

Canadian Optical Manufacturer, Newcon Optik, Acquitted of All Charges in U.S. District Court – Company and its Executives “Completely Vindicated”

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A court in San Francisco has acquitted Canadian night vision equipment manufacturer Newcon International Ltd. (o/a Newcon Optik) and two of its executives of all charges against them.

Accused by the U.S. Department of Justice in 2005 and indicted by a grand jury in 2007 of attempting to defraud the U.S. Army in connection with a significant contract for the supply of night vision goggles for the new Iraqi Army, Newcon Optik, its president and CEO Michael Beker and former vice-president Arie Prilik consistently maintained their innocence and adamantly denied all allegations against them. They were subjected to years of court proceedings at enormous personal and professional cost.

“This ordeal has been traumatic for my company, my staff and my family,” said Beker, who returned to Toronto on Friday. “But we kept the faith and our friends and associates stood by us. I built this company from scratch and it was very difficult to suffer through such false and obscene accusations. It took all my strength and resolve to stand up to the formidable and intimidating force of the United States justice system. But I knew that I was right; I knew that I was innocent and I am very grateful that it is over now. I am especially appreciative of the extraordinary representation that I got from my legal team. Newcon Optik is now working hard to preserve and enhance our reputation as a leader in the night vision industry.”

Following the court ruling, Beker was allowed to return to Canada after having spent the last year confined to the State of California as part of his bail terms.

In her ruling, U.S. District Court Judge Marilyn Hall Patel described the work of the prosecutors as “sloppy” with the result that the defendants were subjected to “several years of criminal proceedings notwithstanding the paucity of evidence” against them.

“This is a complete vindication of Newcon Optik” said lawyer Peter Biro, who led and coordinated the international legal defence team and is a partner at Toronto-based firm WeirFoulds LLP and external general counsel for Newcon. “We have asserted from the beginning that the charges were groundless, and that the conduct of both Newcon and its executives was beyond reproach. Michael Beker has endured the stigma of false and groundless accusations of fraudulent intent; he has suffered arrest and detention, an extradition battle, confinement to Northern California away from his home, business, community and family, a battle over fair disclosure, and finally a hard-fought trial all just to prove that he should never have been investigated, accused, charged, arrested, detained, extradited, or put on trial in the first place. This is a testament to perseverance and principle. But it is also a cautionary tale; for justice could never be taken for granted. It came at a steep price; one that most citizens could ill afford or endure.”

The team coordinated by Biro included lawyer Brian Heller of Toronto, who handled the arrest and extradition issues; Jonathan Howden and Martha Boersch of San Francisco, who were co-counsel at trial, and several other professional advisors, experts, investigators and assistants.

About Newcon International Ltd/Newcon Optik: Founded by Michael Beker in the early 1990s and headquartered in Toronto, Newcon Optik is a leader in the night vision industry and is a brand recognized around the world for its superior products, which are used and relied upon by law enforcement, search and rescue, military, camping, surveillance and marine personnel in over 60 countries around the world. Newcon Optik has employees and representatives worldwide and is engaged in research, design, development and manufacturing of electro-optical equipment such as Image Intensifier Tubes, Night Vision devices, Laser Rangefinders, Thermal Imagers, Image Stabilizers and other specialty optics. The company exports 95% of its products.

For more information about Newcon Optik, visit newcon?optik.com.

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