

APPEAL

**U.S. District Court
District of New Jersey [LIVE] (Trenton)
CRIMINAL DOCKET FOR CASE #: 3:06-cr-00643-AET All Defendants**

Case title: USA v. POET

Date Filed: 08/30/2006

Date Terminated: 10/01/2007

Assigned to: Judge Anne E. Thompson

Appeals court case number: '07-3933'
'Third Circuit'

Defendant

ALBERT POET (1)
TERMINATED: 10/01/2007

represented by **JEROME A. BALLAROTTO**
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Pending Counts

18:1341 and 2 - FRAUDS AND
SWINDLES - 12/4/03 - 11/8/04
(1-13)

Disposition

Imprisonment: 14mths on Counts 1-13
& 14 mths on Ct 14, all to be served
concurrently. Supervised release for a
term of 2 years on Cts 1-13 and Ct 14,
all to run concurrently with no
mandatory drug testing. Special
conditions of supervised release
imposed. Fine: \$15,000 payable
immediately, Restitution: \$6,050
payable immediately. SA: \$1,400

A10

21:331(k), 333(a)(2), 352(i)(3) and 18:2
- AFFECTING THE LABEL TO
CAUSE MISBRANDING - 12/17/03 -
1/1/05
(14)

payable immediately. Application for
voluntary surrender. Granted. The dft to
surrender by 11/12/07 to designated
institution.

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payable immediately. Application for
voluntary surrender. Granted. The dft to
surrender by 11/12/07 to designated
institution.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **EUGENIA A.P. COWLES**
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Date Filed	#	Docket Text
08/24/2006	1	SEALED INDICTMENT as to ALBERT POET (1) Counts 1-13 and Count 14. (AC) (Entered: 08/30/2006)
08/24/2006	2	Order to Seal Case as to ALBERT POET. Signed by Judge John J. Hughes on 8/24/06. (AC) (Entered: 08/30/2006)
08/24/2006	3	Arrest Warrant Issued in case as to ALBERT POET. (AC) (Entered: 08/30/2006)
08/25/2006	4	Order to Unseal Case as to ALBERT POET. . Signed by Judge John J. Hughes on 8/25/06. (dg,) (Entered: 08/31/2006)
08/25/2006	6	Minute Entry for proceedings held before Judge John J. Hughes :Initial Appearance as to ALBERT POET held on 8/25/2006 ; deft released on \$100,000.-- Surety Bond. (Court Reporter FTR / Glynn.) (dg,) (Entered: 08/31/2006)
08/25/2006		Surety Bond Entered as to ALBERT POET in amount of \$ \$100,000.--, (posting of property), Receipt # n/a. (dg,) (Entered: 08/31/2006)
08/25/2006	7	ORDER Setting Conditions of Release as to ALBERT POET (1); released on \$100,000.-- surety bond (property posted).. Signed by Judge John J. Hughes on 8/25/06. (dg,) (Entered: 08/31/2006)
08/30/2006		Arraignment as to ALBERT POET set for 9/5/2006 02:30 PM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (AC) (Entered: 08/30/2006)
08/31/2006	5	Arrest Warrant Returned Executed on 8/25/06. in case as to ALBERT POET. (dg,) (Entered: 08/31/2006)
09/05/2006	8	Minute Entry for proceedings held before Judge Anne E. Thompson :Arraignment as to ALBERT POET (1) Counts 1-14 held on 9/5/2006. Pretrial Motions due 9/29/06; Opposition due 10/13/06; Motions Returnable on 10/16/06 at 9:30 a.m.; Trial set for 11/14/06 at 9:30 a.m. (Court Reporter J. Herndon/I. Jiminez.) (AC) (Entered: 09/06/2006)
09/05/2006	9	ORDER for Discovery and Inspection as to ALBERT POET and setting trial date for 11/14/06 at 9:30 a.m. Signed by Judge Anne E. Thompson on 9/5/06. (ij,) (Entered: 09/08/2006)
09/06/2006		Jury Trial as to ALBERT POET set for 11/14/2006 09:30 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (AC) (Entered: 09/06/2006)

