

The Virgin Islands Consortium

Martinez Renews Bid to Overturn Conviction, Arguing Bribery Count Would Collapse Entire Case

Former Police Commissioner Ray Martinez has renewed his bid to overturn his December 2025 conviction, arguing that payments, travel and invoice approvals cited by prosecutors were lawful and that the bribery count's failure would unravel the entire case.

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Former VIPD Commissioner Ray Martinez arrives at V.I. District Court in St. Thomas on January 10, 2025, for his arraignment hearing. By. ERNICE GILBERT, V.I. CONSORTIUM.

Former Police Commissioner Ray Martinez is once again asking the District Court of the Virgin Islands to overturn the December, 2025 decision of a jury [convicting him](#) of five

counts of honest services wire fraud, federal program bribery, money laundering conspiracy, and obstruction of justice.

Attorneys for Mr. Martinez filed a renewed motion for acquittal and a new trial after presiding judge Mark Kearney ordered the former police commissioner to [await his June 9 sentencing date in federal custody](#). The new motion expands on the initial request for acquittal filed in January of this year, but presents the same core argument: that “the prosecution’s case, theory and evidence [does not cut the mustard](#).”

Mr. Martinez’s attorneys argue that several elements of the case do not prove the crimes government prosecutors say they do. Payments from government witness David Whitaker to Mr. Martinez were legitimate pursuant to the signing of the “Steak Out” agreement between the two, his defense lawyers argue. During trial, Mr. Whitaker characterized the agreement, which outlined a concept for a show at Mr. Martinez’s food establishment, as a mere facade, but defense attorneys [held out the document as a legitimate business arrangement](#). They do so again in this motion for acquittal. Further, the agreement was drafted by Mr. Whitaker’s attorney, who structured it in such a way that any profits from the endeavor be directed to charitable causes. In so doing, the appearance of conflict was avoided, Mr. Whitaker was reportedly advised. “The prosecution’s co-operating witness himself sought and received legal clearance for the arrangement before it began. These are not the hallmarks of a corrupt bribery scheme,” the motion argues.

Defense attorneys also argue that Mr. Martinez did nothing for Mr. Whitaker that could be an “official act” and thus subject to prosecution. The former police commissioner was accused of arranging for invoices from Mr. Whitaker’s former company – Mon Ethos Pro Support – to be paid promptly, in exchange for the consideration he received. However, attorneys argue in the motion for post-conviction acquittal that “the simple approval of an invoice...fails to fall within the definition of an official act.” Indeed, the motion points out that the invoice payment process was “a multi-step, multi-department payment chain that Martinez did not and could not control alone,” as trial witnesses from the Department of Public Procurement testified. “Whitaker’s theory that Martinez was the single bottleneck whose goodwill was needed to get invoices paid is factually incomplete on the face of the evidence,” the motion argues.

Attorneys for Mr. Martinez also attacked the wire fraud charge because the bank official who testified at trial “connected no specific payment to any specific fraudulent purpose.” Without an explicit linkage being made between the transfers and any fraudulent purpose, “every wire fraud count fails as a matter of law.”

Even Mr. Martinez’s trips to Boston, funded by Mr. Whitaker, are not sufficient evidence of the crime of bribery, his attorneys argue. The law “requires proof of a corrupt agreement, not merely a pattern of generosity,” the acquittal motion states. The three trips were for medical reasons, with valid medical appointments confirmed for each one. “The prosecution elected not to present this fact to the jury during its direct examination of either Whitaker or the case agent,” the motion notes.

Because the other charged offenses fail as a matter of law, the money laundering charge must fall as well, since “money laundering is a derivative offense,” the motion argues. “Martinez’s financial transactions constitute normal business operations rather than

criminal concealment.” Obstruction of justice also cannot be proven, his attorneys argue.

In short, the motion argues that the case against Mr. Martinez is built on “legally interdependent” charges that produce a “cascade failure.” If the bribery charge falls apart, then so must those for honest services theft and money laundering. “The interdependence means that a ruling on count 6 alone” – federal program bribery – “is sufficient to resolve the entire case.”

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