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## From \$10K Gambling and Luxury Suites to Restaurant Cash: Feds Highlight Benefits to Martinez and O’Neil’s ‘I’ll Sign That Shit Myself’ Moment

Prosecutors detailed Boston travel, high-end hotel suites, gambling charges, restaurant payments and tuition support tied to Martinez, while recordings captured O’Neil frustrated over delayed ARPA funds, telling Whitaker, “I’ll sign that shit myself.”

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An Encore Boston Harbor suite similar to the one prosecutors say Martinez used during a Boston trip.

Jurors in the federal corruption trial of former Police Commissioner Ray Martinez and former Budget Director Jenifer O’Neal were given sharply divergent narratives on Thursday as opening

statements and the government's first witnesses set the stage for a case centered on power, money, and the alleged misuse of Covid-19 relief funds.

Before the attorneys addressed the jury, Judge Mark Kearney spoke directly to Martinez and O'Neal, asking whether they wished to proceed to trial "notwithstanding" a plea offer extended by the U.S. government. Both defendants told the court they intended to move forward, a decision that placed the full weight of the charges — and the possibility of significant prison time — before the jury.

Assistant U.S. Attorney Cherrisse R. Amaro delivered the government's opening statement, telling jurors that what unfolded was "fraud, greed and calculated corruption" carried out by two people holding some of the most powerful positions in the territory. She said Martinez and O'Neal acted in "cahoots" with convicted businessman David Whitaker to enrich themselves, alleging that Martinez received extensive financial benefits for his restaurant, Don Felito's Cookshop, while O'Neal knowingly joined the scheme by approving inflated invoices and accepting rent assistance for her own coffee shop.

"This, ladies and gentlemen of the jury, is a classic example of public officials who put themselves first," she said, arguing that both defendants prioritized personal gain over their public duties.

Amaro emphasized O'Neal's authority as the head of the Office of Management and Budget, describing her as someone who controlled local and federal dollars with an extraordinary ability to determine which government invoices were paid. Once she accepted money from Whitaker, Amaro said, O'Neal became "exceptionally dangerous." Martinez, she continued, used his position as the territory's top local law enforcement officer to approve a \$1.4 million contract for Whitaker and then lived a lifestyle funded by bribes. The prosecution said the scheme spanned approximately a year and a half and involved the misuse of American Rescue Plan Act funds.

### **O'Neal's Attorney Counters: "A Warped Story"**

Martinez's legal team chose not to give an opening statement. But O'Neal's attorney, Dale Lionel Smith, took direct aim at the prosecution's framing. He urged jurors not to be misled by the government's characterization of the two defendants, asserting that "nothing could be further from the truth." He claimed the narrative presented by the government was akin to a novel with key pages ripped out, leaving a "warped" version of events.

Lionel told the jury that O'Neal followed the rules in her dealings with Whitaker and had not committed any crimes. Instead, he said, the real wrongdoers were Martinez and Whitaker. He described Whitaker as someone who "has defrauded people all his life," adding the phrase "Lie, steal, lie, repeat" as he challenged the credibility of the government's star witness. He argued that Whitaker's dishonesty harmed the Virgin Islands government and that the prosecution had omitted critical context.

### **Government's First Witness: Procurement Commissioner Lisa Alejandro**

After opening statements, the government called its first witness: V.I. Department of Property and Procurement Commissioner Lisa M. Alejandro. She has served two years in her current role and five years in various procurement positions, including assistant commissioner.

Alejandro described the review and approval process for the VIPD contract awarded to Mon Ethos, Whitaker's company. Under questioning from Martinez's attorneys, she testified that it

took months and required review by numerous government agencies. Payments to Mon Ethos were already being made while the contract was being finalized, she said, and the department recommended formalizing the arrangement because services were already underway — a process she described as standard across government.

She said the contract complied with procurement requirements and included a large set of investigative and technical services. Mon Ethos was staffed with individuals who had experience at institutions such as the FBI, the U.S. Marshals Service, and Caltech, as shown by exhibits published in court. She testified that Mon Ethos had previously performed work for the VIPD and that the formal agreement, valued at \$1.48 million, was justified under Virgin Islands law.

Alejandro agreed that multiple agencies reviewed the contract and that DPP followed the usual steps: assessing the need for services, reviewing justification letters when competitive bidding was not used, and issuing deficiency lists when documentation was incomplete. She said determining whether a contract was illegal was outside her purview, and that any contract of this size would receive substantial oversight.

During questioning by O’Neal’s attorney, Alejandro acknowledged that former DPP Commissioner Anthony Thomas — who later worked with Mon Ethos — had communicated with her, though on only a few occasions. She said she learned additional information only later through the media. When asked whether she would have signed the contract if she knew someone was being paid to secure her signature, she replied that she would not, “because doing so would be a crime.”

### **Whitaker Takes the Stand and Dominates the Day**

The government next called its central witness, David Whitaker, who remained on the stand for the rest of the day. He is expected to continue testifying through at least midday Friday, at which point cross-examination may begin.

