

## Case Nears Verdict as O’Neal’s ARPA Message and Martinez’s ‘Butler Service’ Text Take Center Stage

As both sides rest their cases—with the door still open if Martinez testifies—jurors heard key evidence Tuesday, including O’Neal’s ARPA directive to staff and a text from Martinez prioritizing “butler service,” as closing arguments begin today.

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Jenifer O'Neal and her daughter leaves the District Court in St. Thomas on Monday, Dec. 8, 2025. By. ERNICE GILBERT, V.I. CONSORTIUM.

The federal corruption trial of Ray Martinez and Jenifer O’Neal entered its fifth day on Tuesday, and the courtroom has moved toward a turning point. Both sides rested—for now—but the case could reopen if Martinez chooses to testify. Closing arguments are set for early Wednesday

afternoon, with a verdict possible as soon as late tonight if deliberations move quickly, though Thursday remains more likely.

### **Judge Prepares for Closings Under Rule 611**

Judge Mark Kearney told attorneys he will rely on Federal Rule of Evidence 611 to keep Wednesday's closings focused and within time limits. Under the rule, the prosecution will argue first, followed by the defense, and the government will receive a final rebuttal because it carries the burden of proof.

Rule 611 also gives the judge authority to stop improper arguments — including misstating evidence or law, appealing to prejudice, or introducing facts not in evidence.

### **Defense Pushes for Acquittals Under Rule 29**

Before resting, both defense teams invoked Rule 29, which allows a judge to dismiss charges if the evidence presented by the government is legally insufficient.

Martinez's attorneys asked for dismissal on Counts 1–5, 6, 8, 9, and 10.

O'Neal's attorney, Dale Lionel Smith, moved for dismissal of all counts.

Under Rule 29, the judge must view the evidence in the light most favorable to prosecutors. The motions argue that—even if the jury believes all government evidence—the facts do not legally support conviction. Judge Kearney has not yet ruled from the bench.

O'Neal formally declined to testify. Martinez has reserved his decision until today.

### **FBI Agent Takes Stand: Wiretaps, Surveillance, and Financial Transfers**

The government's final witness on Tuesday was Special FBI Agent Kierman Whitworth, who laid out how investigators uncovered the financial trail between Mon Ethos; former VIPD Commissioner Ray Martinez; and O'Neal, then director of the Office of Management and Budget.

Whitworth said he was assigned to the case after learning of eavesdropping devices found in government offices. Once Whitaker surfaced in the investigation, the FBI pulled toll and bank records and saw suspicious purchases alongside substantial payments from the V.I. government to Mon Ethos.

Those records led agents to financial transfers from Mon Ethos to Diana Martinez — the commissioner's wife — and to Jabari, one of O'Neal's sons. Whitworth acknowledged during cross-examination that Jabari worked for Mon Ethos and that Whitaker used Jabari's credit card, with any benefit limited to reward points.

Whitworth testified that the FBI became increasingly concerned as the pattern emerged: Whitaker's firm was receiving VIPD funds while Martinez and his wife were receiving personal financial benefits.

### **Whitaker Confronted With PPP Fraud; FBI Explains Cooperation Rules**

Whitworth testified that in September 2023, the FBI confronted Whitaker with evidence of PPP loan fraud, after which he agreed to cooperate. He described cooperating witnesses as people who have usually "done something wrong" and who can provide access to evidence difficult for

investigators to gather directly.

Whitaker recorded phone calls, in-person meetings, and allowed the FBI to track his movements. In all, Whitworth said the FBI logged up to 7,000 calls involving Whitaker. A wiretap ran from Fall 2023 through May 2024, and the data — stored on an FBI server — could not be altered by Whitaker.

Search warrants and subpoenas for bank records, flight records, and hotel stays revealed more evidence: first-class travel to Boston, a \$1,000 steak dinner, gambling trips, and Red Sox and Celtics outings — all paid for by Whitaker through the Mon Ethos account.

Whitworth said these transactions reinforced the government's position that Martinez received things of value while Whitaker continued receiving VIPD payments.

### **More Transactions Traced: Rent, Tuition, and ARPA Contract**

Whitworth said investigators later identified payments for rent for Martinez and his wife — totaling \$11,500 — and school tuition payments of \$4,100 to Diana Martinez. He also testified that the \$1.4 million VIPD–Mon Ethos contract, funded by ARPA, required approval from O'Neal.

The defense strongly disputes that characterization, arguing O'Neal did not control payment release and that Martinez acted without criminal intent.

### **O'Neal Moves Into Focus as FBI Tracks Coffee Shop and Invoice Discussions**

Whitworth told jurors that the investigation expanded to O'Neal after Whitaker was recorded saying he wanted to provide her with information. Agents instructed Whitaker to let the interactions unfold naturally.

