

## **Bryan Sues For Voter's Rights Provided by Law**

Adelbert Bryan has filed suit in both local and federal court to ensure that we, the voters, have the right to vote via secret ballot as provided by both local and federal laws. We anticipate a hearing in either court within the near future. We applaud Bryan for filing the matter in both courts. It has now become crystal clear that as much as there exists the "rocket docket" pathway in the federal court, within the Superior Court there is the "Rohn docket" pathway, where cases like Lee Rohn's drug trafficking case and the Mafoliegate civil lawsuit seem to move at an extremely slow pace. We anticipate a hearing on the matter in the near future.

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

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ADELBERT M. BRYAN,

Plaintiff,

v.

JOHN ABRAMSON, JR., SUPERVISOR OF  
ELECTION AND THE JOINT BOARD OF ELECTIONS  
and GOVERNMENT OF THE VIRGIN ISLANDS,

Defendants.

) SX-10-CV- 0019  
)  
) ACTION FOR:  
) INJUNCTIVE RELIEF;  
) PRELIMINARY INJUNCTION;  
) TEMPORARY RESTRAINING  
) ORDER

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DISTRICT COURT  
ST. CROIX

COMPLAINT

COMES NOW, Plaintiff, ADELBERT M. BRYAN, Pro Se and alleges the following as and for his Complaint.

1. This Court has jurisdiction under 4 V.I.C. § 76 et. seq. as amended.
2. The Plaintiff is and at all times a resident of St. Croix, U.S. Virgin Islands.
3. Defendant John Abramson, Jr. as Supervisor of Elections and Members of the Joint Board of Elections are residents and citizens of the U.S. Virgin Islands.
4. Defendants are governed by the laws of the Virgin Islands pursuant to 18 V.I.C. and The Help American Vote Act of 2002 A.K.A (HAVA) Public Law 107-252.
5. On July 30, 2002, the defendants agreed in a meeting held in St. Thomas as a Joint Board, decided that in the upcoming primary and general elections that electors who have reasons for not utilizing the electronic voting machine will have to use the provisional ballots, in violation of the Federal and Local laws for its intentional uses. (See Exhibit A.)
6. That it was not until August 4, 2010 that a press release was issued to notify the electors of this meeting decisions. (See Exhibit B.)
7. Defendants have no authority under the H.A.V.A. of 2002 and 18 V.I.C. to amend or change the prescribe uses of the provisional ballots.

8. The lateness of the actions of the defendants for such decisions are arbitrary, capricious and without merits or legal authority and will cause plaintiff and thousands of electors to not register their choice of vote(s) in a secret ballot without influences, persuasion, intimidation and coercion.
9. The provisional ballot sole uses are prescribed federal and locally in both H.A.V.A 2002 and 18 V.I.C.
10. The Administrative Complaint Procedure and related hearings are not available for final disposition due to the arbitrary and capricious late meetings on July 30, 2010 and the press release dated August 30, 2010 issued by defendants. Such actions by defendants are arbitrary, capricious and discriminatory.

#### FACTS

11. Plaintiff is a legally registered elector (voter) pursuant to 18 V.I.C. duly register in the democratic party and eligible to vote pursuant to 18 V.I.C. and H.A.V.A 2002, for the upcoming primary and general elections schedule for September and November 2010. (See Exhibit C.)
12. Plaintiff and thousand of electors have the legal choice of using paper ballots or the electronic voting machines pursuant to relative laws.
13. The Provisional ballot has its own and prescribed use according to 18 V.I.C. and H.A.V.A 2002, therefore, defendants have no legislative or congressional authority to change or amend its uses.
14. Any further attempt to administratively resolve this matter will be futile. The Administrative remedy is inadequate and will be futile in the matter, since the decisions were made within the lateness of the notice defendants' actions.

15. The Administrative remedies will and can take the solution way past the upcoming elections of 2010, which would deny plaintiff and others due process. See McDowell v. Government, 17 V.I. 346, 347-48 (D.C.V.I. 1980).
16. The use of ballots and ballot boxes are still present and available in 18 V.I.C. and have not been repealed.
17. The definition for "Provisional Ballot" and "Vote" is defined in 18 V.I.C. as amended in 7086 dated January 1, 2010.
18. Paper ballots have always been one of the five (5) instruments for casting a secret vote pursuant to 18 V.I.C.
19. Plaintiff and others have made it known to defendants and others via public radio talk shows of our intentions to vote with the use of the official paper ballots or unofficial ballots pursuant to 18 V.I.C.
20. 18 V.I.C. provides for the use of paper ballots and ballot boxes amongst other official instruments and documents to be delivered at all polling districts and polling places. The defendants arbitrarily, capriciously and discriminatorily agreed to influence, persuade, intimidate or coerce plaintiff and others to use a provisional ballot rather than the electronic voting machines, as adopted as one of the choice to register a voter's choice, will or preference to manifest his/her vote pursuant to 18 V.I.C.
21. Plaintiff has met all requisites pursuant to 18V.I.C. as a qualified voter in the upcoming primary and general elections in September and Novcmber 2010. (See Exhibit C.)