A12

CM/ECF LIVE - U.S. District Court for the District of New Jersey - Docket Report

09/07/2006		Notice of Allocation and Assignment. (Judge Thompson - Trenton). (AC) (Entered: 09/07/2006)
09/18/2006	10	ORDER TO CONTINUE - Ends of Justice as to ALBERT POET Time excluded from 9/18/06 until 11/15/06. Signed by Judge Anne E. Thompson on 9/18/06. (ms) (Entered: 09/18/2006)
09/21/2006	11	LETTER ORDER as to ALBERT POET; setting certain motion schedule and trial date for 1/2/07. Signed by Judge Anne E. Thompson on 9/20/06. (ij,) (Entered: 09/21/2006)
11/15/2006	12	MOTION to Continue by USA as to ALBERT POET. (COWLES, EUGENIA) (Entered: 11/15/2006)
11/15/2006	13	SECOND ORDER TO CONTINUE - Ends of Justice as to ALBERT POET Time excluded from 11/14/06 until 1/16/07 . Signed by Judge Anne E. Thompson on 11/14/06. (ij,) (Entered: 11/16/2006)
11/16/2006		Setting Deadlines re Motion or Report and Recommendation in case as to ALBERT POET 12 MOTION to Continue. Motion set for 12/18/2006 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1(B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT.) (ij,) (Entered: 11/16/2006)
01/16/2007	14	MOTION in Limine to Enforce Proffer Agreement by USA as to ALBERT POET. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Notice of Motion# 4 Certificate of Service)(COWLES, EUGENIA) (Entered: 01/16/2007)
01/16/2007	15	LETTER ORDER granting dft's request to file an overlength brief not exceeding 50 pages. Signed by Judge Anne E. Thompson on 1/12/07. (ij,) (Entered: 01/16/2007)
01/16/2007	16	Omnibus MOTION by ALBERT POET. (Attachments: # 1 Brief in Support of Defendants Omnibus Motions# 2 Declaration Debra O'Brien# 3 Declaration Theresa Buterick# 4 Declaration Shirley Spagnola# 5 Declaration Ken Blankenbuehler# 6 Declaration Heather Gifford# 7 Declaration Laurie Toth# 8 Declaration William J. Hughes, Jr. (Supplemental)# 9 Declaration William J. Hughes, Jr.# 10 Exhibit 1 to 7 of Hughes Certification# 11 Exhibit 8 to Hughes Certification# 12 Exhibit 9 to Hughes Certification# 13 Exhibit 10 to 14 of Hughes Certification# 14 Exhibit 15 to 19 of Hughes Certification# 15 Exhibit 20 to 25 of Hughes Certification# 16 Exhibit 26 to 30 of Hughes Certification# 17 Exhibit 31 to 37 of Hughes Certification# 18 Exhibit 38 of Hughes Certification# 19 Exhibit 39 and 39A of Hughes Certification# 20 Exhibit 40 of Hughes Certification# 21 Exhibit 41 of Hughes Certification# 22 Exhibit Exhibit 42 (part 1) of Hughes Certification# 23 Exhibit 42 (part 2) of Hughes Certification# 24 Exhibit 43 to 56 of Hughes Certification# 25 Exhibit 57 to 65 of Hughes Certification# 26 Exhibit 66 to 71 of Hughes Certification# 27 Exhibit 72 and 73 of

