

The Virgin Islands Consortium

Martinez Files Last-Minute Motion to Postpone Self-Surrender; Government Calls Delay Unjustified

Defense attorneys cite a dental emergency and suspected infection and seek a delay to June 9, while prosecutors argue the last-minute request undermines claims of urgency; Judge Kearney postponed surrender to next week and ordered filings due Feb. 18.

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Janeke Simon **February 14, 2026**



Former Police Commissioner Ray Martinez, left, and his attorneys following the Dec. 3, 2025 opening trial in St. Thomas, USVI. By. ERNICE GILBERT, V.I. CONSORTIUM.

Days before he is scheduled to surrender to the United States Marshals, former VIPD Commissioner Ray Martinez has asked the court for additional time, citing multiple medical conditions.

After [he was sentenced in December](#) for bribery, honest services wire fraud, and money laundering conspiracy, the District Court of the Virgin Islands ordered Mr. Martinez to self-surrender on Tuesday, February 17, instead of immediately being detained pending his June sentencing date.

On Friday, a motion was filed on Mr. Martinez's behalf seeking to vacate the surrender order and postpone the date of his self-surrender to allow time for treatment of several medical conditions. "Given the well-documented inadequacy of medical care in MDC Guaynabo, failure to address these conditions prior to surrender would pose serious risks to Mr. Martinez's health and wellbeing," the motion submitted by his attorneys argues.

The motion outlines a dental emergency and a suspected bacterial infection as the two issues that require immediate treatment. Some necessary medical procedures have already been scheduled for after the February 17 surrender date, the court was told. Mr. Martinez will require surgery, scheduled for May, and time to recover and stabilize his health before any term of detention, his attorneys argue. Noting that he has thus far "complied with all conditions of release and has appeared for all required proceedings," his attorneys ask that the court look upon the request to push back his surrender date favorably.

Prosecutors have strenuously objected to this request, pointing out that the last minute motion from Mr. Martinez seeks to delay his surrender date until June 9, almost four months after he was supposed to report to detention. This is after the government agreed, post-verdict, "not to seek detention pending sentencing based, in part, on defense counsel's representation to the Court that the defendant would self-surrender on February 17, 2026. That representation was a material factor in the Government's position and in the Court's decision to permit continued release."

Government lawyers argue that the "timing and scope of the requested relief undermine the claimed urgency of the medical issues" detailed by counsel for Mr. Martinez. The delay of nearly four months "is inconsistent with the characterization of the conditions as emergency or requiring immediate intervention prior to surrender," prosecutors say. They also take exception to the last-minute nature of the request, noting that "the Government did not receive any medical documentation supporting this request until...four days before the court-ordered self-surrender date." This has given prosecutors little time to review or verify the information presented or consult with medical personnel to form their own opinion on the nature of Mr. Martinez's ailments and the medical interventions required. "The Government cannot agree to a multi-month delay based solely on unverified assertions," prosecutors argue.

Additionally, the government says that the Bureau of Prisons is perfectly capable of evaluating and treating medical conditions that may be presented by detainees upon arrival. "The defendant has not demonstrated that his conditions cannot be addressed within the federal system," they argue. Neither has he shown that surrendering on the initially ordered date "would create an immediate, irreparable medical risk that cannot be managed in custody."

In response to the representations made by Mr. Martinez and the government, District Judge Mark Kearney ordered a telephone conference between the parties on Friday afternoon to discuss the issue. Following the meeting, Judge Kearney pushed back Mr. Martinez's self-surrender date to Thursday next week, in order to give both sides time to file supplemental memoranda, due at noon on Wednesday, February 18. Given that Mr. Martinez has a medical appointment scheduled for February 23, the judge is interested in learning the government's position on allowing a brief delay to accommodate.

Mr. Martinez's co-defendant Jenifer O'Neal, also convicted at the conclusion of last year's trial, does not have a similar order for self-surrender. The former director of the Office of Management and Budget [has been allowed to remain free](#) until her scheduled sentencing date on June 11, 2026.