

## Raymond M. Brown Comments on Dismissal of Charges Against Senator Robert Menendez

February 1, 2018

**Raymond M. Brown** of Greenbaum, Rowe, Smith & Davis LLP represented Senator Robert Menendez as Defense Co-Counsel in *U.S. v. Menendez et al.* in the U.S. District Court for the District of New Jersey. **Justin P. Kolbenschlag** and **Gregg H. Hilzer** of the firm's Litigation Department were integral members of the firm's team.

Mr. Brown, Chair of the firm's White Collar Defense Practice Group, issued the following statement:

"We are pleased that the Department of Justice has decided to dismiss the remaining charges against Senator Menendez after nearly six years of investigation and attempted prosecution. The timing of the dismissal comes somewhat as a surprise, as less than two-weeks earlier, the DOJ decided to proceed with a retrial despite failing to meet its burden of proof in the first trial, where 11 jurors were in favor of an acquittal on all charges and only 2 jurors voted for a conviction."

"The decision to dismiss the charges appears to have been prompted by Judge Walls' January 26, 2018 Opinion and Order granting Defendants' Rule 29 motion dismissing seven counts of the Superseding Indictment. The Court's decision, which properly ruled that no rational juror could find that there was evidence that legal and publicly disclosed political contributions made by Dr. Melgen were evidence of a quid pro quo, essentially gutted what was already a weak prosecution case. Quoting Gertrude Stein in its opinion, the Court correctly sums up the Government's lack of proof by noting that '[t]here is no there there.'"

"Had the DOJ proceeded with a retrial, we are confident that the Defendants would have been acquitted on all counts, as the Defendants' friendship spanning several decades belied any allegations of corruption. We are happy that Senator Menendez, his family and his staff can finally move forward with their lives and the Senator can return to focusing on what he does best – representing the people of New Jersey."