

The Virgin Islands Consortium

Prosecutors Urge Appeals Court to Keep Jenifer O'Neal Detained, Say Appeal Raises No Substantial Question

Federal prosecutors say Jenifer O'Neal should remain detained while appealing her fraud, bribery and money laundering convictions, arguing that her claims raise no substantial question likely to overturn the verdict or materially shorten her sentence.

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Through reflective glass, Jenifer O'Neal submits belongings at District Court security on Thursday, June 11, 2026, before entering for sentencing in the Mon Ethos corruption case. By. ERNICE GILBERT, V.I. CONSORTIUM.

Federal prosecutors are urging the Third Circuit Court of Appeals to keep former Office of Management and Budget Director Jenifer O'Neal detained while she appeals her fraud, bribery and money laundering convictions, arguing that none of the issues she has raised meets the legal standard for release.

In their response to O'Neal's motion, government attorneys said she has not identified a substantial question of law or fact that, if resolved in her favor, would likely reverse her convictions, result in a new trial or substantially shorten her sentence.

Prosecutors maintain that none of those possible outcomes applies to O'Neal's case.

At the center of her release request is a dispute over whether the government was required to identify a specific "official act" supporting her federal funds bribery conviction.

Prosecutors argue that federal funds bribery under 18 U.S.C. Section 666(a)(1)(B) does not require proof that a defendant agreed to perform an official action.

"As many courts of appeals have held, convictions for federal funds bribery...do not require proof of...official actions, and so O'Neal's conviction...will stand regardless of whether her corrupt agreement entailed performing such an official act," the government's filing states.

The response cites several appellate cases addressing the interpretation and meaning of the federal bribery law.

Prosecutors Say Officials Acts Were Still Proven

Although prosecutors maintain that an official act was not required to sustain the conviction, they argue that O'Neal performed such acts when she intervened in the approval of invoices connected to federal pandemic-relief funding.

The government points to her "pressuring her subordinate to approve the ARPA-related inflated invoice for work on the VIPD's behalf."

Prosecutors said approving an inflated invoice submitted by Mon Ethos constituted an official act. They argued that O'Neal's instruction that the ARPA-funded invoices be approved early also met that definition.

According to the government, evidence presented during the former OMB director's trial established that she corruptly assisted with the payment of inflated invoices submitted by Mon Ethos owner David Whitaker in exchange for a lease downpayment made on her behalf.

Government Defends Wire-Fraud Evidence

Prosecutors also reject O'Neal's challenge to the evidence supporting the wire component of the government's case.

They argue that the trial established that O'Neal could reasonably foresee that interstate wire communication would be used to carry out the alleged corrupt arrangement.

According to the government, Whitaker first discussed wiring the lease payment with O'Neal and later confirmed the final amount of the transfer before sending the payment on her behalf.

Prosecutors said that evidence was sufficient to show that O'Neal anticipated receiving her portion of the bribe through an interstate wire transfer.

Although the government acknowledges that O'Neal is neither a flight risk nor a danger to the community, prosecutors maintain that those findings alone do not justify her release.

They argue that her appeal raises no substantial question of law or fact and is unlikely to result in the reversal of her convictions, a new trial or a substantially reduced sentence.

On those grounds, prosecutors are asking the Third Circuit to deny O'Neal's motion and keep her detained while the appeal proceeds.