

**United States District Court  
District of Puerto Rico (San Juan)  
CRIMINAL DOCKET FOR CASE #: 3:11-cr-00512-DRD-1**

Case title: USA v. Peake

Date Filed: 11/17/2011

Date Terminated: 12/06/2013

Assigned to: Judge Daniel R. Dominguez

Appeals court case number: 14-1088

**Defendant (1)****Frank Peake**

TERMINATED: 12/06/2013

represented by **A. Margot Moss**

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**Pending Counts**

15:1 ANTITRUST VIOLATIONS

(1)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

Imprisonment of 60 months (ordered under 3553, 18 USC 3553(2)(a)(d), to receive while under custody the 500 hours for alcohol abuse. The Court understands that the Court is warranted to issue this order under paragraph 75 and 77 of the PSL), SRT of 3 years, SMA of \$100.00 (to be paid in 10 days), FINE of \$25,000.00.

**Disposition****Disposition****Interested Party**

US Probation

**Interested Party**

US Pretrial

**Interested Party**

Horizon Lines, LLC

represented by **Nereida Melendez-Rivera**

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**Plaintiff**

USA

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Date Filed	#	Docket Text
11/17/2011	<a href="#">1</a>	INDICTMENT as to Frank Peake (1) count 1. (np) (Entered: 11/21/2011)
11/17/2011	<a href="#">2</a>	Minute Entry for proceedings held before US Magistrate Judge Camille L. Velez-Rive:Return of Indictment by Grand Jury as to Frank Peake held on 11/17/2011. <b>Initial Appearance and Arraignment set for 11/29/2011 01:30 PM in Courtroom 11 before US Magistrate Judge Camille L. Velez-Rive. Summons to be issued.</b> (Court Reporter FTR.)Hearing held at 10:05.Hearing ended at 10:10. (np) (Entered: 11/21/2011)
11/17/2011	<a href="#">3</a>	*RESTRICTED* Summons Issued as to Frank Peake. (np) (Entered: 11/21/2011)
11/17/2011	<a href="#">4</a>	MOTION for assignment of case to Judge Daniel R. Dominguez under L.Cr.R.107 and L.Civ. R.3A by USA as to Frank Peake. (Attachments: # <a href="#">1</a> Text of Proposed Order)(np) (Entered: 11/21/2011)
11/21/2011	<a href="#">5</a>	NOTICE OF ATTORNEY APPEARANCE: Brent Snyder appearing for USA. (Snyder, Brent) (Entered: 11/21/2011)
11/21/2011	<a href="#">6</a>	Motion for Victim Rights in case as to Frank Peake by USA as to Frank Peake. (Snyder, Brent) (Entered: 11/21/2011)
11/22/2011	<a href="#">7</a>	NOTICE OF ATTORNEY APPEARANCE: Craig Y. Lee appearing for USA. (Lee, Craig) (Entered: 11/22/2011)
11/23/2011	<a href="#">8</a>	NOTICE OF ATTORNEY APPEARANCE: Michael L. Whitlock appearing for USA. (Whitlock, Michael) (Entered: 11/23/2011)
11/28/2011	<a href="#">9</a>	ORDER granting <a href="#">4</a> Motion Requesting Order as to Frank Peake (1). Signed by Judge Jose A Fuste on 11/28/2011. (mrj) (Entered: 11/28/2011)
12/01/2011	<a href="#">10</a>	ORDER as to Frank Peake re <a href="#">9</a> Order on Motion for assignment of case under L.CR.R. 107 and L.CIV.R.3A. Considering that this case is related to the Puerto Rico Cabotage Antitrust Litigation, MDL-1960 (DRD), and the case of the United States v. Horizon Lines, LLC, Cr. 11-071 (DRD) before this Judge, for reasons of administrative convenience, efficiency and judicialeconomy, this Court finds that the present case should be transferred to the undersigned's docket. Hence case is accepted. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 12/1/2011.(om) (Entered: 12/01/2011)
12/02/2011	<a href="#">11</a>	MEMORANDUM OF THE CLERK: Pursuant to the orders issued by Judge Jose A. Fuste and Judge Daniel R. Dominguez this case is hereby consolidated with 11-CR-071 (DRD) and transferred to the docket of Judge Daniel R. Dominguez. Signed by Clerk on 12/02/11. (li) (Entered: 12/02/2011)

