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Ray Martinez Files Motion for Acquittal and New Trial After Federal Conviction

The former police commissioner has filed a motion seeking acquittal and a new trial, arguing prosecutors failed to prove fraud, bribery, and money laundering beyond a reasonable doubt, as Judge Mark Kearney considers a similar motion from Jenifer O'Neal.

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From left: Attorney Matos de Juan, Ray Martinez, Diana Martinez, and Attorney Miguel Oppenheimer. By. ERNICE GILBERT, V.I. CONSORTIUM.

Former Police Commissioner Ray Martinez has added his own motion for [acquittal and a new trial](#) to the one filed by codefendant Jenifer O'Neal, former Office of Management and Budget Director. The two were [convicted in district court last month](#) on fraud, bribery and money

laundering charges after prosecutors convinced a jury that they worked with star witness David Whitaker to exploit their government positions for his and their benefit.

The motion filed by counsel for Mr. Martinez argues that the evidence presented by the government “is insufficient to establish the essential elements of all the crimes charged beyond a reasonable doubt.”

In December, a jury listened to prosecutors argue that Mr. Whitaker funded luxury trips to Boston for Mr. Martinez, and paid his children's school tuition. However, the motion argues that the jury was not presented with evidence of any knowing fraudulent scheme on the former police commissioner's part. “The only arrangement was that of the business relationship between Mr. Martinez and Mr. Whitaker,” Thursday's motion states. “All funds transferred to Mr. Martinez were made pursuant to this business relationship.”

“The Government presented no evidence that payments were made, received, or structured as part of a criminal scheme, or that they were tied to any unlawful quid pro quo exchange,” the motion continues. It presents a similar argument for the charges of bribery, money laundering, and obstruction of justice – there was not enough evidence presented at trial to support the allegations. “No rational fact-finder could conclude beyond a reasonable doubt that Mr. Martinez committed the charged offenses,” the motion concludes, without discussing how or why the jury that convicted the former commissioner last month may have failed in its collective mission as a rational fact-finder. The memoranda of law to support the motion's arguments will come within 30 days of receiving the trial transcripts, defense counsel promises.

Judge Mark Kearney has yet to rule on Ms. O'Neal's [pending motion](#), which also requests a post-conviction judgement of acquittal, and a new trial.