		Hughes Certification# 28 Certificate of Service)(HUGHES, WILLIAM) (Entered: 01/16/2007)
01/17/2007		Setting Deadlines re Motion or Report and Recommendation in case as to ALBERT POET 14 MOTION in Limine to <i>Enforce Proffer Agreement</i> . Motion set for 2/20/2007 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1(B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT.) (ij,) (Entered: 01/17/2007)
01/17/2007		Setting Deadlines re Motion or Report and Recommendation in case as to ALBERT POET 16 Omnibus MOTION. Motion set for 2/20/2007 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (PLEASE NOTE THAT PURSUANT TO FED. R. CIV. P. 78 AND LOCAL RULE 7.1(B)(4), NO ORAL ARGUMENT WILL BE HELD IN THIS MATTER AND PARTIES SHOULD NOT APPEAR UNLESS SPECIFICALLY DIRECTED TO DO SO BY THE COURT.) (ij,) (Entered: 01/17/2007)
01/18/2007	17	NOTICE OF ATTORNEY APPEARANCE EUGENIA A.P. COWLES appearing for USA. <i>Addition of AUSA James Lynch</i> (COWLES, EUGENIA) (Entered: 01/18/2007)
01/19/2007		Attorney update in case as to ALBERT POET. Attorney JAMES P. LYNCH for USA added. (ij,) (Entered: 01/19/2007)
01/25/2007	18	NOTICE OF ATTORNEY APPEARANCE: JEROME A. BALLAROTTO appearing for ALBERT POET (BALLAROTTO, JEROME) (Entered: 01/25/2007)
01/26/2007	19	Minute Entry for proceedings held before Judge Anne E. Thompson :Motion Hearing as to ALBERT POET held on 1/26/2007 re 14 MOTION in Limine to <i>Enforce Proffer Agreement</i> filed by USA. - Granted; and 16 Omnibus MOTION filed by ALBERT POET. - Denied. (Court Reporter J. Herndon, ECR.) (AC) (Entered: 01/26/2007)
03/01/2007	20	TRIAL BRIEF by USA as to ALBERT POET (COWLES, EUGENIA) (Entered: 03/01/2007)
03/05/2007	21	Letter from William J. Hughes, Jr. (HUGHES, WILLIAM) (Entered: 03/05/2007)
03/08/2007	22	Proposed Jury Instructions by USA as to ALBERT POET (COWLES, EUGENIA) (Entered: 03/08/2007)
03/08/2007	23	Proposed Voir Dire by USA as to ALBERT POET (COWLES, EUGENIA) (Entered: 03/08/2007)
03/12/2007	24	ORDER granting appl of deft, ALBERT POET, directing FDA to produce certain document. Signed by Judge Anne E. Thompson on 3/9/07. (ms) Modified to show Judge signed on 3/9/07 not on 3/12/2007 (ms). (Entered: 03/12/2007)

03/12/2007	25	PROTECTIVE ORDER as to ALBERT POET in re: certain FDA Documents . Signed by Judge Anne E. Thompson on 3/12/07. (ms) (Entered: 03/12/2007)
03/12/2007	26	Minute Entry for proceedings held before Judge Anne E. Thompson :Omnibus Hearing as to ALBERT POET held on 3/12/2007 DECISION RESERVED. (Court Reporter J. Herndon.) (jb,) (Entered: 03/13/2007)
03/13/2007	27	Minute Entry for proceedings held before Judge Anne E. Thompson :Jury Selection as to ALBERT POET held on 3/13/2007 (Court Reporter J. Herndon.) (jb,) (Entered: 03/14/2007)
03/14/2007	36	Minute Entry for proceedings held before Judge Anne E. Thompson :Jury Trial as to ALBERT POET held on 3/14/2007 (Court Reporter J. Herndon.) (jb,) (Entered: 03/21/2007)
03/15/2007	28	Minute Entry for proceedings held before Judge Anne E. Thompson :Jury Trial as to ALBERT POET held on 3/15/2007 (Court Reporter J. Herndon.) (jb,) (Entered: 03/15/2007)
03/16/2007	29	Minute Entry for proceedings held before Judge Anne E. Thompson :Jury Trial as to ALBERT POET held on 3/16/2007 (Court Reporter J. Herndon.) (jb,) (Entered: 03/19/2007)
03/19/2007	30	Minute Entry for proceedings held before Judge Anne E. Thompson :Jury Trial as to ALBERT POET held on 3/19/2007 (Court Reporter J. Herndon.) (jb,) Additional attachment(s) added on 3/21/2007 (jb,). (Entered: 03/21/2007)
03/19/2007	31	Jury Note #1 filed as to ALBERT POET (jb,) (Entered: 03/21/2007)
03/20/2007	32	Minute Entry for proceedings held before Judge Anne E. Thompson :Jury Trial as to ALBERT POET completed on 3/20/2007 VERDICT: GUILTY AS TO ALL COUNTS. Sentencing set for 6/26/2007 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (Court Reporter J. Herndon.) (jb,) Additional attachment(s) added on 3/21/2007 (jb,). Additional attachment(s) added on 3/21/2007 (jb,). (Entered: 03/21/2007)
03/20/2007	33	Jury Notes and response #2 as to ALBERT POET (jb,) (Entered: 03/21/2007)
03/20/2007	34	Jury Notes #3 as to ALBERT POET (jb,) (Entered: 03/21/2007)
03/20/2007	35	JURY VERDICT as to ALBERT POET (1) Guilty on Count 1-13,14. (jb,) (Entered: 03/21/2007)
03/23/2007	37	MOTION for Acquittal, MOTION for Directed Verdict, MOTION for Judgment NOV, MOTION for New Trial, MOTION for Reconsideration, MOTION to Set Aside Verdict by ALBERT POET. (HUGHES, WILLIAM) (Entered: 03/23/2007)
03/26/2007		Setting Deadlines re Motion or Report and Recommendation in case as to