12/14/2011	13	ORDER as to Frank Peake: <b>Arraignment/Detention set for 12/15/2011 at 01:30 PM in Courtroom 11 before US Magistrate Judge Camille L. Velez-Rive</b> . Signed by US Magistrate Judge Camille L. Velez-Rive on 12/14/2011.(yr) (Entered: 12/14/2011)
12/15/2011	14	Motion to allow David Markus to appear pro hac vice (Pro Hac fee \$150 receipt number 3668). (Rebollo-Casaldud, Francisco) (Entered: 12/15/2011)
12/15/2011	15	Motion to allow Margot Moss to appear pro hac vice (Pro Hac fee \$150 receipt number 3669). (Rebollo-Casaldud, Francisco) (Entered: 12/15/2011)
12/15/2011		DEPOSIT of Funds in the amount of \$ 150.00 Receipt Number:PRX100010135 (RE:PHV For Anita Margot Moss) and \$150.00 Receipt Number:PRX100010134(RE:PHV for David Oscar Markus) (gal) (Entered: 12/15/2011)
12/15/2011	16	MOTION to Change Venue by Frank Peake. Suggestions in opposition/response due by 1/3/2012 (Rebollo-Casaldud, Francisco) (Entered: 12/15/2011)
12/15/2011	17	ORDER granting <a href="#">14</a> Motion to Appear PHV as to Frank Peake (1); granting <a href="#">15</a> Motion to Appear PHV as to Frank Peake (1). IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 12/15/2011. (om) (Entered: 12/15/2011)
12/15/2011	18	**CASE PARTICIPANTS** ORDER Setting Conditions of Release as to Frank Peake (1) \$200,000 unsecured. Signed by US Magistrate Judge Camille L. Velez-Rive on 12/15/11.(np) (Entered: 12/16/2011)
12/15/2011	19	*RESTRICTED* APPEARANCE Bond Entered as to Frank Peake in the amount of \$200,000 unsecured. (np) (Entered: 12/16/2011)
12/15/2011		Arrest of Frank Peake (voluntarily appeared through summons). (yr) (Entered: 12/19/2011)
12/15/2011	22	Minute Entry for proceedings held before US Magistrate Judge Camille L. Velez-Rive:Initial Appearance as to Frank Peake held on 12/15/2011. Present were AUSA Brent Snyder and AUSA Craig Lee, Mr. Francisco Rebollo and Mr. David Markus and PTO O. Hernandez. Defendant was provided with copy of the indictment and advised as to the charges and his rights. Arraignment as to Frank Peake (1) Count 1 held on 12/15/2011. Defendant waived reading of indictment and entered a plea of not guilty as to the sole count. Case is referred to Judge Dominguez for trial scheduling. Detention Hearing as to Frank Peake held on 12/15/2011. The Government stated their position as to bail, as well as defense attorneys. Bail was set in the amount of \$200,000.00 unsecured with defendant's signature, the State of New Jersey will provide courtesy supervision, there will be no travel restrictions within the US, plus standard conditions of release. (Court Reporter -FTR.) (yr) (Entered: 12/19/2011)
12/17/2011	20	NOTICE of Fed. R. Cr. P. 12.4 Disclosure by USA (Snyder, Brent) (Entered: 12/17/2011)
12/18/2011	21	Joint MOTION Requesting Order for Briefing Schedule by USA as to Frank Peake. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Snyder, Brent) (Entered: 12/18/2011)
12/22/2011	23	SCHEDULING ORDER as to Frank Peake. <b>Discovery due by 12/30/2011. Follow Up Deadline due by 1/20/2012. Motions due by 1/13/2012. Jury Trial set for 2/21/2012 09:30 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez. Pretrial Conference set for 2/7/2012 04:30 PM in Old San Juan Courtroom before Judge Daniel R. Dominguez</b> . Signed by Judge Daniel R. Dominguez on 12/22/2011.(om) (Entered: 12/22/2011)
12/22/2011	24	**CASE PARTICIPANTS** MOTION for Protective Order by USA as to Frank Peake. Suggestions in opposition/response due by 1/9/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Snyder, Brent) (Entered: 12/22/2011)
