairwoman of the St. Croix District board, repeatedly said she could not answer or verify the attorney's question; but when cross-examined by Lee Rohn, Hansen's attorney, Belardo de O'Neal confirmed that the Joint Boards had indeed authorized Hansen's request to mount a write-in candidate.

Belardo de O'Neal also testified under oath that the Joint Boards had, on Nov. 3, voted to "honor the voter's intent" by agreeing a write-in vote would be counted as valid, even if the voter neglected to fill in the oval at the left of the written-in name, which is required in order for the vote to be counted, according to instructions on the ballot.

Belardo de O'Neal explained that during the original count of General Election ballots, the write-in ballots she and her team of talliers counted were cast as valid votes, whether or not the oval was filled in. She even said if a ballot contained a write-in name with "a cross or check mark" within the oval, she counted the vote as valid. However, Belardo de O'Neal said she could not vouch for what the second group of counters did with write-in votes that did not contain a filled in oval. Two teams of counters had been organized to get through the ballots more quickly.

However, Belardo de O'Neal changed her story when questioned about the process used for the recount of write-in votes. She testified under oath at Monday's hearing that write-in ballots without a filled in oval are being separated from those with a filled in oval. At the end of the recount, Belardo de O'Neal testified, Board members would decide what they will do with votes that do not contain a filled in oval. She offered this same explanation to *VI Consortium* last Friday when the former senator was asked how the Board had planned to count write-in votes.

At Monday's hearing, Rohn also mounted an unsuccessful argument to have the case removed from the jurisdiction of the local Superior Court, and be placed under the jurisdiction of the federal District Court. However, Judge Willocks denied Rohn's request and refuted her claims, stating that 90 percent of the cases he reviewed showed that cases involving election law had been handled under the superior court, as those cases are considered local matters and not federal.

The hearing will convene on Wednesday, Dec. 17 at the Superior Court of the Virgin Islands.

Photo Credit: Aisha Zakiya

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