

The Virgin Islands Consortium

Trial of Ex-BVI Premier Fahie Set to Commence Amid Legal Wrangling Over Evidence

Judge yet to decide on defense's motion to limit evidence from Fahie's devices

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Former BVI Premier Andrew Fahie.

As of early Monday morning, the trial of former BVI premier Andrew Fahie on drug trafficking, money laundering, and racketeering conspiracy charges is still set to begin later today in the Southern District of Florida courts. However, [another delay](#) is likely, as Judge Kathleen Williams is yet to rule on the most recent motion filed by defense attorney Theresa Van Vliet to constrain the prosecutors' ability to introduce evidence taken from her client's mobile phone.

The government filed a list of all the exhibits they wish to enter into evidence on December 11, and the lengthy list included recordings of phone calls and meetings between Mr. Fahie and his alleged co-conspirators Oleanvine and Kadeem Maynard, both of whom [pleaded guilty](#) for their roles in the alleged scheme. However, government lawyers have also declared an intention to present the full data extraction of several of Mr. Fahie's devices, including a Note 10+ mobile phone and a Surface tablet.

In her motion, however, Mr. Fahie's defense counsel argued that the scale and scope of such information is overwhelming, excessive, and its introduction in full is unwarranted. The plan from prosecutors "burdens the record with an enormous amount of data that is wholly irrelevant to this case, and is replete with personal information, to include matters relating to the health treatment of Mr. Fahie's family members," Ms. Van Vliet contended. Additionally, she advised the court that as sitting head of government in the BVI when arrested, his communications could include messages "made in the official course of his duties which are wholly unrelated to this case."

Similar concerns are raised about the presentation of the full contact list from Mr. Fahie's phone, text chats between the former premier and his assistant, as well as 513 pages of a text chat between Mr. Fahie and his building contractor.

Correspondence between Mr. Fahie and BVI Police Commissioner Mark Collins, as well as a heavily redacted text chain between the former Premier and the National Security Council were flagged by the defense, as Ms. Van Vliet questioned whether the Government of the British Virgin Islands had been consulted to clear and resolve "any confidentiality or privacy concerns."

The defense attorney is also seeking to gain clarity on the timing of certain potentially exculpatory statements made by Mr. Fahie. Following their arrest in April 2022, Ms. Maynard was informed by a third party identified in court documents as R.S., that Mr. Fahie was planning to have the DEA confidential source arrested by BVI authorities once the plane landed in Tortola, and the faux \$700,000 on board seized.

Government lawyers had argued that any such statements were hearsay and therefore inadmissible in court, however Ms. Van Vliet countered by asserting that the chats between Mr. Fahie and the National Security Council, and those with the commissioner of Police, are similar in nature. If prosecutors wish to have the latter entered into evidence, they must accept the former as well, she says. "The defense is, of course, amendable to a limiting instruction from the Court ... so that the jury knows the evidence is not offered for the truth of the matter asserted," she stated.

An exhibit list filed on January 25 indicates that prosecutors still seek to enter into evidence the full data extraction of Mr. Fahie's devices. Although not addressed in Ms. Van Vliet's motion, the complete data image from three of Kadeem Maynard's phones, as well as three of his mother Oleanvine's devices, are also intended to be introduced into evidence.

Ms. Maynard is scheduled to testify against Mr. Fahie whenever the trial gets underway, and is awaiting sentencing for her guilty plea. Her son has already begun serving a [57-month jail term](#) following his sentencing last November.

