

The Virgin Islands Consortium

Jenifer O'Neal Seeks Acquittal and New Trial, Says Money From Ray Martinez Was a Gift

In a memorandum supporting acquittal or a new trial, the former OMB director argues prosecutors failed to prove bribery, says the payment was a gift rather than a quid pro quo, and contends she was prejudiced by being tried alongside Ray Martinez.

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Janeka Simon **April 10, 2026**



Jenifer O'Neal and one of her sons leaving the V.I. District Court in December, 2025 following her conviction. By. ERNICE GILBERT, V.I. CONSORTIUM.

Like her [co-accused Ray Martinez](#), former Office of Management and Budget Director Jenifer O'Neal is appealing her conviction on fraud and bribery charges. This week, her

attorney submitted a memorandum of law to [support her bid for acquittal](#) and the granting of a new trial.

Ms. O'Neal, [convicted in a landmark corruption](#) trial last December, now says that the "evidence presented at trial failed to establish the elements of bribery." As the finding of bribery underpins the rest of the charges against her, a successful appeal would result in her acquittal on all counts.

According to the memorandum of law submitted to accompany her appeal, Ms. O'Neal's attorney argues that the alleged bribery scheme between star government witness David Whitaker and Mr. Martinez, the former police commissioner, began long before Ms. O'Neal received a gift of money from Mr. Martinez that would implicate her in events.

The FBI investigation of Whitaker and Martinez did not initially include Ms. O'Neal when it began in February 2023, the memorandum notes. When a discussion arose regarding providing Ms. O'Neal [with money for a security deposit for her business](#), there was no accompanying request or suggestion for anything in return, the document argues. Mr. Martinez himself made it clear that the funds were not a quid pro quo payment, but rather a gift, Ms. O'Neal's lawyers argue. The money "is best characterized as a gratuity to O'Neal as distinguished from an unlawful bribe," the memorandum declares.

The discussion between Mr. Martinez and Mr. Whitaker about how to transfer the money to Ms. O'Neal in cash was not an attempt to conceal a bribe as characterized by prosecutors, but rather an effort by Mr. Martinez to avoid having the money go to the joint account he shared with his wife and then having to "explain to his wife why he needed to withdraw \$10,000 to \$15,000 to a female friend as a gift," O'Neal's attorney argues. The memorandum does not address prosecutor's allegations that Ms. O'Neal herself was a party to these discussions during a meeting in April 2024 that was reportedly recorded by Mr. Whitaker.

The memorandum also emphasizes that allegations that Ms. O'Neal sought to pressure an OMB employee to approve Mr. Whitaker's fraudulent invoices were abandoned at trial and were "unconnected from all of the Government's witnesses and other evidence presented." This, the document says, shows that prosecutors "failed to prove the essential element of an 'official act'" and "calls for severe sanction."

The identified issues should cause the court to vacate Ms. O'Neal's conviction and grant her a new trial, the memorandum of law argues, as "there was clearly a material and prejudicial variance from charges in the indictment to the evidence presented at trial." The co-defendants should have been tried separately in the first place, the document insists. The facts of the case suggest that "the government sought to obtain an advantage by trying both O'Neal and Martinez before the same jury although the evidence against Martinez was substantially stronger than the case against O'Neal." This circumstance placed her at a disadvantage "since it is unlikely that a court would grant a severance of defendants charged in the same counts."

The memorandum goes on to argue that because Ms. O'Neal and Mr. Martinez were tried together, "she was prejudice [sic] by the overwhelming evidence of guilt pertaining to Martinez."

It requests that her convictions be overturned and a new, separate trial granted.