A15

		ALBERT POET 37 DEFICIENT MOTION for Acquittal MOTION for Directed Verdict MOTION for Judgment NOV MOTION for New Trial MOTION for Reconsideration MOTION to Set Aside Verdict. (NO BRIEF OR CERT OF SVC). Motion set for 5/21/2007 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (ij,) (Entered: 03/26/2007)
04/02/2007	38	TRANSCRIPT of Proceedings as to ALBERT POET held on 3/12/2007 before Judge Anne E. Thompson. Court Reporter: Jakibah H.. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (jh) (Entered: 04/02/2007)
04/02/2007	39	TRANSCRIPT of Proceedings as to ALBERT POET held on 3/16/2007 before Judge Anne E. Thompson. Court Reporter: Jakiba H.. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (jh) (Entered: 04/02/2007)
04/02/2007	40	TRANSCRIPT of Proceedings as to ALBERT POET held on 3/19/2007 before Judge Anne E. Thompson. Court Reporter: Jakiba H.. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (jh) (Entered: 04/02/2007)
04/02/2007	41	TRANSCRIPT of Proceedings as to ALBERT POET held on 3/20/2007 before Judge Anne E. Thompson. Court Reporter: Jakiba H.. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (jh) (Entered: 04/02/2007)
04/12/2007	42	First MOTION for New Trial by ALBERT POET. (Attachments: # 1 Brief in support of motion for new trial# 2 Certification in support of motion for new trial# 3 Exhibit 1-9# 4 Exhibit 10-13# 5 Exhibit 14-16) (HUGHES, WILLIAM) (Entered: 04/12/2007)
04/13/2007		Setting Deadlines re Motion or Report and Recommendation in case as to ALBERT POET 42 First MOTION for New Trial. Motion set for 5/21/2007 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (ij,) (Entered: 04/13/2007)
04/17/2007		Set/Reset Deadlines re Motion or Report and Recommendation in case as to ALBERT POET 37 MOTION for Acquittal MOTION for Directed Verdict MOTION for Judgment NOV MOTION for New Trial MOTION for Reconsideration MOTION to Set Aside Verdict, 42 First MOTION for New Trial. Motion Hearing set for 5/14/2007 10:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (jb,) (Entered: 04/17/2007)

