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O'Neal Surrenders After Weeks-Long Fight to Stay Out of Prison Pending Appeal

Jenifer O'Neal surrendered Wednesday in a white sweatshirt and gray sweatpants, accompanied by two individuals, after repeated efforts to stay on home detention pending appeal ended with Judge Mark Kearney finding she failed to meet the legal standard.

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Former OMB Director Jenifer O'Neal arrives accompanied by two individuals on Wednesday to surrender to federal custody, ending a sustained legal effort to remain free pending appeal in the Mon Ethos corruption case. By. WTJX.

Former Office of Management and Budget Director Jenifer O'Neal surrendered to federal custody on Wednesday, ending a weeks-long effort to remain on home detention while pursuing an appeal.

Ms. O’Neal arrived wearing a white sweatshirt and gray sweatpants and was accompanied by two individuals. Her surrender came after District Court Judge Mark Kearney denied her latest request to delay incarceration, leaving her July 1 surrender deadline in place.

The surrender followed repeated attempts by Ms. O’Neal and her attorneys to keep her out of prison while her appeal proceeds. Judge Kearney previously denied her request for an eight-week delay in reporting to prison, granting only a short extension to July 1. Her newly hired attorney, Carl Williams, later filed a 21-page motion seeking bail pending appeal, but that filing was denied for being too lengthy and for other deficiencies.

A corrected motion followed on Saturday. In that filing, defense counsel argued that Ms. O’Neal does not pose a danger to the community and presents a low flight risk. The motion also claimed there were four “substantial, independently sufficient questions of law and fact” that warranted allowing her to remain free pending appeal.

According to the defense, those questions could lead the Third Circuit Court of Appeals to reverse Ms. O’Neal’s conviction, order a new trial, or impose an adjusted sentence that does not include incarceration.

Prosecutors opposed the request, telling the court that “no material facts have changed” since Judge Kearney had previously denied Ms. O’Neal’s efforts to remain out of custody.

During Tuesday afternoon’s hearing, Judge Kearney pressed Mr. Williams on several key parts of the defense argument. At one point, the judge appeared to question one of the citations in the defense memorandum.

“What are you referring to, sir?”

Mr. Williams told the court that he “did not bring his notes,” which would have allowed him to expand on the case law cited in his filing. Judge Kearney asked again, noting that the memorandum referenced an alleged split in the Circuit Court’s opinion on an issue being used to support Ms. O’Neal’s continued home detention.

“You know, today’s the day, right?” Judge Kearney asked. “I’m asking you, tell us what it is you’re talking about.”

“At this juncture, and on this call, I cannot be any more specific with the court,” Mr. Williams maintained.

“Your reputation as a lawyer is much more important,” Judge Kearney responded, before moving to another line of questioning. “I appreciate your candor, sir.”

The judge’s next question required Mr. Williams to concede another central point in his argument and acknowledge that language used in one section of the law cannot necessarily be applied to a different section.

“I concur with your assessments, I will fall back, Judge,” Mr. Williams said.

Defense counsel also agreed with Judge Kearney that Ms. O’Neal would still be required to serve time for her other convictions even if her challenge to the bribery count were successful.

“I can’t disagree with that assessment at this juncture, Judge,” Mr. Williams said.

In his order denying the motion, Judge Kearney wrote that Ms. O’Neal had not met the standard required to further delay incarceration.

“Defendant has not demonstrated grounds to further delay Congress’s mandate of incarceration following conviction,” Judge Kearney wrote, finding that Mr. Williams “conceded the key issues during oral argument.”

The one-paragraph order was accompanied by approximately two pages of footnotes summarizing Tuesday’s hearing and reiterating that Ms. O’Neal was required to surrender on July 1.

“We focus on whether she has shown her appeal raises a substantial question of law or fact likely to result in reversal, a new trial, a sentence not including imprisonment, or a reduced sentence ,” Judge Kearney wrote. “She has not. And she largely concedes she cannot meet her burden during today’s oral argument.”

Ms. O’Neal was sentenced earlier this month to seven years in prison in connection with the Mon Ethos case. Her surrender marks the end of her immediate effort to remain outside federal custody while her appeal moves forward.