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John Jackson, Serving 25-Year Sentence, Files Motion to Vacate Conviction Citing Ineffective Assistance of Counsel

John Jackson, serving a 25-year federal sentence for rape and child pornography, has filed a motion to vacate his conviction, claiming his lawyer failed to present alibi evidence, subpoena witnesses, or properly advise him before trial.

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Mugshot of John Jackson. By. THE VIRGIN ISLANDS POLICE DEPARTMENT.

John Jackson, convicted in 2022 of [rape and child pornography](#) and currently serving a 300-month sentence, is asking the court to vacate his conviction citing ineffective assistance of counsel.

Mr. Jackson, who had [launched an unsuccessful appeal](#) to the Third Circuit Court following his 25-year sentence, told the court in his motion to vacate that his attorney had moved to withdraw as counsel a week prior to trial due to a “total breakdown in communication.”

“At that time, communication between us had completely collapsed,” said Mr. Jackson in the affidavit attached to his motion. “I did not believe he was acting in my best interest, and he told me directly that he could not effectively represent me.” In order to avoid delays, he said, the court denied the request to withdraw, “without conducting any inquiry into the reasons for the breakdown.” This was not fair, Mr. Jackson argues.

He says that his failed to include exculpatory evidence or call witnesses that could confirm an airtight alibi for the timeframe during which some of the alleged incidents occurred. During April 2018, he says, “I was in California at a professional boxing training camp culminating in a fight on April 28, 2018.”

Mr. Jackson says flight records can confirm his movement, and his boxing coach and teammates could vouch for his attendance at “twice-daily training sessions” during that timeframe. There were also witnesses that could confirm an alleged victim's use of a fake passport to pass as 21 years old, and a witness to rebut prosecutors’ claims that it was Mr. Jackson in a video the government used in their case to convict him.

“I specifically told counsel these witnesses could change the outcome of trial. He did not call or subpoena any of them, did not obtain my flight records, and presented no alibi evidence,” Mr. Jackson alleges. “I never instructed him to omit this evidence; I urged him to use it,” he argues.

Mr. Jackson also claims that his counsel gave him incorrect advice regarding the prosecutors' ability to successfully convict him, and he decided to go to trial based on that wrong assessment of his chances. Had he been properly advised, Mr. Jackson argued, “I would have considered other options instead of proceeding to trial.”

During trial, there were other examples of the attorney's alleged failure to provide adequate representation, Mr. Jackson claims, including receiving new documents about an accuser and failing to request a “continuance, recess, or opportunity to reopen cross-examination” as a result of the new information. “These documents could have been used to attack the credibility of a key witness, and I believe the failure to seek time to review them harmed my defense.”

The sudden introduction of a new attorney during jury deliberations may also have “undermined the fairness of the proceedings,” Mr. Jackson argues further.

Accompanied by a 35-page memorandum of law to support his arguments, Mr. Jackson's motion requests a hearing on the issues raised, which he argues should be followed by the quashing of his conviction and sentence.