12/23/2011	25	ORDER granting <a href="#">21</a> Motion Requesting Order. Any briefing by the United States in opposition to the Motion to Transfer Case <a href="#">16</a> shall be filed on or before January 13, 2012; and Defendant will have leave to file a brief in reply to any opposition of the United States on or before January 27, 2012. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 12/23/2011. (JD) (Entered: 12/23/2011)
12/23/2011	26	MOTION to Stay Proceedings While Motion to Transfer is Pending by Frank Peake. Suggestions in opposition/response due by 1/9/2012 (Rebollo-Casaldud, Francisco) (Entered: 12/23/2011)
12/23/2011	27	RESPONSE in Opposition to Government's Motion for Protective Order by Frank Peake re <a href="#">24</a> MOTION for Protective Order filed by USA (Rebollo-Casaldud, Francisco) (Entered: 12/23/2011)
12/30/2011	28	RESPONSE in Opposition to Motion for Stay of Proceedings While Motion to Transfer is Pending by USA as to Frank Peake (Snyder, Brent) (Entered: 12/30/2011)
01/04/2012	29	**CASE PARTICIPANTS** NOTICE of Compliance by USA re <a href="#">23</a> Order, Set/Reset Deadlines and Hearings., (Attachments: # <a href="#">1</a> Exhibit Discovery Letter, # <a href="#">2</a> Exhibit Discovery Logs) (Lee, Craig) (Entered: 01/04/2012)
01/10/2012	30	MOTION to Continue Trial and Extend Deadlines by Frank Peake. Suggestions in opposition/response due by 1/26/2012 (Rebollo-Casaldud, Francisco) (Entered: 01/10/2012)
01/13/2012	31	RESPONSE in Opposition to Motion to Transfer Case by USA as to Frank Peake re <a href="#">16</a> MOTION to Change Venue filed by Frank Peake (Lee, Craig) (Entered: 01/13/2012)
01/17/2012	32	RESPONSE in Opposition to Defendant's Motion to Continue Trial Date and Extend Deadlines by USA as to Frank Peake re <a href="#">30</a> MOTION to Continue Trial and Extend Deadlines filed by Frank Peake (Lee, Craig) (Entered: 01/17/2012)
01/27/2012	33	REPLY TO RESPONSE to Motion And Motion to Transfer under Rule 21(a) by Frank Peake re <a href="#">16</a> MOTION to Change Venue filed by Frank Peake (Attachments: # <a href="#">1</a> Exhibit Transcript, # <a href="#">2</a> Exhibit Transcript)(Markus, David) (Entered: 01/27/2012)
01/31/2012	34	ORDER REFERRING MOTION: as to Frank Peake. Motion to transfer case and incorporated memorandum of law <a href="#">16</a> , and United States' response in opposition DE <a href="#">31</a> is referred to U.S. Magistrate Judge. Magistrate Judge shall be selected at random by the computer system at the Clerk's Office. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/31/2012.(om) (Entered: 01/31/2012)
01/31/2012	35	ORDER holding in abeyance <a href="#">30</a> Motion to Continue as to Frank Peake (1); holding in abeyance <a href="#">26</a> Motion to Stay as to Frank Peake (1). Motions will be decided at the Pretrial Conference set for February 7, 2012 at 4:30 p.m. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/31/2012. (om) (Entered: 01/31/2012)
01/31/2012	36	MEMORANDUM OF THE CLERK: Pursuant to the Referral Order issued by Judge Daniel R. Dominguez on 1/31/12, docket #34, the motion for change of venue has been randomly assigned within the Case Assignment System to Magistrate Judge Marcos E. Lopez. Signed by Clerk on 1/31/12. (li) (Entered: 01/31/2012)
02/06/2012	37	**CASE PARTICIPANTS** MOTION for Leave to File Submission Regarding Protective Order by Horizon Lines, LLC as to Frank Peake. (Attachments: # <a href="#">1</a> Affidavit Declaration T. Rider, # <a href="#">2</a> Exhibit Proposed Order)(Melendez-Rivera, Nereida) (Entered: 02/06/2012)