22. Plaintiff and others similarly situated will suffer lost and denial of access and participation in upcoming elections if denied the use of a official ballot to cast one's vote pursuant to 18 V.I.C.
23. Plaintiff and others similarly situated will suffer immediate and irreparable harm, injury and loss of our right to vote if defendants are not temporarily restrained and permanently enjoined from their actions and decisions of July 30, 2010 and August 4, 2010.
24. There is no immediate remedy at law for this cause of action if this honorable court does not intervene.
25. That defendants have impiously cancelled the voter's registration of over six thousand (6,000) previously registered persons eligible to vote in upcoming primary and general elections to include 2010, in denial of the civil rights of these individuals without due notice.
26. 18 V.I.C. requires defendants to place notices in three (3) places to include responses from individuals so removed from registration by sending notices by mail and other requirements thereto.
27. These actions of defendants constitute an intentional, capricious, arbitrary and discriminatory act against plaintiff an others similarly situated.
28. There is only one primary election and one general election scheduled by law this year in September and November 2010, and if defendants are not restrained or enjoined from their decisions and actions, plaintiff and others will suffer irreparable harm and injury.
29. There is the likelihood of success for plaintiff and others similarly situated on the merits of this cause of action.

**WHEREFORE**, Plaintiff and others pray for a restraining order, preliminary injunction and permanent injunction prohibiting defendant from utilizing and enforcing their decision of July 30, 2010 and August 4, 2010. Plaintiff further prays for this Honorable Court to enter an order in favor of plaintiff and others to be allowed to vote utilizing an official paper or unofficial paper ballot to be placed in the ballot boxes and counted accordingly, and any further relief this Honorable Court may deem just and proper.

Plaintiff further prays for damages and other further appropriate relief preventing further violations of plaintiff's constitutional, civil and due process.

Respectfully submitted,

Dated: 8/17/10

By: 

**ADELBERT M. BRYAN, Pro Se**  
P.O. Box 1204  
Frederiksted, VI 00841  
Tel. # 340-772-9191  
340-643-7476

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

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ADELBERT M. BRYAN,

Plaintiff,

v.

JOHN ABRAMSON, JR., SUPERVISOR OF  
ELECTION AND THE JOINT BOARD OF ELECTIONS  
and GOVERNMENT OF THE VIRGIN ISLANDS

Defendants.

) SX-10-CV- 0079  
)  
) ACTION FOR:  
) INJUNCTIVE RELIEF;  
) PERMANENT INJUNCTION  
) TEMPORARY RESTRAINING ORDER

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DISTRICT COURT  
ST. CROIX

**AFFIDAVIT IN SUPPORT OF COMPLAINT**

**TERRITORY OF THE VIRGIN ISLANDS )  
DISTRICT OF ST. CROIX )**

**ss.:**

**I, ADELBERT M. BRYAN**, being duly sworn upon oath and according to law, deposes and states that:

1. I am over the age of eighteen (18) years and competent to make this Affidavit.
2. I am the plaintiff named in the above-captioned action and a citizen of the U.S. Virgin Islands residing at 61B Two Brothers, Frederiksted, St. Croix, U.S. Virgin Islands.
3. I am filing this complaint in the above-captioned matter against defendants mentioned above.
4. I am a legally registered voter in the U.S. Virgin Islands in St. Croix District as a Democrat pursuant to 18 V.I.C. (See Exhibit C.)
5. There is one primary and one general election scheduled for September and November 2010 for election for various public offices.
6. Any further attempt to administratively resolve this matter will be futile. The Administrative remedy is inadequate and will be futile in the matter, since the decisions were made within the lateness of the notice defendants' actions.

7. The Administrative remedies will and can take the solution way past the upcoming elections of 2010, which would deny plaintiff and others due process. See McDowell v. Government, 17 V.I. 346, 347-48 (D.C.V.I. 1980).

8. That I was informed on August 4, 2010 that the Joint Board of Elections meeting on St. Thomas made a decision to restrict a voter to use a provisional ballot to vote in the upcoming elections of 2010. (See Exhibit B.)

9. That I am familiar with the voting laws of the H.A.V.A 2002 and 18 V.I.C. applicable to the Virgin Islands.

10. That I was and is of the belief that certain procedures and laws applicable to voting in the upcoming elections are being violated and are about to be violated as to the decision made on July 30, 2010 and August 4, 2010. (See Exhibit D.)

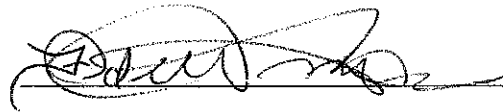
11. As a legally registered voter I intend to exercise my legal and civil right to vote in the upcoming primary and general election of September and November 2010.

