

**UNITED STATES DISTRICT COURT  
District of New Jersey**

UNITED STATES OF AMERICA

v.

Case Number CR 06-643-01

ALBERT POET

Defendant.

**JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)**

The defendant, ALBERT POET, was represented by Jerome A. Ballarotto.

The defendant was found guilty on count(s) 1-14 by a jury verdict on 3/20/07 after a plea of not guilty. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

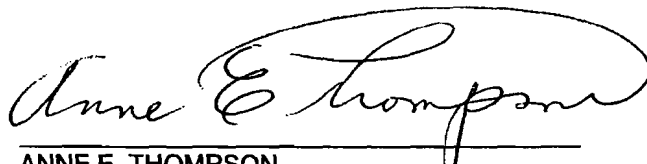
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18:1341 & 2	Mail fraud	12/04/03 - 11/08/04	1-13
21:331(k), 333(a)(2), 352(j)(3) & 18:2	Misbranding	12/17/03 - 1/01/05	14

As pronounced on 9/28/07, the defendant is sentenced as provided in pages 2 through ~~6~~<sup>6</sup> of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$1,400, for count(s) 1-14, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 28<sup>th</sup> day of September, 2007.

  
 ANNE E. THOMPSON  
 Senior United States District Judge

Defendant: ALBERT POET  
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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 14 Months, on each of Counts One through Thirteen and a term of 14 months on Count Fourteen, all to be served concurrently..

The Court makes the following recommendations to the Bureau of Prisons: The defendant to be housed in the New Jersey area.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons no later than 2:00 p.m. on 11/12/07.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ To \_\_\_\_\_  
At \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: ALBERT POET  
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**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 2 years.

Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the Probation Office in the district to which the defendant is released.

While on supervised release, the defendant shall comply with the standard conditions that have been adopted by this court (on the next page).

Based on information presented, the defendant is excused from the mandatory drug testing provision, however, may be requested to submit to drug testing during the period of supervision if the probation officer determines a risk of substance abuse.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remains unpaid at the commencement of the term of supervised release and shall comply with the following special conditions:

As a further special condition of supervised release, the defendant is to refrain from practice of medicine as determined by the New Jersey Board of Medical Examiners, or as determined by the medical board of any state in which he resides, and is required to notify any respective medical board of his conviction in the offense regardless of any suspension from the practice of medicine in the State of New Jersey..

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

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**STANDARD CONDITIONS OF SUPERVISED RELEASE**

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 16) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

*For Official Use Only - - - U.S. Probation Office*

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) \_\_\_\_\_ Defendant \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness \_\_\_\_\_ Date \_\_\_\_\_

Defendant: ALBERT POET  
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**FINE**

The defendant shall pay a fine of \$15,000.

This fine, plus any interest pursuant to 18 U.S.C. § 3612(f)(1), is due immediately and shall be paid in full within 30 days of sentencing.

This amount is the total of the fines imposed on individual counts, as follows:

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Defendant: ALBERT POET  
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**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee (Victim)</u></b>	<b><u>Amount of Restitution</u></b>
Jo-Ann Ehrgott 10 Whipporwill Lane Cedar Run, NJ 08092	\$1,200
Carole Cefaratti 200 Springfield Avenue Springfield, NJ 07081	\$1,350
Elizabeth Stratman 72 N. Lakeshore Drive Manahawkin, NJ 08050	\$800
Barbara Sedorenko 302 Chatfield Drive Pompton Plains, NJ 07444	\$1,200
Patricia Janda 1084 Montauk Drive Forked River, NJ 08731	\$600
Shellie Brackeen 87 Berkley Avenue Bloomfield, NJ 07003	\$600
Jill Abel 5 Yale Court Livingston, NJ 07039	\$300

Payments of restitution are to be made payable to U.S. Treasury and mailed to Clerk, U.S.D.C., 402 East State Street, Rm 2020, Trenton, New Jersey 08608 for distribution to the victim(s).

The restitution is due immediately and shall be paid in full within 30 days of sentencing..

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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**STATEMENT OF REASONS  
(NOT FOR PUBLIC DISCLOSURE)**

The Court adopts the presentence investigation report with the following changes:

Chapter Two of the U.S.S.G. Manual determinations by court (including changes to base offense level, or specific offense characteristics): The Court determined that the defendant proffer to the government reflected that he accepted responsibility. Hence, the base offense level becomes 21, with a guideline range of 37-46 months.

No court of conviction carries a mandatory minimum sentence.

**Advisory Guideline Range Determined by the Court:**

Total Offense Level:	21
Criminal History Category	I
Imprisonment Range:	37 months to 46 months
Supervised Release Range:	1 to 3 years
Fine Range:	\$7,500 to \$75,000

The fine is below the guideline range because of the defendant's inability to pay.

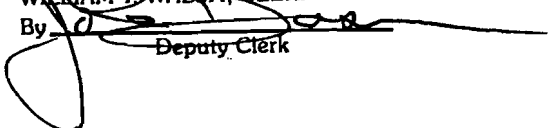
Total Restitution Amount: \$6,050.00

The court imposes a sentence outside the advisory sentencing guideline system. The sentence is below the advisory guideline range other than a plea agreement or motion by the parties based on the following reason for a sentence outside of the guideline system:

- the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)
- to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))
- to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
WILLIAM T. WALSH, CLERK

By  Deputy Clerk

Defendant's SSN: 151-40-4616  
Defendant's Date of Birth: 06/10/49  
Defendant's address: 1327 Millcreek Road, Manahawkin, NJ 08050