

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES

v.

**WILLIAM FACTEAU,
PATRICK FABIAN**

Defendants.

Criminal No. 15-10076-ADB

VERDICT FORM

COUNT 1

CONSPIRACY TO INTRODUCE ADULTERATED OR MISBRANDED DEVICES INTO INTERSTATE COMMERCE

Defendant William Facteau

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facteau** is guilty of Conspiring to Cause the Introduction of an Adulterated or Misbranded Device Into Interstate Commerce as charged in Count 1 of the Indictment?

Count 1: ✓ Not Guilty _____ Guilty

IF YOU FIND DEFENDANT WILLIAM FACTEAU NOT GUILTY ON COUNT 1, SKIP THE FOLLOWING QUESTION AND GO ON TO THE NEXT PAGE.

If you found Defendant **William Facteau** Guilty on Count 1, which of the following do you find unanimously that the Government proved beyond a reasonable doubt were objects or goals of the conspiracy?

(i) Introduction of Adulterated or Misbranded Device Into Interstate

Commerce:

_____ Not Proven _____ Proven

(ii) Introduction of Adulterated or Misbranded Device Into Interstate Commerce with an intent to defraud or mislead:

_____ Not Proven _____ Proven

COUNT 1

CONSPIRACY TO INTRODUCE ADULTERATED OR MISBRANDED DEVICES INTO INTERSTATE COMMERCE

Defendant Patrick Fabian

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Conspiring to Cause the Introduction of an Adulterated or Misbranded Device Into Interstate Commerce as charged in Count 1 of the Indictment?

Count One: Not Guilty Guilty

IF YOU FIND DEFENDANT PATRICK FABIAN NOT GUILTY ON COUNT 1, SKIP THE FOLLOWING QUESTION AND GO ON TO THE NEXT PAGE.

If you found Defendant **Patrick Fabian** Guilty on Count 1, which of the following do you find unanimously that the Government proved beyond a reasonable doubt were objects or goals of the conspiracy?

(i) Introduction of Adulterated or Misbranded Device Into Interstate

Commerce:

Not Proven Proven

(ii) Introduction of Adulterated or Misbranded Device Into Interstate Commerce with an intent to defraud or mislead:

Not Proven Proven

COUNTS 5 THROUGH 7

WIRE FRAUD

Defendant William Facteau

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facteau** is guilty of committing Wire Fraud, as charged in Counts 5 through 7 of the Indictment?

Count 5 (on or about 11/13/2009):	<u> ✓ </u>	Not Guilty	_____ Guilty
Count 6 (on or about 11/16/2009):	<u> ✓ </u>	Not Guilty	_____ Guilty
Count 7 (on or about 11/19/2009):	<u> ✓ </u>	Not Guilty	_____ Guilty

Defendant Patrick Fabian

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of committing Wire Fraud, as charged in Counts 5 through 7 of the Indictment?

Count 5 (on or about 11/13/2009):	<u> ✓ </u>	Not Guilty	_____ Guilty
Count 6 (on or about 11/16/2009):	<u> ✓ </u>	Not Guilty	_____ Guilty
Count 7 (on or about 11/19/2009):	<u> ✓ </u>	Not Guilty	_____ Guilty

COUNTS 9 THROUGH 13

**INTRODUCTION OF AN ADULTERATED DEVICE INTO INTERSTATE
COMMERCE**

Defendant William Facticeau

Count 9:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 9 of the Indictment?

Not Guilty Guilty

**IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 9, SKIP TO
COUNT 10.**

If you found Defendant **William Facticeau** Guilty on Count 9, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 10:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 10 of the Indictment?

Not Guilty Guilty

**IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 10, SKIP TO
COUNT 11.**

If you found Defendant **William Facticeau** Guilty on Count 10, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 11:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 11 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 11, SKIP TO COUNT 12.

If you found Defendant **William Facticeau** Guilty on Count 11, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 12:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 12 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 12, SKIP TO COUNT 13.

If you found Defendant **William Facticeau** Guilty on Count 12, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 13:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 13 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 13, SKIP TO THE NEXT PAGE.

If you found Defendant **William Facticeau** Guilty on Count 13, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

COUNTS 9 THROUGH 13

**INTRODUCTION OF AN ADULTERATED DEVICE INTO INTERSTATE
COMMERCE**

Defendant Patrick Fabian

Count 9:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 9 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 9, SKIP TO COUNT 10.

