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Barnes Motion Seeking Judge Molloy's Recusal Denied; Sentencing Set for August 8

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Stephanie Barnes, center, faces 8 years in jail after being convicted on several federal offenses. By. ERNICE GILBERT/ V.I. CONSORTIUM

Stephanie Barnes's motion that sought the recusal of Chief District Court Judge Robert Molloy has been denied, and a sentencing date has been set for August 8.

The recusal request's rejection follows a filing by prosecutors earlier this month calling Barnes's case [baseless and untimely](#).

The order was issued by Judge Molloy on Wednesday, and it dismantled her claims that he could not have fairly adjudicated her case because of a what Barnes described as [a web of conflict of interests](#).

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.

The order spoke to the weakness of the recusal motion, stating that Barnes did not attest to the veracity of her own document.

"Barnes's eighteen-page statement is not, contrary to her representations, an affidavit. Barnes' filing is neither notarized, nor is it declared under penalty of perjury in any form resembling that required by 28 U.S.C. § 1746," reads the order. "Absent any certification that the contents of her statement are true under penalty of perjury, the Court is unable to give weight to Barnes' allegations. Simply, if Barnes is unwilling to attest to the truthfulness of her statement in any meaningful way, the Court will not give her the benefit of presuming the statement's truthfulness. An unsworn, unnotarized statement not made under penalty of perjury has no evidentiary value."

Regarding her call for recusal because of conflict of interests, the court said it applies an objective standard and determines whether a reasonable person with knowledge of all the facts and circumstances surrounding the case would question the judge's impartiality. The order also relegated Barnes's allegations as "an amalgam of speculation and innuendo, based on layers upon layers of gossip. Gossip that, notably, has been expressly and publicly disavowed by the alleged declarant."

"Moreover, Barnes' allegations are riddled with outright falsehoods including, but not limited to, the assertion that a woman entirely unrelated by blood to the undersigned is, in fact, his mother," the order says.

It says Jude Molloy "does not know Barnes' allegations to be true. To the contrary, the undersigned knows the lion's share of Barnes' allegations to be false and has no knowledge as to the balance. Moreover, Barnes' assertions are easily disproven by a cursory review of the record in this case, such as the assertions that the undersigned "positioned himself" to preside over this case in St. Croix, despite Barnes herself moving for the change of venue; that the undersigned quashed the subpoena of Governor Albert Bryan for some nefarious reason other than improper service; or that the undersigned engaged in "outrageous behavioral manipulation" of the jury by feeding them lunch."

"The Court will not lend the nearly 20 pages of allegations the credibility of addressing them point by point... Even if Barnes' statement was, in fact, an affidavit, it offers no factual basis sufficient to require recusal," the order says, citing *Grand Ent. Grp., Ltd. v. Arazy*, 676 F. Supp. 616, 619 (E.D. Pa.1987) as precedent.

Along with setting an August 8 date for a sentencing trial along with post-trial motion, Judge Molloy also ordered that the parties file their sentencing memoranda no later than August 1.