

The Virgin Islands Consortium

Prosecutors Call Barnes Motion For Recusal of Judge Molloy Baseless and Untimely. 'Pure Speculation Conjured Up in Barnes’s Own Fervid Imagination'

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Stephanie Barnes. By. V.I. CONSORTIUM

Federal prosecutors in a court filing this week called Stephanie Barnes's claims made in a motion seeking the recusal of Judge Robert Molloy baseless and untimely.

Ms. Barnes, who was convicted on Dec. 23 by a federal jury, faces 8 years in prison after 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. The prosecution proved that she was a willing partner with Violet Anne Golden, the former V.I. Casino Control Commission chairperson.

In the filing, Assistant U.S. Attorneys Jill Koster and Evan Rikhye — who led the case against Ms. Barnes — said her motion "relies on wild accusations, rumors, innuendo, and speculation, transparently employed by Barnes to manufacture a conflict of interest where none exists." Her goal, according to the prosecution, is to "avoid adverse rulings on her pending motions for judgment of acquittal and a new trial; and be sentenced by a judge who did not sit through her three-week trial, listen to the extensive and detailed evidence of her crimes, and personally observe her behavior throughout, which are relevant factors to be considered when fashioning an appropriate sentence..."

The prosecutors dissected Ms. Barnes's entire 18-page motion, stating that it contained blatant falsehoods. "Barnes' Motion fails to cite the trial transcript or the record more broadly in support of any of her claims," the prosecution said in its filing, seen [here](#). "And her affidavit is merely a pastiche of untruths, post-hoc rationalizations, and abject speculation which falls short of meeting her burden to bring about the Court's recusal."

The prosecution also sought to dismantle further Ms. Barnes's motion by pointing to [a statement provided to the Consortium](#) by her jury consultant, Antonio "Ricky" Messer, who denied making remarks that Ms. Barnes said he made during an alleged conversation with Judge Molloy.

In her motion, seen [here](#), Ms. Barnes said Mr. Messer disclosed what Ms. Barnes described as a "very disturbing incident" which she said occurred on Dec. 24. "Messer stated that on Dec. 24, 2021, the day after my verdict, Judge Molloy motioned him to come to his car while rolling down his car window. According to Messer, Judge Molloy told him that 'his hands were tied in Barnes' case,'" Ms. Barnes said. "One could argue that this statement could mean anything, however, given the plethora of conflicts of interest and semblance of conflicts of interest Judge Molloy has in this case, it can be interpreted as evidence in alignment with his biased decisions and disrespectful verbal and non-verbal behaviors toward me and my attorney during the entire trial."

Mr. Messer, however, unequivocally denied Ms. Barnes's claims when questioned by the Consortium. "It's totally untrue, such a conversation never took place," he said.

Also highlighted in the prosecution's filing was Ms. Barnes's claim that she was denied the opportunity to call Governor Albert Bryan as a witness to testify because of the governor's relationship with Judge Molloy. "...There is no evidence in the record or elsewhere to support Barnes' claims," the prosecution said. "The summary provided is pure speculation, seemingly conjured up in Barnes' own fervid imagination."

Ms. Barnes waited until late — almost six months after the jury rendered its verdicts of guilt, and just before Barnes' sentencing — to file her recusal motion, the prosecutors stated. They argued that granting her motion for recusal "would waste judicial resources in that it would require a significant time investment for another judge to review the trial transcripts in order to rule on the pending motions for judgment of acquittal and a new trial, as well as to prepare for Barnes' sentencing."

In closing, the prosecution said Ms. Barnes is "wielding her recusal motion as a calculated tactical tool and urges the Court to consider whether attacks on [Judge Molloy's] impartiality are simply subterfuge to circumvent anticipated adverse rulings on her motion for acquittal and a new trial, and in hopes of being sentenced by a judge less familiar with her history and characteristics and the nature and extent of her criminal activity as well as her complete unwillingness to take responsibility for her past actions.

"While it is undisputed that a judge must avoid participating in any proceeding in which his impartiality might reasonably be questioned, a judge has a concomitant duty to avoid yielding in the face of unfounded insinuations. Barnes must not be allowed to cast sinister aspersions, fail to provide a factual basis for those aspersions, and then claim that the judge must disqualify himself because the aspersions, [of its own force], create a cloud on [his] impartiality. To hold otherwise would transform recusal motions into tactical weapons which [litigants] could trigger by manipulating the gossamer strands of speculation and surmise."