02/07/2012	40	Minute Entry for proceedings held before Judge Daniel R. Dominguez:Pretrial Conference as to Frank Peake held on 2/7/2012. Motions terminated as to Frank Peake: <a href="#">26</a> MOTION to Stay Proceedings While Motion to Transfer is Pending filed by Frank Peake, <a href="#">30</a> MOTION to Continue Trial and Extend Deadlines filed by Frank Peake, <a href="#">24</a> MOTION for Protective Order filed by USA, <a href="#">37</a> MOTION for Leave to File Submission Regarding Protective Order filed by Horizon Lines, LLC. <b>Status Conference set for 5/8/2012 04:30 PM in Old San Juan Courtroom before Judge Daniel R. Dominguez</b> . (Court Reporter Yvette Richardson).Hearing set for 04:30.Hearing held at 04:44.Hearing ended at 05:19. (om) (Entered: 03/09/2012)
02/08/2012	38	Transcript of Pretrial/Status Conference Proceedings as to Frank Peake held on 02/07/12, before Judge Hon. Daniel R. Dominguez. Court Reporter Yvette Richardson, CRRR, CSR, RPR, CCR, gypsygirlcsr@aol.com, Telephone number 939-579-4886. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter and/or PACER. Redaction Request due 3/1/2012. Redacted Transcript Deadline set for 3/12/2012. Release of Transcript Restriction set for 5/10/2012. (ry) (Main Document 38 replaced on 2/10/2012) (np). (Entered: 02/08/2012)
02/24/2012	39	Joint MOTION for Protective Order by USA as to Frank Peake. Suggestions in opposition/response due by 3/12/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 02/24/2012)
03/09/2012	41	ORDER granting <a href="#">39</a> Motion for Protective Order as to Frank Peake (1). Order to be entered. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 3/6/2012. (om) (Entered: 03/09/2012)
03/09/2012	42	ORDER as to Frank Peake re <a href="#">39</a> Joint MOTION for Protective Order filed by USA. Signed by Judge Daniel R. Dominguez on 3/6/2012.(om) (Entered: 03/09/2012)
03/14/2012	43	Second NOTICE of Compliance by USA re <a href="#">23</a> Order, Set/Reset Deadlines and Hearings., (Lee, Craig) (Entered: 03/14/2012)
04/10/2012	44	MOTION to Continue May 8, 2012 Status Conference by Frank Peake. Suggestions in opposition/response due by 4/26/2012 (Markus, David) (Entered: 04/10/2012)
04/12/2012	45	RESPONSE in Opposition <a href="#">44</a> Motion to Continue May 8, 2012 Status Conference and Status Conference Statement by USA as to Frank Peake (Snyder, Brent) Modified on 4/13/2012 creating link (np). (Entered: 04/12/2012)
04/20/2012	46	ORDER: regarding the government's Response in Opposition to defendant's motion to transfer the case <a href="#">31</a> , the government is granted until <b>4/24/2012</b> to clarify how many of their witnesses reside in Puerto Rico, how many reside in Florida, and how many reside elsewhere. For purposes of compliance with this order, the government is not required to disclose the witnesses' names, address, or counties or municipalities of residence. Signed by US Magistrate Judge Marcos E. Lopez on 4/20/2012. (SB) (Entered: 04/20/2012)
04/24/2012	47	RESPONSE in re: <a href="#">46</a> Support of United States' Opposition to <a href="#">16</a> Defendant's Motion to Transfer Case filed by USA as to Frank Peake (Snyder, Brent) Modified on 4/26/2012 creatink links (np). (Entered: 04/24/2012)
04/25/2012	48	RESPONSE in Opposition to <a href="#">47</a> Government's Pleading of April 24, 2012 by Frank Peake (Markus, David) Modified on 4/26/2012 creating link (np). (Entered: 04/25/2012)
04/26/2012	49	REPORT AND RECOMMENDATION as to Frank Peake re <a href="#">16</a> MOTION to Change Venue. <b>Objections to R&amp;R due by 5/14/2012</b> . Signed by US Magistrate Judge Marcos E. Lopez on 4/26/12. (Lopez, Marcos) (Entered: 04/26/2012)

