

The Virgin Islands Consortium

"Chucky" Hansen Considering U.S. Supreme Court Appeal

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Embattled Senator Alicia 'Chucky' Hansen

Since there remains no recourse for former Sen. Alicia "Chucky" Hansen in her efforts to hold on to the Senate seat she lost in the 2014 General Election after the Supreme Court of the Virgin Islands denied her a recount of her write-in ballots, Hansen is considering taking her case to the highest Court of the United States.

That's according to Hansen's Attorney Lee Rohn, who said she was disappointed in the V.I. Supreme Court's latest Opinion and Order.

Hansen's contemplation of a U.S. Supreme Court appeal comes after the Supreme Court of the Virgin Islands [upheld](#) a decision made by the Superior Court of the Virgin Islands on Dec. 24 to grant petitioner, Sen. Nereida Rivera-O'Reilly, a writ of mandamus—an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion—directing the St. Croix District Board of Elections, its members, and the Government of the Virgin Islands, to cease immediately a recount of votes cast for Sen. Alicia "Chucky" Hansen for the office of Senator in the Nov. 2014 General Election.

Hansen appealed the Superior Court's decision to the Supreme Court on Dec. 29, arguing that Superior Court Judge Harold Willocks' decision was inconsistent with evidence provided in court.

"Today we filed an appeal to the Virgin Islands Supreme Court, we feel that it is flawed that someone could be declared by the Supreme Court not to have been damaged by the decision to remove at the last minute from the ballot, because she could run a write-in candidacy, and then when she did and her votes weren't counted, not be a candidate to demand that her votes be counted. That appears to be totally inconsistent," [said](#) Rohn in December.

In its latest Opinion, the Supreme Court chastised the Superior Court on various levels, stating that the court "exceeded its jurisdiction when it disregarded a notice of removal of these proceedings to the federal court," although the error was "harmless because the United States District Court remanded the matter and acknowledged that proceedings in the Superior Court were ongoing."

The Superior Court also erred, the Supreme Court said, "in holding that Hansen lacked standing as a 'candidate' to petition the Board of Elections for a recount," and "in implicitly rejecting the claim that elections officials unilaterally commenced a recount without first obtaining authorization from a majority of the Board of Elections by vote granting the petition for a recount, which the Board's official records all indicated had not been done."

The Supreme Court went on to opine that Hansen's recount was initiated with no legal authority, and thus the petitioner, Rivera-O'Reilly, was entitled to a writ of mandamus.

As seen in the aforementioned, the Supreme Court found many errors with decisions made by the Superior Court, in addition to an error of concluding that "the Board could waive statutory timeliness requirements governing recount petitions as set forth in 18 V.I.C. § 629."

However, despite the errors, the Supreme Court maintained that the Superior Court's Dec. 24 "ultimate decision to grant the writ of mandamus directing that the recount be ceased was correct and that result is affirmed."

If Hansen moves ahead with an appeal to the U.S. Supreme Court, the chances of her case being heard are extremely slim, as said Court hears about 100-150 of the more than 7,000 cases that it is asked to review each year.