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O'Neal Dismisses Trial Attorney Ahead of Appeal, Citing Severance Requests, Late Filings and Loss of Trust

O'Neal says she lost faith that appeal and bail-pending-appeal filings would be completed before her June 23 self-surrender, accusing Dale Smith of ignoring severance requests, missing filing requirements and failing to incorporate her defense concerns.

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Janeke Simon and Ernice Gilbert **June 17, 2026**

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Jenifer O'Neal and one of her sons following her conviction on Dec. 11, 2025 on St. Thomas. By. ERNICE GILBERT, V.I. CONSORTIUM.

The attorney who represented former Office of Management and Budget Director Jenifer O'Neal during her criminal trial is seeking to withdraw from the case, while Ms. O'Neal has formally

terminated his representation and raised concerns about his handling of key trial and post-trial matters as she moves toward an appeal.

On Wednesday, attorney Dale Lionel Smith filed both a notice of appeal and an unopposed motion to withdraw as Ms. O’Neal’s counsel in the District Court of the Virgin Islands on St. Thomas.

In his motion, Mr. Smith said that, under the written agreement between the parties, “any appeals from any judgments or orders” of the District Court were “outside the scope” of his representation. Given the filing of the notice of appeal, Mr. Smith said he wished to withdraw so the Court of Appeals would be aware that he would not be representing Ms. O’Neal during that process.

Mr. Smith also told the court that he had conferred with Alexandre Dempsey, counsel for the United States, and that the government had no opposition to his request to withdraw.

Ms. O’Neal also filed notice with the court informing officials of Mr. Smith’s dismissal as her counsel. In a June 14 letter addressed to Mr. Smith, she wrote that she was terminating his representation “effective immediately” and was in the process of retaining new counsel.

“I do not make this decision lightly,” Ms. O’Neal wrote. “I have been sentenced to 84 months in federal prison and have been ordered to self-surrender on June 23, 2026. The next several days are among the most consequential of my life.”

She said the circumstances required counsel “who is fully committed to protecting my rights at every stage,” including post-sentencing steps that must occur before her self-surrender date and before the June 25 appeal deadline.

Ms. O’Neal said her decision was based on “serious concerns about the quality and attentiveness” of Mr. Smith’s representation throughout the case.

She focused in part on severance, saying she repeatedly asked Mr. Smith to seek to separate her trial from that of co-defendant Ray Martinez. According to Ms. O’Neal, Mr. Smith did not file such a motion before trial.

“You did not file a pre-trial severance motion on my behalf,” she stated.

Ms. O’Neal wrote that when counsel for Mr. Martinez moved to sever the trials during trial, Mr. Smith told the court he took no position. She also noted that District Court Judge Mark Kearney referenced that position in his post-trial ruling.

“Judge Kearney’s own written opinion in the post-trial ruling — a ruling that denied every motion filed on my behalf — documents this failure permanently,” Ms. O’Neal wrote. “That documentation now sits in the federal record and will follow this case through every stage of the appellate process.”

Beyond the severance issue, Ms. O’Neal said she felt that her “concerns, my instructions, and my knowledge of the facts were not being heard or incorporated into my defense.” She wrote that a review of the trial transcripts and the judge’s post-trial ruling showed “several instances” where she believed evidence could have been challenged more effectively.

That included, she said, “the characterization of routine ARPA payment communications as evidence of corrupt intent.” Ms. O’Neal described those as substantive issues that “directly affected the outcome” of her case.

She also criticized the handling of her sentencing filings. Ms. O’Neal said she learned at sentencing on June 11 that her sentencing memorandum had not been filed on time or in the manner required by the court. She said it was not the first time filings in her case had been submitted after a deadline or in a way that did not meet court requirements.

“This pattern is deeply troubling,” she declared.

Because of those concerns, Ms. O’Neal wrote that she no longer had “the trust and faith” needed to believe that the notice of appeal or a motion for bail pending appeal would be filed completely and on time.

She said both filings had to be made before her June 23 self-surrender date and before the June 25 appeal deadline. According to Ms. O’Neal, those filings are necessary to preserve her appellate rights and any possibility of remaining free while her appeal is reviewed by the Third Circuit Court of Appeals.

“Given the pattern I have experienced, I am not able to leave those filings in your hands,” she wrote.

In the termination letter, Ms. O’Neal asked Mr. Smith to provide her with a complete copy of her case file, including correspondence, pleadings, motions, transcripts, notes and other materials related to the case. She also asked him to file a motion to withdraw “as promptly as possible” so incoming counsel could enter an appearance “without obstruction.”

She further requested that Mr. Smith cooperate fully with any new attorney she retains or who may be appointed, including by promptly transferring all case materials.

Ms. O’Neal also stated that by terminating Mr. Smith’s representation, she was not waiving any rights related to his representation of her. She wrote that she was preserving all rights, “including but not limited to any claims relating to the adequacy of the representation provided to me at trial and in post-trial proceedings.”

Ms. O’Neal was sentenced to [84 months in federal prison](#) after being found guilty of honest services wire fraud, money laundering conspiracy, and bribery concerning programs receiving federal funds. She and Mr. Martinez were convicted after a nearly [week-long trial in December 2025](#).