04/30/2012	50	ORDER granting <a href="#">44</a> Motion to Continue as to Frank Peake (1). Status Conference set for May 8, 2012 is vacated. The Court will issue an order resetting the case. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 4/27/2012. (om) (Entered: 04/30/2012)
05/10/2012	<a href="#">51</a>	***FILED IN ERROR-WRONG EVENT*** APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Frank Peake (Markus, David) Modified on 5/11/2012 (np). (Entered: 05/10/2012)
05/11/2012		NOTICE of Docket Text Modification by Deputy Clerk re: <a href="#">51</a> ***FILED IN ERROR-WRONG EVENT*** Appeal of Magistrate Judge Decision to District Court. (np) (Entered: 05/11/2012)
05/11/2012	<a href="#">52</a>	OBJECTION TO REPORT AND RECOMMENDATION <a href="#">49</a> by Frank Peake as to Frank Peake (Markus, David) (Entered: 05/11/2012)
05/16/2012	<a href="#">53</a>	INFORMATIVE Motion by (U.S. Probation Officer, Ray Rivera Navas) as to Frank Peake.(Attachments: # <a href="#">1</a> Appendix, # <a href="#">2</a> Appendix) (Entered: 05/16/2012)
05/16/2012	<a href="#">54</a>	NOTICE OF ATTORNEY APPEARANCE: Heather S. Tewksbury appearing for USA. (Tewksbury, Heather) (Entered: 05/16/2012)
05/21/2012	55	ORDER as to Frank Peake: <b>Status Conference is set for June 6, 2012 at 9:00 a.m. Proceedings will be held at the Old San Juan Courthouse, Courtroom located at the third floor.</b> IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 5/21/2012.(om) (Entered: 05/21/2012)
05/21/2012	<a href="#">56</a>	RESPONSE in Opposition to <i>Defendant's Objections to the Magistrate's Report and Recommendation</i> by USA as to Frank Peake re <a href="#">52</a> Objection to Report and Recommendation filed by Frank Peake (Lee, Craig) (Entered: 05/21/2012)
05/21/2012	<a href="#">57</a>	***SEALED***RESPONSE in Opposition by USA as to Frank Peake re <a href="#">56</a> Response in Opposition filed by USA (Snyder, Brent) Modified on 5/22/2012 (kd). (Entered: 05/21/2012)
05/23/2012	<a href="#">58</a>	MOTION to Continue <i>June 6 Status Conference</i> by Frank Peake. Suggestions in opposition/response due by 6/8/2012 (Markus, David) (Entered: 05/23/2012)
05/25/2012	59	ORDER granting <a href="#">58</a> Motion to Continue as to Frank Peake (1). As agreed by the parties, Status Conference is set for June 5, 2012 at 8:45 AM. Proceedings will be held at the Old San Juan Courthouse, Courtroom located at the third floor. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 5/25/2012. (om) Modified on 5/25/2012 adding time of SC (np). (Entered: 05/25/2012)
06/01/2012	<a href="#">60</a>	MEMORANDUM <i>Re: June 5, 2012 Status Conference</i> by USA as to Frank Peake (Snyder, Brent) (Entered: 06/01/2012)
06/01/2012	<a href="#">61</a>	RESPONSE in Opposition to the <i>Government's Memorandum re June 5, 2012 Status Conference</i> by Frank Peake re <a href="#">60</a> Memorandum filed by USA (Attachments: # <a href="#">1</a> Affidavit)(Markus, David) (Entered: 06/01/2012)
06/05/2012	<a href="#">62</a>	OPINION AND ORDER adopting Report and Recommendation re <a href="#">49</a> . Upon a comprehensive review of Magistrate Judge Lopez's Report and Recommendation <a href="#">49</a> , the Court concurs with the Magistrate Judge's ultimate recommendation and hereby ACCEPTS, ADOPTS and INCORPORATES by reference the Magistrate Judge's Report and Recommendation into this Opinion and Order, with the exceptions set forth herein. The Court hereby DENIES Defendant's motion for change of venue <a href="#">16</a> . IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 6/5/2012. (JD) (Entered: 06/05/2012)
