

Not Guilty - People vs. Jack Ben Simon

March 13, 2002 (Criminal Court Building, Los Angeles, California.)

FOR IMMEDIATE RELEASE!!!

CALABASAS MAN ACQUITTED ON FOUR COUNTS RELATING TO ECSTACY (MDMA).

After just deliberating for three and one half hours, a downtown jury acquitted 53 year old Jack Ben Simon of all criminal charges. Mr. Ben Simon was charged with Conspiracy to possess Ecstasy for sale, Conspiracy to Transport Ecstasy, Possession of Ecstasy for Sale, Transportation of Ecstasy for Sale. Mr. Ben Simon had no prior record. He has three children and has been married for 30 years. He is a licensed automobile salesperson.

This was the first MDMA trial for the major narcotics unit for the Los Angeles County District Attorneys Office. The case was developed by a joint task force which included the DEA and the IRNET (Inland Regional Narcotics Enforcement Team.) Both the DEA and IRNET are experts in MDMA investigations locally. The police in this case were honest and conducted a fair investigation. There were no complaints by the defense of any police misconduct nor embellishment of the facts.

The case centered around a series of wiretapped phone calls. Physical surveillance was conducted of alleged MDMA meetings. The defense filed motions to dismiss the case and suppress the wire tap. The defense presented scientific testimony challenging the legality of MDMA's scheduling in California. The defense took a writ of mandate to the Court of Appeal. All motions were denied, sum summarily denied.

The defense called a vehicle dealer to support the defense claim that Mr. Ben Simon loaned money to a reputed MDMA trafficker who is now a fugitive. The prosecution claimed that Mr. Ben Simon was the supplier of the MDMA. Shortly after a night meeting on October 5, 2001 with Mr. Ben Simon and the reputed MDMA trafficker, the police watched this reputed MDMA trafficker meet two buyers in his subterranean garage. The police conducted a traffic stop which led to a canine sniff and the MDMA was recovered from the wheel well of a Honda. The two individuals who were stopped plead guilty. One of the individuals who received a reduced sentence implicated Mr. Ben Simon even though she had never met him. She testified that she heard her co-conspirator and seller to her of the MDMA mention Mr. Ben Simon's first name.

The jury rejected the prosecution theory telling the defense afterward that without having the alleged middleman, there was just too much doubt to convict Mr. Ben Simon. Mr. Ben Simon did not waive his Speedy Trial rights and he did not testify. Mr. Ben Simon was ordered released from the courthouse upon the court's immediate discharge. He spent 120 days in custody. He was unable to post the \$250,000 bail. He was released late last night. His family was overjoyed. Happy and excited is and was an understatement.

The law firm would like to congratulate him. The law firm also thanks John Lord, Esq. for his great pretrial work and Michael McDonnell, Esq. for his consultation. Also, the firm would like to thank Dr. M. Wolfred for his invaluable expert testimony.

This verdict continues to maintain an extremely high and unbelievable acquittal/dismissal/suppression to conviction ratio for the firm. Everyone including Negatu who assisted on this case should pat themselves on the pack. This case was won for only one reason: hard work and dedication to the practice and the

client.

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