

The Virgin Islands Consortium

Charlemagnes Seek Dismissal of Federal Fraud Case, Say HUD Publicity Tainted Jury Pool

Davidson and Sasha Charlemagne ask the District Court to dismiss fraud and money-laundering charges, arguing HUD violated court orders and tainted the jury pool through publicity surrounding VIHFA's suspension and Darin Richardson's conviction in public.

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Davidson and Sasha Charlemagne at the V.I. District Court on St. Croix. By. WTJX.

Davidson and Sasha Charlemagne have asked the District Court to dismiss the federal fraud and money-laundering conspiracy charges against them, arguing in a series of motions that statements by the U.S. Department of Housing and Urban Development

violated court-imposed restrictions and helped create a level of pretrial prejudice that makes a fair jury trial impossible.

In a joint motion alleging violations of their Fifth Amendment due process rights and Sixth Amendment right to a jury trial, defense attorneys focus heavily on [HUD's July announcement](#) suspending the Virgin Islands Housing Finance Authority from receiving federal funding.

That notice referenced the conviction of former VIHFA Chief Operating Officer Darin Richardson and, in describing the conduct surrounding the authority's lumber management contract, stated that "D&S Trucking and its owners were significantly overcompensated for the services provided to VIFHA...due to fraudulent acts committed by D&S Trucking's owner."

HUD also said Mr. Richardson accepted a payment of \$107,000 "as a kickback from a co-owner of ISG." Prosecutors have alleged that ISG subcontracted the VIHFA lumber management contract to D&S Trucking.

The Charlemagnes contend that those public statements ran afoul of court orders restricting what prosecutors may present at trial regarding Mr. Richardson. Their motion says the prosecution is barred from referring to Mr. Richardson's convictions or improper conduct when discussing his role in awarding the contract that ultimately placed D&S Trucking in charge of lumber intended for hurricane relief.

Because HUD is the investigating agency in the prosecution, defense attorneys argue that the agency's public comments cannot be separated from the government's criminal case.

"The United States has accomplished...what it was specifically ordered not to do in this case," the motion argues, contending that HUD has now "poisoned the well from which all jurors for this case must be drawn."

The defense argues that the potential jury pool has consequently been irreparably tainted.

In an accompanying memorandum of law, attorneys also challenge HUD's description of what happened to the lumber itself. The defense notes that a management contract to oversee the lumber was issued in April 2025 and asserts that the material "did not rot and is currently being used."

HUD, by contrast, stated in its July notice that "VIFHA's neglect allowed the lumber to rot in the tropical sun, rendering the lumber unusable and a complete waste of taxpayer funds."

The Charlemagnes' attorneys characterize that statement as a "blatant lie" designed to mislead Virgin Islands residents.

The defense also advances a broader argument concerning HUD's continued suspension of VIHFA funding. Because the suspension remains in place while an investigation that could result in debarment continues, attorneys argue that potential jurors could perceive federal funding for the territory as being connected to the outcome

of the criminal case.

According to the motion, jurors could be intimidated into believing that returning a verdict contrary to the prosecution's position might risk continued federal withholding of resources, including assistance that could be needed following a catastrophic storm.

Defense attorneys further connect HUD directly to the prosecution by pointing to Department of Justice case agent Brian Lugones, who is a HUD employee.

"HUD's misconduct where it violated this Court's in limine Order is the prosecution's misconduct," defense counsel declares.

On that basis, the first motion asks the court to dismiss the charges against Davidson and Sasha Charlemagne with prejudice.

A separate motion seeks dismissal on the grounds of presumed and actual prejudice, focusing more broadly on pretrial publicity and community reaction surrounding the case.

Again citing HUD's suspension notice, defense attorneys argue that media attention surrounding the Charlemagnes "and the corresponding vitriolic public responses reached a crescendo following the United States' disclosure of information that this Court ordered excluded from the trial."

The defense describes the case as having become a "political football" and anticipates two additional periods of heightened public attention: when HUD announces the outcome of VIHFA's appeal of its suspension and as the November 2 trial approaches, shortly before the general election.

Attorneys point to local and international media coverage of the case, arguing that "each report has engendered a stream of condemnation from on-line and social media commenters who make up the jury pool from which twelve jurors must be chosen to decide this case."

The motion also cites "damning comments from potential jurors in Darin Richardson's case," which the Charlemagnes contend "demonstrate the extent to which the community's caustic attitude toward them is deep seated and has continued to develop."

According to the defense, the combination of extensive media coverage, online commentary and the relatively small pool of eligible Virgin Islands jurors is sufficient for the court to presume prejudice. Attorneys contend that the "massive amount of media coverage and the vast amount of malicious pre-judging posts" make obtaining an impartial jury particularly difficult in the territory.

The motion also points to individual online comments as evidence of what the defense describes as actual prejudice. One example attributed in the filing to a commenter identified as "Vi Bug Man" states, "they don't need jail time they need to geh beat with some ah deh same wood from Henderson."

If the court declines to dismiss the charges outright, the Charlemagnes are asking for what their attorneys describe as "extreme measures" intended to address the alleged prejudice.

Among the alternatives proposed are delaying the trial until after a new administration takes office; using a “media specific” jury questionnaire; conducting advanced voir dire; granting the defense 10 additional peremptory challenges during jury selection; barring HUD evidence and testimony at trial; and prohibiting Mr. Lugones from serving as the government’s case agent.

The motions also propose additional remedial measures if the case proceeds rather than being dismissed.