

PRESS RELEASE

STATEMENT OF DR. SALOMON MELGEN REGARDING THE COMMUTATION OF HIS PRISON SENTENCE BY PRESIDENT TRUMP

WEST PALM BEACH, FL, January 20, 2021 – President Donald J. Trump commuted the prison sentence of Dr. Salomon Melgen after he served four years in federal prison, paid over \$25 million (including a refund of over \$11 million to Medicare *before any investigation occurred*), surrendered his medical license, and endured significant injury while in the custody of the Bureau of Prisons. Further, since March of 2020, Dr. Melgen has lived in near isolation due to Covid-19 restrictions and his medical conditions.

Dr. Melgen, a 66-year old married father and grandfather, maintains his innocence. President Trump's actions today end a serious miscarriage of justice. Prior to his arrest, Dr. Melgen was a renowned and highly specialized retinal surgeon. After release from custody, Dr. Melgen will reside with his wife, Flor, in West Palm Beach as she continues her fight with cancer.

"I am extremely grateful to President Trump for commuting my sentence and recognizing the injustice that I have endured. Throughout this ordeal, I have come to realize the very deep flaws in our justice system and how people are at the complete mercy of prosecutors and judges. As of today, I am committed to fighting for unjustly incarcerated people. I want to thank my family, friends, and patients for all their support and for always believing in me over the past few years. God bless you all," said Dr. Melgen.

Dr. Melgen's trial counsel, Samuel A. Stern, said: "This commutation closes a matter that has been ongoing for nearly a decade. I know that Dr. Melgen will continue to lead a productive life and be a law-abiding member of the community. I am delighted with this result and wish him and his family the best. For the 100-plus people, including his former patients and employees, who wrote letters in support of his commutation, thank you."

Perhaps the biggest irony is that DOJ accused Dr. Melgen of Medicare fraud for using "overfill" from vials of medication. DOJ told the jury at his trial that such a practice of using "overfill" endangered the health of his patients and led to overpayments. Now, the federal government and FDA *are actively encouraging the use of overfill* from Pfizer's COVID-19 vaccine with no mention of the arguments they used against Dr. Melgen. Even in Dr. Melgen's case, courts recognized that use of overfill was fiscally neutral to the government as they only pay for what is injected into the patient, *VRC v. Burwell*, 649 F. App'x 684, 684, 689-91 n.5 (11th Cir. 2016); yet, federal prosecutors used these bogus "overfill" allegations to send Dr. Melgen to prison for alleged fraud.

Dr. Melgen was always upfront about his medical practices with the government. Medicare audited his 4 offices numerous times between 1997 and 2013 and never, not once, did anyone tell him that his practices were incorrect. Yet, to achieve conviction, DOJ "claimed" to have identified 30 patients through a "random statistical sample" that supported their false allegations. Yet, the FBI agents "threw away" the material used to create the so-called "random sample," and the Court allowed the FBI to put it before the jury as if some real sample had been done.

Finally, not a single witness who worked for Dr. Melgen testified that he misdiagnosed or mistreated any patient or treated any patient with anything but good faith and his best exercise of medical judgment.

For further information about Dr. Melgen or his case, please contact Samuel A. Stern at (305) 434-2269