

Defense Challenges Credibility of Key Witness as Martinez–O’Neal Corruption Trial Opens in St. Thomas

Defense attorneys for Ray Martinez and Jenifer O’Neal pressed to expose details of David Whitaker’s 2008 fraud conviction, but Judge Mark Kearney limited their efforts as jury selection concluded and opening arguments were set for Thursday morning.

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Jenifer O'Neal, left, arrives at the District Court in St. Thomas on Wed. Dec. 3, 2025, for the opening of her federal public corruption and bribery trial. By. ERNICE GILBERT, V.I. CONSORTIUM.

The federal corruption and bribery case against former Police Commissioner Ray Martinez and former Office of Management & Budget Director Jenifer O’Neal began Wednesday in the District

Court of the Virgin Islands on St. Thomas, with defense attorneys launching an early and direct attack on the credibility of the government's central witness, David Whitaker. From the outset, the defense characterized Whitaker as a "serial liar" and a corrupt figure whose testimony should not guide the jury's judgment.

The indictment accuses Martinez and O'Neal of working together to enrich themselves at public expense by ensuring swift government payments of what prosecutors allege were bloated invoices submitted by Mon Ethos Pro Support, the company founded by Whitaker. Their attorneys, led by counsel for Martinez, argued that Whitaker's involvement in a major fraud case nearly two decades ago underscores what they described as a long-standing pattern of deceit.

That earlier case was a 2008 conviction from the U.S. District Court in Providence, Rhode Island, arising from Whitaker's operation of an electronics company called Mixitforme, Inc. Whitaker had admitted to taking millions of dollars from roughly 83 business customers and a credit card processor for bulk electronics orders that were never delivered. Prosecutors in that matter said he used fake tracking numbers and customs explanations to mislead clients, submitted false financial information to obtain credit card processing, and arranged a lucrative job offer for a bank manager in exchange for unauthorized letters of credit. He ultimately pleaded guilty to wire fraud, conspiracy to commit wire fraud, money laundering, and commercial bribery, resulting in a restitution obligation of about \$10.06 million and a 70-month federal prison sentence imposed in 2011. The sentence factored in his later cooperation in a separate federal investigation into Google's advertising of illegal online pharmacies.

Attorney Miguel Oppenheimer, representing Martinez, told the court that jurors "should know that" Whitaker is a habitual liar who has lived a life of fraud, claiming similarities between his 2008 case and the matter now before the court. Attorney Dale Lionel Smith, representing O'Neal, supported the argument, maintaining that Whitaker's credibility was central to the defense and that the jury "has a right to know the underlying facts of Whitaker's lies." Both lawyers pushed for broad cross-examination of the earlier Rhode Island fraud scheme, urging the court to allow scrutiny of the details. Attorney Juan Matos de Juan is also representing Martinez.



Former Police Commissioner Ray Martinez, left, and his attorneys following today's opening trial. (Credit: Ernice Gilbert, V.I. Consortium)

Judge Mark Kearney sharply curtailed that effort, ruling that the defense may present only the fact of Whitaker's 2008 conviction and the resulting sentence, while barring any cross-examination into the underlying misconduct. He cited Federal Rule of Evidence 609(b), which heavily restricts the use of convictions more than ten years old to challenge a witness's credibility. Under the rule, such evidence becomes presumptively inadmissible unless its value in assessing credibility "substantially outweighs" the danger of unfair prejudice. Whitaker's release from federal custody around 2012 placed the Rhode Island conviction well past the ten-year mark by the time the

present case began in 2025, leaving the defense unable to explore the specifics before the jury. Judge Kearney's ruling left the defense with only the bare fact of the conviction and sentence, rendering their broader strategy largely moot.

Prosecutors also opposed extensive use of the 2008 case, and the government invoked Rule 404 in arguing against the introduction of Whitaker's past matters without limitation. The judge addressed the argument directly, calling the defense's attempt to bring in the earlier case "Classic 404b and it is not coming into this court." He further stated that "there will be no evidence of the Rhode Island matter admitted to this courtroom." The prosecution's presentation was led by U.S. Department of Justice Trial Attorney Alexandre Dempsey.

Separately, a docket entry filed Wednesday noted that the defendants had not complied with a November 6 order requiring a Notice of Supplemental Voir Dire, listing any person who might be called as a witness or referenced in a defendant's case-in-chief, along with each person's town of residence. Judge Kearney gave the defendants until 3:00 p.m. to comply or submit a memorandum of up to five pages showing why sanctions should not be imposed. He warned that possible penalties could include monetary sanctions or the loss of jury-selection challenges.

Attorneys Oppenheimer and Matos de Juan informed the court that Martinez has not identified any witnesses he intends to call at this time, but noted that he has interviewed or plans to interview five individuals out of caution. Those individuals include Naomi Joseph of Christiansted, St. Croix, and four residents of Charlotte Amalie, St. Thomas: Mario Brooks, Dwight Griffith, Ludrick Thomas, and Anthony Thomas. They advised that all may be referenced or called as defense witnesses if needed. Martinez also reserved his right to testify at trial if he chooses.

Following the pretrial disputes, jury selection continued for several hours, drawing approximately 45 potential jurors before concluding with a panel of 15 — 11 women and 4 men. Judge Kearney dismissed the jury for the day and scheduled opening arguments for Thursday at 8:30 a.m., reminding the jurors that their deliberations must be based solely on the evidence presented.

Before Wednesday's proceedings, The Consortium asked O'Neal how she felt about her chances in the case, but she offered no comment. After court adjourned, Martinez expressed confidence in an eventual positive outcome. "I got faith in God. I got strong faith. I got tremendous family support system with strong love from my family, and two excellent attorneys, so I think at the end of the day I will be vindicated, I'm confident in that. Outside of that I have nothing else," he said.