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Men get reduced prison sentences in 'Mr. Nice Guy' fake pot case

August 14, 2013 | By Jon Burstein, Staff Writer

WEST PALM BEACH — Two men who ran what federal prosecutors have said was one of the country's largest synthetic marijuana operations received reduced prison sentences Wednesday before a courtroom packed with supporters.

John Shealey, co-owner of the West Palm Beach-based Kratom Lab, was sentenced to 18 months behind bars, while his business partner, Dylan Harrison, received a prison term of a year and a day. Prosecutors had been requesting sentences at least twice as long for both men.

Shealey, 40, and Harrison, 32, raked in millions of dollars in just two years with their product "Mr. Nice Guy" — a brand of synthetic marijuana that became so well-known that it spawned knockoffs.

The rise of Kratom Lab mirrored the nationwide boom in synthetic marijuana, which the U.S. Department of Drug Administration estimated was a \$5 billion industry in 2011. Synthetic marijuana — sometimes called "K2" or "Spice" — had been linked to more than 11,000 emergency-room visits nationwide in 2010, with side effects including rapid heart rate, nausea, seizures, renal failure and psychotic episodes. Synthetic marijuana — sometimes called "K2" or "Spice" — had been linked to more than 11,000 emergency-room visits nationwide in 2010, with side effects including rapid heart rate, nausea, seizures, renal failure and psychotic episodes.

When federal authorities launched the first nationwide crackdown on the designer drugs in July 2012, they raided Kratom Lab's operations and arrested Shealey, Harrison and one of the company's employees.

Shealey, of Royal Palm Beach, and Harrison, of Lantana, cut deals with federal prosecutors, each agreeing to plead guilty to a count of conspiring to break federal laws. They admitted plotting to distribute an illegal substance and selling a misbranded drug. Both agreed to turn over more than \$2 million in assets.

Attorneys for Shealey and Harrison argued Wednesday that their clients had prior attorneys advise them the products they were manufacturing were legal. Whenever the federal government listed a chemical as illegal, Kratom Lab would destroy any products containing it, said Marc Seittles, Shealey's attorney.

The defense attorneys questioned why Shealey and Harrison weren't issued cease-and-desist letters to stop making the products.

Assistant U.S. Attorney Roger Stefin said the two men had to have known what they were doing was highly questionable, if not illegal. They were marketing Mr. Nice Guy as a herbal incense with anyone, including children, able to buy it at gas stations, convenience stores and online.

The drug was made in clandestine labs with no quality control, using a process that can let off toxic fumes, Stefin said. Two months before the arrests, one of Kratom Lab's warehouses in West Palm Beach exploded while the drug was being made in industrial cement mixers.

Harrison and Shealey apologized Wednesday as more than 50 family members and friends watched. Harrison said that whether the products made by Kratom Lab were illegal or not, he knew what he was doing was wrong and regrets it.

"Being a drug addict, I know the pain drugs cause," said Harrison, who acknowledged at a previous court hearing that he had received past treatment for heroin and steroid addictions.

Shealey vowed he would focus on making the world a better place.

With their plea deals, neither man faced more than five years behind bars. Federal prosecutors recommended a 28-month sentence for Harrison and 37 months in prison for Shealey.

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U.S. District Judge Kenneth Marra said he found their cases unusual because of the ambiguities surrounding the laws governing the chemicals. He said that in fashioning prison sentences, he took into consideration their lack of criminal history as well as their cooperation with federal authorities.

As part of their plea deals, Shealey agreed to pay a \$2.2 million monetary judgment, forfeit \$745,000 in cash and give up two sports cars and two SUVs. Harrison agreed to forfeit more than \$2 million in assets, including the \$850,000 home he bought on the Intracoastal Waterway.

Both men were allowed to remain out on bond for the next two months with their prison sentences scheduled to begin Oct. 18.

The Kratom Lab employee who was arrested, Michael Bryant, was sentenced in June to six months' house arrest after taking his own plea deal.

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