Phone calls and in-person meetings between O'Neal and Whitaker were recorded — sometimes with Martinez included — as they discussed the coffee shop project, Martinez's restaurant, and how to secure funding.

A key text highlighted Tuesday came from January 20, 2024, when Whitaker asked O'Neal whether a \$216,000 VIPD invoice had processed. She said she would check with her staff and then messaged her ARPA team:

"Good afternoon — if you guys have ARPA payments pending, to be processed please get them entered so they can make Tuesday's check run. Please also follow up with DOF (Dept. of Finance) on Premium Pay and anything else ARPA-related. I would like to keep my word and say with certainty that all those are completed and we have no ARPA invoices sitting on."

Whitworth also reiterated earlier evidence about the \$70,000 inflated invoice, intended to support Martinez's restaurant and the \$17,730 lease for O'Neal's Java Grande coffee shop.

Two days after the group's meeting at Yacht Haven Grande, Whitaker texted O'Neal: "How much for Charlie?"

She replied: "\$17,730."

Whitworth said she was aware the money would come from the inflated invoice. Whitaker wired the payment, and Yacht Haven Grande credited it to O'Neal's lease.

## **Promissory Note Called “Fake Document” by FBI**

Whitworth also reviewed a promissory note Martinez provided to investigators, explaining payments he had received from Mon Ethos. Whitworth testified that the document was not genuine, noting its August 15, 2023 execution date did not align with when the payments occurred.

“This is a fake document,” he told jurors, adding that Martinez created it ten months after receiving the funds.

## **Defense Crosses: Entrapment Concerns, FBI 302s, Burner Phones, and Cooperating Witness Tactics**

Defense attorneys pressed Whitworth on Whitaker’s credibility, emphasizing his history of deception. Whitworth acknowledged Whitaker did not begin cooperating voluntarily and that agents recorded him because they did not inherently trust him.

Defense attorneys argued that FBI 302 reports — summaries written by agents — may omit important context and noted that not every conversation could be captured, especially if burner phones were used or Whitaker turned off his device.

“I can have 20 conversations and record one, and that’s all you’ll get,” attorney Matos de Juan said. Whitworth agreed.

Smith, for O’Neal, argued Whitaker sought to entrap her, repeatedly pressing Whitworth on whether Whitaker ever directly discussed a “fraudulent” invoice with O’Neal. Whitworth confirmed no such word appeared in their calls.

On redirect, U.S. prosecutor Cherrisse R. Amaro countered that criminals often use coded language to hide wrongdoing — “they’d call cocaine ‘fish,’” Whitworth said.

The government also pointed to a text undermining the defense’s claim that Boston travel was solely for medical reasons. When Whitaker sent Martinez screenshots of confirmation, Martinez responded:

“Not concerned with the room confirmation, more concerned with the butler service confirmation.”

## **Defense Witnesses: Former Officials Testify on Contracts, Payments, and Agency Procedure**

The defense called Anthony Thomas, WAPA’s chief administrative officer and former vice president at Mon Ethos. He said the VIPD contracts predated him and were already in process. He described ordinary payment delays within government and his role in following up when payments slowed.

On cross-examination, he acknowledged that giving money to a commissioner to obtain contracts would be unethical and criminal.

Defense then called Ludwick Thomas, a longtime special assistant to Martinez. He described Martinez as hands-on and said communications with vendors, including Whitaker, were professional. He said he reviewed invoices before they went to Finance but could not recall meetings involving all three defendants together.

He also acknowledged Martinez underwent brain surgery.

### **Government Witness: Jamie Gaston Describes ARPA Processing**

Jamie Gaston, OMB's federal grants manager, testified as a defense witness. She outlined how ARPA programs were managed and said her role involved moving payments through the withdrawal process, not verifying invoice accuracy.

She reported directly to O'Neal and referenced communications where she assured O'Neal that ARPA invoices were complete and none remained outstanding. She said she followed up on the \$216,000 Mon Ethos invoice because O'Neal instructed her to.

Gaston said Ernst & Young reviewed ARPA contracts for compliance after O'Neal brought them in.

On redirect, prosecutors emphasized that Gaston's narrow role meant she would not necessarily detect fraud committed elsewhere in the process. Gaston also confirmed she never saw fraudulent invoices.

The trial resumes Wednesday morning as attorneys meet ahead of closing arguments scheduled for 1:15 p.m. A verdict could arrive tonight if jurors deliberate swiftly, but Thursday remains the more likely outcome.

For now, the case is paused — but it may reopen if Martinez chooses to take the stand.