

Fairhaven man re-sentenced for federal drug crime as a result of State crime lab scandal

A Fairhaven man was re-sentenced on Thursday in federal court in Boston as a result of a prior vacated conviction stemming from the state crime lab scandal.

David Simmons, 42, was re-sentenced by U.S. District Court Judge Nathaniel M. Gorton to 33 months in prison and three years of supervised release. In March 2016, Simmons was sentenced to 51 months in prison and three years of supervised release after a federal jury convicted him in October 2015 of one count of conspiracy to distribute marijuana.

From approximately 2010 until 2014, Simmons was involved in an eight-person marijuana trafficking conspiracy led by Edward Boyer that shipped high-grade marijuana from Mendocino County California to Fall River, Mass., where it was sold through a network of distributors. Simmons received some of the shipments of marijuana in Fair Haven and delivered them to Boyer. Simmons, along with co-defendant Paul Pedreira, also established a marijuana growing operation at Simmons' residence, and Boyer helped to coordinate the distribution of the crop.

The sentence of 51 months that Simmons received in March 2016 was based on his prior criminal history, which identified him as a career offender. However, a prior criminal conviction for distribution of a Class B substance was vacated by the Fall River District Court in May 2016, as it was one of the tens of thousands of cases tainted by the revelation that former state crime chemist Annie Dookhan tampered with evidence and

fabricated test results. As a result of that vacated conviction, Simmons no longer qualifies as a career offender; therefore, the current sentence he is serving for marijuana conspiracy was reduced based on an updated prior criminal history – one that does not include a conviction for distributing a Class B substance.

In February 2016, Boyer was sentenced to 108 months in prison and four years of supervised release. Pedreira was sentenced to time served (53 days) and three years of supervised release.