

The Virgin Islands Consortium

Rodriguez Says Sarauw And A.G. Walker Should Not Be Allowed To Testify At Tuesday Session

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ST. THOMAS -- As one of the most consequential Senate sessions in USVI history draws closer; its outcome potentially having influence on decisions for years to come, Senator-elect Kevin Rodriguez, whose candidacy has been mired by lawsuit challenges from special election winner Janelle Sarauw, has requested the presence of multiple persons at Tuesday's session, among them his wife, one of Mr. Rodriguez's most powerful witnesses in his protracted battle to be seated as the 15th senator of the 32nd body, a seat he won during the November 8, 2016 general election.

Through his attorney, Francis Jackson, Jr., Mr. Rodriguez asked Senate President Myron Jackson to allow the presence and testimony of the following persons at the upcoming

momentous session: Kimberly Rodriguez, wife of Mr. Rodriguez; Benjamin A. Currence, a local attorney who specializes in bankruptcy; Francine Penn-Scipio, a life-long friend and acquaintance of Mr. Rodriguez; and Luis "Tito" Morales, a former board member of Hope, Inc. and Mr. Rodriguez's former employee.

The letter to Sen. Jackson stated that a formal request from the Legislature only arrived on June 20 to Mr. Rodriguez attorney's office, who reviewed the letter on June 21. It came with a deadline to submit potential testifiers along with their written testimonies on Mr. Rodriguez's behalf on June 23, but Atty. Jackson said the notice was too short.

"Unfortunately, with the short notice of the June 27, 2017 hearing, there was insufficient [time] to fully comply with your request for the witnesses' written testimony," reads part of the letter, seen below. Atty. Jackson said he had worked over the weekend with Mr. Rodriguez in preparing his testimony, and that it would be available to the Legislature today.

Atty. Jackson also said he, along with Mr. Rodriguez, would oppose any witness who could not provide any evidence on what the Rodriguez team deemed "the only issue" before the 32nd Legislature, which is, "whether Senator-elect Rodriguez has satisfied the five requirements for membership established by § 6(b) of the Revised Organic Act, including 1) citizenship; 2) age; 3) voter registration; 4) bonafide residency; and 5) absence of a conviction for a felony or crime of moral turpitude.

The letter mentioned Ms. Sarauw and Brigitte Berry -- the reasons why Mr. Rodriguez has yet to be seated, as the two challenged whether he met the territory's residency requirement relative to elected office -- as persons who should not be allowed to testify.

"The only testimony offered by Sarauw and Berry at the various hearings in the Superior Court was their receipt of an anonymous email containing Senator-elect Rodriguez's bankruptcy petition in Tennessee," reads the letter.

Atty. Jackson also objected to testimony from Attorney General Claude Walker, stating that Mr. Walker has "no personal knowledge of Senator-elect Rodriguez's physical presence and intentions during the relevant time period."

The letter adds, "More than anything else, it was the misleading testimony of the Attorney General that may have persuaded the Legislature not to do at the February 21, 2017 Legislative Session what it is now required to do at the June 27 Hearing as a result of the Third Circuit Court of Appeals decision."

For his part, Sen. Jackson, in a phone interview on Monday, told The Consortium that Ms. Sarauw, Ms. Berry and Mr. Walker will all testify at tomorrow's hearing, rebuking Atty. Jackson for apparently attempting to steer the course of the Tuesday session. "Attorney Jackson is not going into a court, nor does he govern the proceedings of the Legislature," Mr. Jackson chastised. "As he comes here for a hearing tomorrow, he will abide by the rules of the Legislature and the proceedings of the session."

The Senate president, who said he was still awaiting the testimony from Mr. Rodriguez's list of testifiers, said the senator-elect, whose testimony has been received by the Senate, will be allowed to speak on his behalf. And if the testimonies of Mr. Rodriguez's supporters are received today, they too will be allowed to testify.

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