



Attorneys Win Acquittal for Man Who Received Molly Shipment

Celia Ampel
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Two Miami attorneys won a speedy acquittal for a client charged with sending nearly \$30,000 to China in exchange for the drug methylone, known as "Molly."

Brian Scot Bailey was set to plead guilty to money laundering and drug charges, but on the day of the hearing, he decided to ask for a trial.

"He was honest with himself: He really was not guilty," said Margot Moss, who joined her Markus/Moss partner David O. Markus in representing Bailey. "So he had a lot of courage in order to go to trial and luckily, here, the system worked for him."

Bailey was indicted on May 26 along with David Patrick McConnell and Bryan Granados after federal investigators intercepted a package from China containing about a half-kilogram of the stimulant Molly.

The government determined that more than 20 such parcels had been delivered from China to Miami locations including the barber shop where Granados worked and to Bailey's home.

Witnesses told investigators that McConnell was recruiting people to accept packages on his behalf after he ordered the drugs online, according to a criminal complaint filed May 15 in U.S. District Court for the District of Southern Florida.

Bank records showed that Bailey had wired more than \$9,000 a month to a Chinese chemical manufacturer for three months in 2013.

"This was really a unique trial because most of the facts were agreed to," Markus said. "We agreed that Brian sent the money. We agreed that Brian had packages sent to his house. The question at trial was whether he knew what was in the packages or whether he knew what he was sending the money for."

Markus and Moss persuaded the jury that Bailey had no idea that he was helping bring illegal drugs into the United States, and that he was simply doing a favor for his friend McConnell.

"On the packages that were delivered, his mother signed for them," Markus said. "So we argued—we thought this was one of our best facts—if he thought there were drugs in the packages,

he would have been waiting by the front door to get them. Instead, he didn't really care about it, and in fact, he let his mother sign for them."

McConnell told Bailey that the packages contained legal chemicals from China, Markus said. The defense had planned to call Bailey's mother and wife to testify about that, but when the prosecution rested, Markus and Moss didn't feel the government had proven its case.

"They hadn't proven that he knew what was in those packages, so we decided not to call any witnesses," Markus said. "It was a very, very difficult decision, and we're happy that it paid off."

A spokeswoman for the U.S. Attorney's Office in Miami declined to comment on the case. The prosecutors were Cristina V. Maxwell, Juan Antonio Gonzalez Jr. and Daren Grove.

The trial was speedy, with jury selection on the morning of July 13 and a verdict two days later.

Markus said it was also an unusually amicable trial, overseen by U.S. District Judge Robert Scola.

"There wasn't a lot of bad blood or conflict throughout the trial," he said. "Both sides got along very well. ... You don't generally see that in a federal case."

Bailey was acquitted on both counts, which each carried a maximum sentence of 20 years in prison. McConnell and Granados pleaded guilty to drug charges.

Markus said the acquittal was a good lesson in trusting one's client.

"This case was a good reminder that we should be trying more cases and that we should believe in our clients," he said.

"Sometimes it's too easy to forget those first principles in the current climate of monster sentences."

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