

The Virgin Islands Consortium

Lt. Col. Kenneth Alleyne Found Guilty Of Wire Fraud, Theft Of Gov't Money And Making False Statement To Gov't

Crime / **Published On October 01, 2016 11:02 AM /**

Ernice Gilbert **October 01, 2016**



ST. CROIX -- It was well past 8:00 p.m. on Friday, when Lt. Col. Kenneth Alleyne exited the District Court here -- shielded from the cameras of the media by supporters as he hustled into a four-door Jeep Wrangler -- a convicted felon.

In a case that spanned five days, which the United States Government levied against the defendant in May 2015, Col. Alleyne was found by a jury guilty on 42 counts of wire fraud, 1 count of theft of government money (count 45), and 1 count of making a false statement to the government (count 46).

A sentencing date has not been set, but Col. Alleyne faces over 40 years imprisonment; although his prison term could be much less on the basis that he had no criminal record prior to yesterday's conviction; as of Friday was still a National Guard official; and character witnesses -- among them notable persons in the community -- testified of Col. Alleyne as an honorable and respectable man in society.

At the crux of the matter was whether the government was able to prove that federal monies given to Col. Alleyne to pay for housing, was used for other purposes. Col. Alleyne, the prosecution argued, stole federal Overseas Housing Allowance (OHA) funds that he received between May 2010 to February 2012, a 22-month period, to use on other items aside from the funds' intended purpose of paying for Col. Alleyne's house rent of \$2,150 to his mother, Erla John-Alleyne, whom he was renting the residence from.

In closing arguments on Friday, Judge Wilma Lewis, the jury as well as those in attendance, listened as the government presented evidence, painting what it called a story of "snapshots that takes apart the defendant's life," in an attempt to make plain, the prosecution said, the scheme perpetrated by Col. Alleyne to defraud the government.

The prosecution argued that part of the agreement when receiving OHA funds, is certification by the receiver that the money -- which Col. Alleyne received in two allotments monthly -- must be used explicitly for its purpose, in this case, paying rent. But while Col. Alleyne had done so for a while, he eventually stopped making payments to his mother because he had ostensibly fallen into financial hardship and had promised Mrs. John-Alleyne that he would eventually make good on what he owed, according to the prosecution.

But, the prosecution went on, Col. Alleyne spent lavishly on items such as a Mercedes Benz, a Lexus, and even a Gucci necklace purchased for \$410 on February 9, 2010 in St. Thomas. The defendant had also refinanced a property in Estate Grapetree Bay, according to information gathered by Gina Galle, a criminal investigator, who was encouraged to probe Col. Alleyne by a Virgin Islands National Guard official, because the defendant had failed to show proof that he was actually paying rent with the money.

And although both the defense and prosecution established that Col. Alleyne was facing financial hardship, the prosecution suggested that the defendant was living a lifestyle he could only barely afford, and resorted to stealing the government's money as a means to maintain a certain standard of living.

"Rent means rent, said U.S. Attorney Christian Fisanick, "and it means rent money now. It doesn't mean don't pay now or go pay taxes on house." Mr. Fisanick was referring to testimony given earlier that Mrs. John-Alleyne had allowed her son to keep the rent money to instead pay property taxes. He owed rent to his mother in the amount of \$14,000, according to the prosecution, quoting testimony given by Mrs. John-Alleyne.

Attempting to paint Col. Alleyne as a dishonest man, Mr. Christian asked the jury: "Does a loyal soldier follow the rules, or makes them up as he goes along?"

The defense's closing argument relied on what defense attorney Robert King referred to as the credibility of the multiple character witnesses who testified on Col. Alleyne's behalf. He said Col. Alleyne usually paid his mother in cash, and that the government

investigator, Ms. Galle, did not even attempt to take a statement from Col. Alleyne during her probe, because the "the statement would not fit their theory. There's a lie. The statement would be contrary to [the government's] stupid snapshot."

He went on, stating that the government misled the jury about when Col. Alleyne's mom was added to an account owned by the defendant; although the government refuted that assertion by making available charts relative to when Mrs. John-Alleyne was added to the account. Mr. King also said that the National Guard knew that Col. Alleyne was renting from his mother. And relative to the luxury cars, "he had good credit, he could refinance how many times he wanted to," Mr. Robert offered.

"He paid his rent, and he owed his mother; we told you that he had financial difficulty," Mr. Robert added. "The government hasn't proven that Alleyne didn't pay his mother."

Mr. King closed by stating that it was better for the government to lose with honor, rather than win by deceit.

Even so, after deliberation that started at about 5:00 p.m. and ended after 7:00 p.m., the jury found Col. Allyene guilty on the aforementioned counts. He will remain free pending sentencing, after Mr. King requested of the court to grant leniency because Col. Alleyne -- who had stayed in compliance with the requirements of his release on bond, checking in with U.S. Probation Officer Edward Modeste twice a week, once in person and once via telephone -- was not a flight risk. Col. Alleyne has also surrendered his passport.

Asked by Judge Lewis whether he would continue to be in compliance with the court's requirements if he were to be allowed freedom until sentencing, Col. Alleyne said, "Absolutely. This is my community. This is my home. I am 46 years old, I have no record and I will comply. I have no issues doing the right thing, as I've done all my life."