A16

04/25/2007	43	RESPONSE in Opposition by USA as to ALBERT POET re 42 First MOTION for New Trial (Attachments: # 1 Exhibit Attachment A# 2 Exhibit Attachment B)(COWLES, EUGENIA) (Entered: 04/25/2007)
05/14/2007	44	Minute Entry for proceedings held before Judge Anne E. Thompson :Motion Hearing as to ALBERT POET held on 5/14/2007 re 37 MOTION for New Trial MOTION to Set Aside Verdict filed by ALBERT POET, 42 ORDERED motions denied. OTBS. (Court Reporter T. Phillippi.) (jb,) (Entered: 05/15/2007)
06/18/2007	45	TRANSCRIPT of Proceedings as to ALBERT POET held on 5/14/2007 before Judge Anne E. Thompson. Court Reporter: Jakiba Hemdon. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (jh) (Entered: 06/18/2007)
06/18/2007		Reset Deadlines/Hearings as to ALBERT POET: Sentencing set for 9/13/2007 11:00 AM in Trenton - Courtroom 4W before Judge Anne E. Thompson. (jb,) (Entered: 06/18/2007)
09/22/2007	46	SENTENCING MEMORANDUM by ALBERT POET (Attachments: # 1 Exhibit # 2 Letter# 3 letters# 4 June 5, 2007 letter# 5 June 7, 2007 AUSA Cowles Letter# 6 June 27, 2007 Letter# 7 August 14, 2007 Letter# 8 September 13, 2007 Letter# 9 September 21, 2007 Letter) (BALLAROTTO, JEROME) (Entered: 09/22/2007)
09/25/2007		CLERK'S QUALITY CONTROL MESSAGE: This pertains to Document 46 SENTENCING MEMORANDUM filed on 9/22/07 by JEROME BALLAROTTO, ESQ. for Defendant, ALBERT POET. Counsel is advised in the future SENTENCING MEMORANDUMS are not filed, but sent directly to the Chambers, unless the Court otehrwise directs. (ms) (Entered: 09/25/2007)
09/28/2007	48	Minute Entry for proceedings held before Judge Anne E. Thompson :Sentencing held on 9/28/2007 for ALBERT POET (1), Count (s) 1-13, 14, Imprisonment: 14mths on Counts 1-13 & 14 mths on Ct 14, all to be served concurrently. Supervised release for a term of 2 years on Cts 1-13 and Ct 14, all to run concurrently with no mandatory drug testing. Special conditions of supervised release imposed. Fine: \$15,000 payable immediately, Restitution: \$6,050 payable immediately. SA: \$1,400 payable immediately. Application for voluntary surrender. Granted. The dft to surrender by 11/12/07 to designated institution. (Court Reporter T. Phillippi.) (ij,) (Entered: 10/03/2007)
10/01/2007	49	JUDGMENT as to ALBERT POET (1), Count(s) 1-13, 14, Imprisonment: 14mths on Counts 1-13 & 14 mths on Ct 14, all to be served concurrently. Supervised release for a term of 2 years on Cts 1-13 and Ct 14, all to run concurrently with no mandatory drug testing. Special conditions of supervised release imposed. Fine: \$15,000 payable immediately, Restitution: \$6,050 payable immediately. SA: \$1,400 payable immediately. Application for voluntary surrender. Granted. The

A17

		dft to surrender by 11/12/07 to designated institution. Signed by Judge Anne E. Thompson on 9/28/07. (ij,) (Entered: 10/03/2007)
10/02/2007	47	NOTICE OF APPEAL by ALBERT POET Filing fee \$ 455, receipt number 1675746. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Attachments: # 1 Certificate of Service)(BALLAROTTO, JEROME) (Entered: 10/02/2007)
10/09/2007	51	TRANSCRIPT of Sentencing as to ALBERT POET held on 9/28/2007 before Judge Anne E. Thompson. Court Reporter: Jakiba Herndon. PLEASE NOTE: The complete transcript of these proceedings is maintained in paper format on file in the Clerks Office. To request copies of this transcript, contact the Official Court Reporter or Transcription Service who prepared the transcript. (jh) (Entered: 10/11/2007)

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10/12/2007 12:42:17			
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