If you found Defendant Patrick Fabian Guilty on Count 9, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 10:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 10 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 10, SKIP TO COUNT 11.

If you found Defendant Patrick Fabian Guilty on Count 10, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 11:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 11 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 11, SKIP TO COUNT 12.

If you found the Defendant Patrick Fabian Guilty on Count 11, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 12:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 12 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 12, SKIP TO COUNT 13.

If you found Defendant Patrick Fabian Guilty on Count 12, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

Count 13:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of an Adulterated Device Into Interstate Commerce, as charged in Count 13 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 13, SKIP TO NEXT PAGE.

If you found Defendant Patrick Fabian Guilty on Count 13, Causing the Introduction of an Adulterated Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with the intent to defraud or mislead?

Not Guilty Guilty

COUNTS 14 THROUGH 18

INTRODUCTION OF A MISBRANDED DEVICE INTO INTERSTATE COMMERCE

Defendant William Facticeau

Count 14:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 14 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 14, SKIP TO COUNT 15.

If you found Defendant **William Facticeau** Guilty on Count 14, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **William Facticeau** Guilty on Count 14, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

Count 15:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 15 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 15, SKIP TO COUNT 16.

If you found Defendant **William Facticeau** Guilty on Count 15, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **William Facticeau** Guilty on Count 15, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

Count 16:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 16 of the Indictment?

Not Guilty

Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 16, SKIP TO COUNT 17.

If you found Defendant **William Facticeau** Guilty on Count 16, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **William Facticeau** Guilty on Count 16, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with an intent to defraud or mislead?

Not Guilty

Guilty

Count 17:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 17 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 17, SKIP TO COUNT 18.

If you found Defendant **William Facticeau** Guilty on Count 17, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **William Facticeau** Guilty on Count 17, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

Count 18:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **William Facticeau** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 18 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FACTEAU NOT GUILTY ON COUNT 18, SKIP TO THE NEXT PAGE.

If you found Defendant **William Facticeau** Guilty on Count 18, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **William Facticeau** Guilty on Count 18, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **William Facticeau** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

COUNTS 14 THROUGH 18

INTRODUCTION OF A MISBRANDED DEVICE INTO INTERSTATE COMMERCE

Defendant Patrick Fabian

Count 14:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 14 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 14, SKIP TO COUNT 15.

If you found Defendant **Patrick Fabian** Guilty on Count 14, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **Patrick Fabian** Guilty on Count 14, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

Count 16:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 16 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 16, SKIP TO COUNT 17.

If you found Defendant **Patrick Fabian** Guilty on Count 16, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **Patrick Fabian** Guilty on Count 16, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

Count 17:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 17 of the Indictment?

Not Guilty

Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 17, SKIP TO COUNT 18.

If you found Defendant **Patrick Fabian** Guilty on Count 17, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **Patrick Fabian** Guilty on Count 17, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with an intent to defraud or mislead?

Not Guilty

Guilty

Count 18:

Do you, the jury, find unanimously that the Government has proven beyond a reasonable doubt that the Defendant **Patrick Fabian** is guilty of Causing the Introduction of a Misbranded Device Into Interstate Commerce, as charged in Count 18 of the Indictment?

Not Guilty Guilty

IF YOU FIND DEFENDANT FABIAN NOT GUILTY ON COUNT 18, STOP.

If you found Defendant **Patrick Fabian** Guilty on Count 18, Causing the Introduction of a Misbranded Device Into Interstate Commerce, which of the following types of misbranding do you find unanimously that the Government proved beyond a reasonable doubt?

(i) False or Misleading Labeling:

Not Proven Proven

(ii) Lack of Adequate Instructions for Use:

Not Proven Proven

(iii) Lack of Required Pre-Market Notification
For its Intended Use:

Not Proven Proven

If you found Defendant **Patrick Fabian** Guilty on Count 18, Causing the Introduction of a Misbranded Device Into Interstate Commerce, then as to the same count, do you also find unanimously that the Government proved beyond a reasonable doubt that Defendant **Patrick Fabian** committed that violation with an intent to defraud or mislead?

Not Guilty Guilty

These are the unanimous findings of the jury.

Jo Anne Pedraza - Aurremeay
Signature of Foreperson
7/20/2016
Date