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Facing July 1 Surrender, O’Neal Says Appeal Could Overturn Conviction; DOJ Says “No Material Facts Have Changed”

O’Neal is seeking to remain out of prison on bail pending her Third Circuit appeal, arguing four substantial questions could reverse her conviction, bring a new trial or a non-prison sentence; DOJ says no material facts changed before July 1 surrender.

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Jenifer Oneal appearing at the V.I. District Court in St. Thomas on Dec. 3, 2025. By. V.I. CONSORTIUM.

Former Office of Management and Budget Director Jenifer O’Neal is still fighting to stay out of federal custody ahead of the looming deadline for her self-surrender, in the face of staunch

opposition from prosecutors.

Last Monday, District Court Judge Mark Kearney denied her request for an eight-week delay in having to report to prison on June 23, [instead granting a short extension to July 1](#). Counsel for Ms. O’Neal tried again last Thursday to preserve her freedom pending appeal, filing a 21-page motion arguing for bail which Judge Kearney denied for being too lengthy, among other deficiencies.

Another motion came on Saturday, this one compliant with all court requirements. Apart from Ms. O’Neal not posing a danger to the community and presenting a low flight risk, the motion claimed that there are four “substantial, independently sufficient questions of law and fact” that warrant Ms. O’Neal being granted a stay from having to surrender into custody. These questions would likely result, defense counsel argued, in the Third Circuit Court of Appeals granting either a reversal of Ms. O’Neal’s conviction, an order for a new trial, or an adjusted sentence that does not include incarceration.

The judge gave government lawyers two alternatives on how they could respond given the narrow window of time to work within. Prosecutors could either agree to push back Ms. O’Neal’s self-surrender date to July 9, or abide by an expedited timeframe within which to present their points of view. The government chose the latter, filing on Monday their opposition to Ms. O’Neal remaining out on bail [pending appeal](#). According to the USDOJ, “no material facts have changed” since Judge Kearney twice denied Ms. O’Neal’s previous bids for continued freedom.

The matter is now set for a Tuesday afternoon courtroom hearing, during which the judge is expected to hear from both sides and make a determination on whether July will begin with Ms. O’Neal in federal custody or continuing on home detention while awaiting appeal proceedings.