

The Virgin Islands Consortium

Supreme Court Bars Rodriguez From Being Sworn In Today

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Ernice Gilbert **January 09, 2017**



ST. THOMAS -- In a last-minute judgement handed down on Sunday, the Supreme Court of the Virgin Islands said that Kevin Rodriguez would not be able to take the oath of office alongside his colleagues today (swearing-in ceremony happens at 10:00 a.m.), despite a Superior Court ruling last week that said he would be able to serve as a senator.

The Supreme Court's ruling, seen [here](#), is another twist to a case involving Mr. Rodriguez and 6th placer in the last Senate race, Janelle Sarauw, who filed suit against Mr. Rodriguez, contending that he was not eligible to serve as a senator because he did not meet the residency requirement mandated by the Revised Organic Act of 1954.



Kevin Rodriguez

Mr. Rodriguez had sought to paint a portion of the Revised Organic Act of 1954 that pertains to domicile for those seeking elected office, as unconstitutional. That portion of the Act states that no person is allowed to be a member of the Legislature if he/she had not been a bona fide resident of the Virgin Islands for three years preceding the date of the next election.

Mr. Rodriguez claimed in a bankruptcy filing in Tennessee to be a resident of the state, with his address listed as 4956 Indian Summer Drive in Nashville, Tenn. The case was dismissed on July 25, 2016, but a section of a form related to the case that asks where one lived for the past three years — the form involved specifically asking whether Mr. Rodriguez had lived anywhere else other than Tennessee for the past 3 years — Mr. Rodriguez answered no.

But Superior Court Judge Kathleen Mackay ruled in Mr. Rodriguez's favor last week, stating that testimony from witnesses, including the would-be senator's wife, confirmed that he has lived in the territory since 2013. However, the Supreme Court's Sunday ruling -- citing [judicial estoppel](#) -- opined that the Superior Court could not take a position contrary to what it had taken in the past in a legal proceeding. The Superior Court had previously barred Mr. Rodriguez from taking the oath of office.

Correction: January 17, 2016

A previous version of this article stated that Mr. Rodriguez placed 8th, when he actually placed 6th. The story has been updated to reflect the correct information.