12. The defendants have no legal authority to require me and other voters to use a provisional ballot rather than the electronic voting machine. (See Exhibit A.)

13. That I have been a registered voter in the Virgin Islands since 1964 in the St. Croix district, and have been a candidate for public office and was successful on more than twelve occasions to include, Delegate to Constitutional Convention on three occasions, district Senator on seven occasions, and twice for Governor in 1986 (unsuccessful in runoff election). (See Exhibit C.)

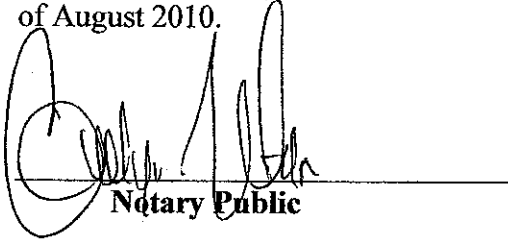
**FURTHER**, your Affiant sayeth not.

DATED: 8/17/10



**ADELBERT M. BRYAN**

**SUBSCRIBED AND SWORN TO**  
before me on this 17<sup>th</sup> day  
of August 2010.

  
**Notary Public**

Evelyn Mari Webster  
Notary Public # 016-08  
Commission Expires: 02-19-2012  
Judicial Division, USVI

**SUMMONS**

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**THE GOVERNMENT OF THE VIRGIN ISLANDS:**

To: Vincent Frazer, Attorney General

Address: 6040 Castle Coakley, St. Croix, U.S. Virgin Islands

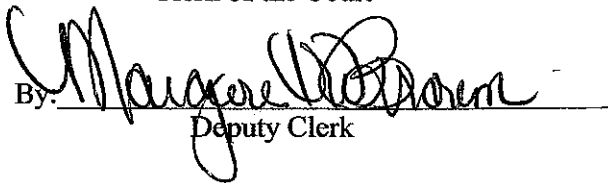
Within the time limited by law (see note below) you are hereby required to appear before this Court and answer to a complaint filed against you in this action and in case of your failure to appear or answer, judgment by default will be taken against you as demanded in the complaint.

Witness my hand and the seal of this Court this 17 day of August, 2010.

**WILFREDO F. MORALES**  
Clerk of the Court

  
Adelbert M. Bryan, Pro So

P.O. Box 1204  
Frederiksted, VI 00841  
(340) # 340-772-9191  
340-643-7476

By:   
Deputy Clerk

**NOTE:** The defendant, if served personally, is required to file his answer or other defense with the Clerk of the Court, and to serve a copy thereof upon the plaintiff's attorney within twenty (20) days after service of this summons, excluding the date of the service. The defendant, if served by publication or by personal service outside of the jurisdiction, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the attorney for the plaintiff within thirty (30) days after the completion of the period of publication or personal service outside of the jurisdiction.

SUMMONS

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ST. CROIX

THE GOVERNMENT OF THE VIRGIN ISLANDS:

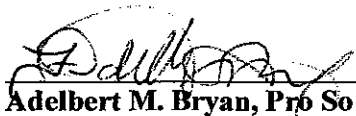
To: Raymond Williams, Chairman of Joint Board of Elections

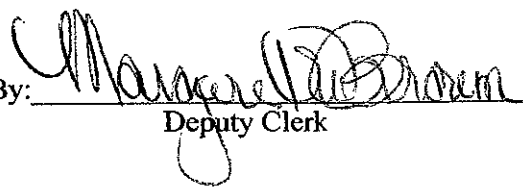
Address: 93AB Sunny Isle Annex, St. Croix, U.S. Virgin Islands

Within the time limited by law (see note below) you are hereby required to appear before this Court and answer to a complaint filed against you in this action and in case of your failure to appear or answer, judgment by default will be taken against you as demanded in the complaint.

Witness my hand and the seal of this Court this 17 day of August, 2010.

WILFREDO F. MORALES  
Clerk of the Court

  
Adelbert M. Bryan, Pro Se  
P.O. Box 1204  
Frederiksted, VI 00841  
(340) # 340-772-9191  
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By:   
Deputy Clerk

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) ORDER

CLERK OF THE  
DISTRICT COURT  
ST. CROIX

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THE GOVERNMENT OF THE VIRGIN ISLANDS:

To: John Abramson, Jr., Supervisor of Elections

Address: 93AB Sunny Isle Annex, St. Croix, U.S. Virgin Islands

Within the time limited by law (see note below) you are hereby required to appear before this Court and answer to a complaint filed against you in this action and in case of your failure to appear or answer, judgment by default will be taken against you as demanded in the complaint.

Witness my hand and the seal of this Court this 17 day of August, 2010.

WILFREDO F. MORALES

Clerk of the Court

Adelbert M. Bryan, Pro So,  
P.O. Box 1204  
Frederiksted, VI 00841  
(340) # 340-772-9191  
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By: [Signature]  
Deputy Clerk

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