

The Virgin Islands Consortium

Barnes Sentencing Pushed to May 19 as Defense Attempts Long-Shot Bid to Have Court Overturn Guilty Verdict

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Stephanie Barnes reported to the V.I. District Court on St. Croix Monday, Dec. 27, 2021 to begin serving her prison sentence. By. ERNICE GILBERT/ V.I. CONSORTIUM

The sentencing date for Stephanie Barnes, who on Dec. 23 was convicted for committing multiple federal crimes, has been pushed to May 19 after she was granted a motion providing her with an extra forty-five days through federal Rule 29 as she attempts a long-shot bid to have the court overturn the guilty verdict.

By invoking Rule 29, which allows a defendant to present information showing that a verdict was reached without sufficient evidence, Ms. Barnes, through her attorney Martial Webster, is seeking acquittal of the verdict reached by a jury that saw Ms. Barnes being found guilty of conspiracy to commit theft from programs and receiving federal funds in violation of U.S. law, receipt of stolen government monies, and filing a false tax return in violation of Virgin Islands law. Courts rarely overturn the verdict of a jury.

"This motion is made in good faith and not for purposes of delay," Atty. Martial Webster, who is representing Ms. Barnes, wrote as part of the [motion filed on Jan. 5](#).

The prosecution, led by Asst. U.S. Attorney Jill Koster, expressed frustration with the defense, contending that Webster had not been responsive. The prosecution said the defense filed for the unopposed motion on Jan. 5, and the court granted the motion the day it was filed. The court order granting the motion stated that the defendant "shall request the transcripts within five days of the date of entry of this order, and shall file any post-trial motions with the court not later than forty-five days from receipt of the transcripts."

However, though court docket documents reflect that the request was made by Webster on Jan. 11 and Jan. 12, by January 31 Webster had not yet finalized his order for any transcripts.

The transcripts, at an estimated cost of \$2.65 per page for a two-week trial and hundreds of pages per day, could cost Ms. Barnes thousands of dollars. "Communication with defense counsel was initiated, and the government was advised by defense counsel that he has faced logistical and technical difficulties in communicating with his incarcerated client regarding the significant cost associated with ordering the trial transcript," [reads the motion](#) by the federal government in reference to a court order setting deadlines for the filings of post-trial motions. "The government understands defense counsel's concerns regarding the cost of the transcript. However, a month has already passed since the Court granted defense counsel's motion for an extension of time to file the Rule 29 motion and the United States does not wish to see an open-ended continuance during which many more months might pass before defense counsel files his motion."

The prosecution contended that a lengthy delay between trial and briefing of the issues would be unhelpful "if, in the end, defendant decides not to incur the cost of ordering the trial transcripts and instead relies (and thereby requires government counsel and the Court to rely) on the memory when making claims about what transpired during trial."

To that end, the prosecution requested from the court a deadline for Ms. Barnes to file her Rule 29 motion, and for the prosecution to respond to that motion. The prosecution also asked that "said deadlines be irrespective of when defense counsel receives transcripts (if any are ordered after this date)."

According to court documents, Barnes is allowed to file any and all post-trial motions no later than March 31; the government is allowed to file any response no later than April 21; and Barnes will be allowed to file any reply no later than May 12.

"Parties are advised that these deadlines, as well as page limitations set by local rules, shall be strictly enforced, and any briefs filed in violation without prior leave of the court shall be considered filed in noncompliance with applicable rules," the District Court

advised. "Further, the sentencing hearing previously scheduled for April 20, 2022 is hereby rescheduled to commence promptly at 9:30 a.m. on May 19, 2022 in St. Croix Courtroom 1 before Chief Judge Robert A. Molloy."

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