

## Nonpayment Under Federal Shutdown Threatens Ray Martinez's Right to Fair Trial, Attorneys Warn

**With Criminal Justice Act payments frozen, attorneys for the former VIPD commissioner say they can't afford to travel for trial. A motion to have the court cover expenses was denied, though Judge Mark Kearney approved a government billing workaround.**

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Former VIPD Commissioner Ray Martinez, whose defense team has cited “constitutional injury” amid the federal shutdown after nonpayment left them unable to cover travel expenses for his upcoming trial in St. Thomas. By. V.I. CONSORTIUM.

The [federal government's shutdown](#) has entered its third week, with Republicans pushing for a clean continuing resolution to maintain current spending levels and Democrats demanding that

any deal include funding for expanded Affordable Care Act subsidies. The ramifications of the shutdown are far-reaching, even impacting the ability of public defenders to adequately represent their clients. Ahead of a status hearing on Tuesday, attorneys representing former V.I. Police Department Commissioner Ray Martinez told the court that they could not afford to book accommodation on St. Thomas in December, when the trial is scheduled to begin.

Last week, counsel for Mr. Martinez filed a motion asking the court to either order the Office of the Clerk to secure lodging and transportation for the defense team at the court's expense. The request for support would cover their visits to St. Thomas in October and November for trial preparation, as well as from December 2-19, the dates set aside for the actual trial itself.

The reason for the request dates back to June, the attorneys say. A two-week interruption in payments from June 11 to June 26 while the CJA payment system was being upgraded stretched into July, when “the federal government ran out of funds to compensate CJA attorneys and experts,” according to the motion. The acronym refers to the Criminal Justice Act, under which private attorneys are appointed and paid by the court to represent indigent defendants when the public defender's office cannot take the case for varying reasons.

The attorneys representing Mr. Martinez are based in Puerto Rico, and thus required to travel to the territory to attend court. Following the depletion of CJA funding, “both undersigned counsels have continued to work on Martinez's case on a weekly basis with the promise of payment when the budget was replenished on October 1, 2025,” the attorneys’ motion stated. “This promise proved empty.”

Instead of replenishing the budget, the federal government shut down on October 1, “and funding for CJA work remains depleted with no indication when that may change,” the attorneys state. This has resulted in a quandary.

Already, “lodging is limited in St. Thomas during the holiday season” due to the high volumes of visitors to the islands. According to the motion, only two hotels are available that are priced below the maximum government rate allowable, but only from December 2 to December 16. From the 16 to the 19, accommodation is estimated to cost northwards of \$400 per night. One of the hotels also requires the stay to be paid in full upon reservation, a sum of up to \$7800, which “undersigned does not have in hand.” The motion notes that one of Mr. Martinez's defense attorneys has just concluded a trial on St. Croix, for which he racked up a \$10,000 credit card balance for expenses. With no idea when reimbursement will be forthcoming, he is certain of only one thing: that “the reimbursement he will eventually receive will not cover the interest this debt has accrued.”

Mr. Martinez's defense team says they have already racked up out of pocket expenses in the case for previous visits to St. Thomas, and cannot afford to carry additional costs on behalf of the federal government and their client. The funding crisis, they argue, is directly affecting Mr. Martinez's right to effective representation. “A defense can only be meaningful if it is funded,” the motion argues. “The CJA funding crisis and subsequent government shutdown are resulting in constitutional injury” to Mr. Martinez.

If the court is unable to fund the expenses of the defense team at this time, a stay of all proceedings would be an acceptable alternative, defense counsel suggested.

Presiding judge Mark Kearney did not agree that a stay would be appropriate. Neither did he consent to ordering the Clerk of Court to fund transportation and lodging expenses for the

attorneys. In that regard, their motion was denied. However, he advised them that they could book their October, November, and December travels with the National Travel Service as planned, with the bills going to the Centrally Billed Account of the District of the Virgin Islands. This is an account designated for the “purchase of official travel services established between the Government and a General Services Administration SmartPay contractor,” according to the Transportation Safety Administration.

With a mechanism in place to afford travel to St. Thomas without incurring additional personal expenses, Tuesday's status hearing, and hopefully trial in December, remains on schedule for Mr. Martinez.

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