

The Virgin Islands Consortium

Kaley Lund to Challenge Sentence in Fatal DUI Case, Citing Possible Violations of Plea Agreement and Double Jeopardy

After pleading guilty and later fleeing the territory, Kaley Lund was sentenced to 5 years—1 year more than her plea deal promised prosecutors would seek. Her attorney now argues the sentence may violate constitutional and procedural protections.

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Mugshot of Kaley Lund. By. THE VIRGIN ISLANDS POLICE DEPARTMENT.

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Kaley Lund, recently [sentenced to 5 years in prison](#) for the drunk-driving crash that killed Marvin Burton in 2020, has decided to appeal the matter to the V.I. Supreme Court.

Ms. Lund's appeal will reportedly examine whether the sentence imposed in July violated the terms of her plea agreement, and whether the judgement and sentencing were in conflict with the principles of double jeopardy. She pleaded guilty to involuntary manslaughter in June 2024, but [absconded from the territory](#) ahead of her initial March 31 sentencing date. Just over a year later, she was tracked down to Texas and extradited back to the territory to face justice.

In the March 2024 plea agreement between Ms. Lund and the territorial Department of Justice, prosecutors promised to seek no more than 4 years imprisonment. However, a boilerplate clause in such agreements acknowledges that “sentencing is ultimately at the discretion of the court.” How and why presiding Judge Jomo Meade decided to use his discretion to land on the 5-year sentence (with credit for time served) may now be scrutinized as part of the appeal.

Ms. Lund's attorney, Martial Webster, has also suggested that her conviction and sentencing may have been based on double jeopardy, a scenario in which someone is prosecuted for the same crime they have already been acquitted or convicted for, or has multiple punishments imposed for the same offense. The Fifth Amendment to the United States Constitution protects people from double jeopardy, however Mr. Webster will have to convince the appellate court that such a scenario exists despite court records indicating that Ms. Lund had only one trial and conviction for the drunk-driving death of Mr. Burton.

A new case against Ms. Lund is pending, however this relates to her failure to appear for her sentencing dates in 2024, not to the underlying involuntary manslaughter charge to which she pleaded guilty. Ms. Lund's strategy for this appeal should become clearer as the matter wends its way through the V.I. Supreme Court process. The appeal was first reported by WTJX.