Whitaker described himself as a digital strategist who began working in the territory in 2021 through Mon Ethos. He said he was not on a full-time contract but performed investigative and technical work for the government. He pointed to an unpaid invoice as an example of chronic delays and said his company went months without payment. According to his testimony, he told Martinez about his financial concerns, and Martinez responded that he needed money to complete work on his restaurant. Whitaker said he then proposed helping Martinez financially if Martinez ensured his invoices were approved.

From there, prosecutors moved jurors through what they described as the core of the alleged bribery scheme: restaurant payments, personal expenses, and luxury travel funded by Whitaker, followed by contract approvals and inflated government invoices approved by Martinez. They said the alleged benefits ranged from high-dollar restaurant equipment and rent support to private school tuition and first-class trips to Boston.

Bank statements were shown indicating multiple restaurant-related payments, including reimbursements to Martinez’s wife, Diana, and payments to contractors. Jurors saw entries for an initial round of equipment purchases in late 2022 and continuing payments into 2023, including a barbecue grill that cost over \$4,500 and a vent hood and related accessories purchased for just over \$12,500. A memorandum for a proposed show called “Steak Out,” described as a fictional cover for payments flowing from Whitaker to Martinez, was drafted and signed by both men, and prosecutors highlighted a later \$11,500 wire to Diana Martinez that carried the memo line “Reimbursement of Exp. for Steak Out.”

Jurors were then shown evidence of two trips to Boston that prosecutors said were paid for by Whitaker. Records, they said, showed more than \$15,000 spent on flights and hotel for the first trip, followed by a second trip where the hotel stay alone reportedly exceeded \$22,500, with flights costing almost \$3,000. Additional charges included a steakhouse dinner of more than \$1,000 and outings such as a Red Sox game, a Celtics game with floor seats, and casino gambling. Photographs presented in court showed Martinez in a large suite at Encore Boston Harbor.

The government said the benefits continued once the men returned to the Virgin Islands. Evidence included the \$11,500 wire transfer to Martinez's wife for rent, restaurant equipment purchases such as the grill and vent hood, and tuition discussions for Martinez's children that prosecutors said involved \$4,100 in monthly private school payments. Jurors also heard a recording of Martinez talking about picking up a grill and saying he needed to "get Diana off [his] back."

Whitaker also testified that he was approached by the FBI and began cooperating. Even after that, prosecutors said, he continued making payments to Martinez and pushing for invoice approvals, including support for restaurant expenses and tuition while government invoices were pending. Audio presented in court captured tense exchanges between the two men about money and signatures.

### **Phone Calls Draw O'Neal Into the Alleged Scheme**

Audio recordings presented in court revealed a series of conversations involving Jenifer O'Neal, David Whitaker, and at times Ray Martinez, in which the three discussed O'Neal's planned coffee shop, government payments, and their respective roles in what prosecutors allege was a coordinated effort to access public funds.

In one call between Whitaker and O'Neal, jurors heard O'Neal discuss progress on the coffee shop space she intended to lease. She told Whitaker the rent would be \$7,120 a month, with a \$21,000 downpayment required. She became visibly frustrated while discussing the status of payments, telling Whitaker, "I am going to make sure they pay that shit tomorrow. I am not playing with them. I literally sent them a message this morning saying these are the funds I need from ARPA." O'Neal appeared to be referring to payments owed to Whitaker's company, Mon Ethos, and possibly speaking about the Department of Finance.

As Whitaker spoke about the money, O'Neal again expressed irritation, reflecting the pressure she said she was under as she pursued the space. At another point in the exchange, she said she would "Sign that shit myself."

In a related conversation, Whitaker talked about redoing an invoice and getting it to O'Neal for approval. The invoice tied to that discussion was reported as \$325,912.00, dated October 29, 2023, submitted to VIPD. The call took place on November 3, 2023.

A separate three-way call — involving O'Neal, Whitaker, and Martinez — included conversations about O'Neal's coffee shop plans. O'Neal said Whitaker already knew about the space and that they had previously discussed it. The call also included practical details: rent was said to be a little over \$7,000 a month with a three-month deposit, information attributed to "Charlie."

### **A Day Dominated by the Government's Evidence**

By the time court adjourned on Thursday, jurors had heard a substantial volume of evidence from the government, much of it delivered through its star witness, David Whitaker. The prosecution spent the majority of the day walking jurors through bank records, restaurant payments, rent

transfers, Boston travel, tuition discussions, coffee shop lease discussions, and a series of recorded calls involving Martinez, O’Neal, and Whitaker. With each document and audio clip, prosecutors worked to establish what they described as a coordinated effort by both defendants to use ARPA funds and government authority for personal benefit.

While defense attorneys used opening statements and cross-examination of Commissioner Lisa Alejandro to cast doubt on the government’s case — with O’Neal’s attorney arguing she followed the rules and Martinez’s attorneys highlighting procedures surrounding the Mon Ethos contract — the overall narrative presented on Thursday was shaped largely by the prosecution’s evidence and Whitaker’s direct testimony.

Whitaker is scheduled to return to the stand Friday, when cross-examination may begin. That phase is expected to be critical, as the defense attempts to challenge the credibility of the witness whose testimony forms the backbone of the government’s allegations against both defendants.