

The Virgin Islands Consortium

Senator Marvin Blyden Responds To Resurrected Dismissed Rape Charges

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Ernice Gilbert **July 09, 2017**



Edgar Baker Phillips, chairman of the St. Thomas-St. John District Democratic Party, has been raging a crude war against Senate Democrats ever since the lawmakers rejected a member of their own party in favor of Janelle Sarauw, the April 8 special election, to be seated as the 15th senator in the 32nd Legislature.

In a recent release that was not published by local media houses, including The Consortium, Mr. Baker levied harsh, unsubstantiated attacks on a number of Senate Democrats in an effort to discredit their reason for voting against Mr. Rodriguez during the June 28 Senate session. A number of Democrats who voted to reject Mr. Rodriguez said that because he lied to a bankruptcy court in Tennessee in an attempt to keep his

family from becoming homeless, he should not be seated.

The Phillips press release alleged that current Majority Caucus senators had done a number of misdeeds, including misappropriation of funds; a Majority senator propositioning a male St. Croix constituent for sexual favors; another majority senator who impregnated his maid while living in the same house; and that a member of the Majority had been charged with statutory rape.

"Are these not issues of moral turpitude, and are these persons fit to decide who should sit in the Virgin Islands Legislature?" asked Mr. Phillips. In a subsequent missive to Territorial Democratic Party State Chair Donna Christensen, Mr. Phillips said, "May I also remind all of you that truth is an affirmative defense to defamation," suggesting that he was confident in his allegations made against the Majority Caucus members.

Yet, the only known occurrence among the accusations made by Mr. Phillips, was the statutory rape incident. Senator Marvin Blyden, in 2007, was charged with second-degree rape, sexual assault and aggravated rape, after being accused by a then-17-year-old female. At the time, Mr. Blyden was 41. The story was reported on by The Virgin Islands Daily News, which cites a probable cause fact sheet that quotes the female as stating that Mr. Blyden was supposed to take her out to celebrate her birthday after receiving permission from her family.

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- 3) The People are aware that the allegations are very serious, but show that there is more than reasonable doubt of the defendant. The People have not yet received a written report from the FBI. In verbal statements the People request that the matter be dismissed without prejudice, at least until a final report is received.

Wherefore, the People request that this matter be dismissed without prejudice.

RESPECTFULLY SUBMITTED

VINCENT F. FRAZER
Attorney General

DATED: Sept 7, 2007 BY: [Signature]

DOUGLAS DICK, ESQ.
Assistant Attorney General
Family/ Special Victims Unit

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that an exact copy of the foregoing Motion and Order was mailed to Joseph Mingolla Esq., PO Box 11550, St. Thomas, VI 00802.

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS,)

Plaintiff,)

vs.)

MARVIN BLYDEN,)

Defendant.)

Criminal No. 137/07

ORDER

THIS MATTER is before the Court the People's "Motion to Dismiss with Prejudice." Based upon the Appellate Division of the District Court's decision dated February 24, 2006, in *In re Government of the Virgin Islands*, [REDACTED] D.C. Civ. App. No. 2004-69, this Court will construe the "Statement of Nolle Prosequi." Accordingly, it is hereby

ORDERED, that this matter shall be closed and removed from the Court and it further

ORDERED, that any bail posted by or on behalf Defendant shall be returned and it is further

ORDERED, that a copy of this Order shall be served on the People of the Virgin Islands, Marvin Blyden and copies directed to Attorney Joseph Mingolla and Assistant Attorney Douglas Dick.

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS,

Plaintiff,

v.

ARVIN BLYDEN

Defendant

CRIM. NO. F 137/06

MOTION TO DISMISS

COMES NOW, the People of the Virgin Islands by and through its undersigned counsel, Douglas Dick, Esquire, and respectfully moves this Honorable Court to dismiss this matter and states as follows:

- 1) That counsel spoke with the DNA examiner, Tina Delgado from the FBI, who told counsel that Mr. Blyden has been excluded as the source of the semen recovered from the panties of the victim. The FBI's final report has not yet been written and will not be available for two to three weeks. Ms. Delgado stated that the vaginal swabs came out negative for semen.
- 2) That Sgt. Sherry Ann Hughes interviewed the victim, S.P. she

The female told police that Mr. Blyden picked her up and drove to his house with her. She said she asked him why they had stopped at his home, and Mr. Blyden told her that he had a gift inside his home for her. Once inside, according to the girl, Mr. Blyden placed a gold necklace around her neck. She said when she attempted to leave, Mr. Blyden pulled her back to him and started touching her private areas. The girl went on to state that Mr. Blyden left the room and returned without any clothing, and told her to undress as well, according to the Daily News story, which cited the probable cause document that included information provided by the girl.

But the case didn't go anywhere because the accusations were all false. Mr. Blyden told The Consortium this morning that the girl's family wound up apologizing to him, and that the ordeal had inflicted immense damage on his reputation. He said the judge presiding over the matter asked aloud who would repair Mr. Blyden's damaged character. "It was false accusations but no one listened; they didn't listen," Mr. Blyden said.

The court found that the female had not even been to his home. And when they tested to see if the female had been forced into sex with Mr. Blyden (court documents show that she had claimed she was not sexually active since 2004, or for three years preceding the alleged rape), semen was found, but not Mr. Blyden's.

The case was later dismissed with prejudice and Mr. Blyden's reputation, at least on paper, was fully restored. His job at the Housing Authority, which he had lost, was restored as well.

But the damage was done. He told The Consortium that the situation tormented his family for a long time, with his wife having a hard time at work and his children the victims of bullying at school.

"It was a real bad ordeal for me and my family at the time and here it is a decade later, they're trying to do the same thing again," he said. "It's real bad and it's not right. It's not right."

Ten years later, Mr. Blyden is a second-term Democratic senator, more evidence that nothing became of the case, because in the U.S. Virgin Islands, one's criminal record must be nearly spotless to run for public office. In fact, lying under oath, a crime of moral turpitude, was recently clearly defined [in a 2016 bill sponsored by former Senator Kenneth Gittens and Mr. Blyden](#), part of whose purpose was to assure that those who lie under oath would not be eligible to seek public office.

As outlined by the 2017 legislation, "moral turpitude" is defined as any violation of the law that is contrary to honest, justice or good morals such as a violation of law involving dishonesty, fraud, willful failure to file income taxes, perjury, forgery, murder, sexual offenses, intentionally causing serious injury to another, child-abuse, spousal abuse and the sale of illegal drugs."

So the only accusation that Mr. Phillips floated that has actually been reported on and was known to the public, cannot even be considered because it was not true.

Senate Democrats have chosen to take the highroad, according to a recent release issued by Majority Leader Senator Neville James. He said Majority members would not

take seriously Mr. Phillips's "immense use of slander, libel and confrontation. Instead, the Mr. James added, the caucus would continue to "do the people's business, which is considering legislation, and passing laws geared towards economic growth and prosperity throughout the territory."

"Slavery days are over, so if the St. Thomas leadership believed that the intimidation tactics they employed before, during, and after the most recent session will deter us from doing our job, they are sadly mistaken," Mr. James concluded.