06/05/2012	66	Minute Entry for proceedings held before Judge Daniel R. Dominguez:Status Conference as to Frank Peake held on 6/5/2012. Present: For USA Brent Snyder, Craig Y. Lee; For Deft Atty. A. Margot Moss, David O. Markus & Francisco Rebollo. Defendant informs that they are going to trial. The Court made a finding pursuant to 18 U.S.C. § 3161(h)(7)(A) that the Speedy Trial is tolled "in the best interest of justice" which out weights the best interest of the public and the defendant in the Speedy Trial, due to the complexities of this case consisted of a voluminous discovery with more than 1.5 millions of documents to reviewed. Speedy Trial is tolled until 1/14/13.Parties had no objections as to the ruling made by the Court. Parties are to submit a Juror questionnaire for the potential 150 jurors that will be summoned to appear on 1/10/13. <b>Motions to Suppress or any Dispositive Motions due by 7/15/2012. Jury Selection set for 1/10/2013 09:00 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez. Jury Trial set for 1/14/2013 09:00 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez.</b> Hearing set for 08:45.Hearing held at 09:25.Hearing ended at 10:05. (su) (Entered: 06/11/2012)
06/06/2012	63	ORDER noted <a href="#">53</a> Informative Motion as to Frank Peake (1).Signed by Judge Daniel R. Dominguez on 6/6/12. (su) (Entered: 06/06/2012)
06/08/2012	<a href="#">64</a>	MOTION for Bill of Particulars by Frank Peake. Suggestions in opposition/response due by 6/25/2012 (Markus, David) (Entered: 06/08/2012)
06/08/2012	<a href="#">65</a>	MOTION to Compel <i>Brady and Giglio Information: Presentence Investigation Reports of Co-Conspirators</i> by Frank Peake. Suggestions in opposition/response due by 6/25/2012 (Markus, David) (Entered: 06/08/2012)
06/18/2012	<a href="#">67</a>	RESPONSE to Motion filed by USA as to Frank Peake re <a href="#">65</a> MOTION to Compel <i>Brady and Giglio Information: Presentence Investigation Reports of Co-Conspirators</i> filed by Frank Peake (Snyder, Brent) (Entered: 06/18/2012)
06/19/2012	<a href="#">68</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">64</a> MOTION for Bill of Particulars filed by Frank Peake (Snyder, Brent) (Entered: 06/19/2012)
06/19/2012	<a href="#">69</a>	**CASE PARTICIPANTS**AFFIDAVIT in Opposition filed by USA as to Frank Peake re <a href="#">64</a> MOTION for Bill of Particulars filed by Frank Peake (Snyder, Brent) (Entered: 06/19/2012)
06/27/2012	70	ORDER Denying <a href="#">65</a> Motion to Compel Without Prejudice. As the instant motion to compel should have been filed in the Middle District of Florida pursuant to that District's Local Rules, and as the Court is aware that Defendant has indeed so filed the instant motion in the Middle District of Florida, the Court hereby DENIES Defendant's motion to compel without prejudice. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 6/27/2012. (JD) (Entered: 06/27/2012)
07/16/2012	<a href="#">71</a>	MOTION to Suppress <i>Statements</i> by Frank Peake. Suggestions in opposition/response due by 8/2/2012 (Markus, David) (Entered: 07/16/2012)
07/16/2012	<a href="#">72</a>	MOTION <i>for Court to Conduct Interviews of Cooperating Witnesses</i> by Frank Peake. (Markus, David) (Entered: 07/16/2012)
07/16/2012	<a href="#">73</a>	MOTION to Dismiss <i>Indictment and Incorporated Memorandum of Law</i> by Frank Peake. Suggestions in opposition/response due by 8/2/2012 (Attachments: # <a href="#">1</a> Exhibit Indictment)(Markus, David) (Entered: 07/16/2012)
07/16/2012	<a href="#">74</a>	MOTION to Compel <i>Production of Notes and Incorporated Memorandum of Law</i> by Frank Peake. Suggestions in opposition/response due by 8/2/2012 (Markus, David) (Entered: 07/16/2012)
07/16/2012	<a href="#">75</a>	***EX-PARTE*** NOTICE of Filing Exhibits by Frank Peake (Attachments: # <a href="#">1</a> Exhibit) (Markus, David) (Entered: 07/16/2012)
07/16/2012	<a href="#">76</a>	MOTION to Suppress <i>Personal Electronics and Incorporated Memorandum of Law</i> by Frank Peake. Suggestions in opposition/response due by 8/2/2012 (Markus, David) (Entered: 07/16/2012)
07/16/2012	<a href="#">77</a>	***EX-PARTE*** NOTICE of Filing Exhibits by Frank Peake (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit) (Markus, David) (Entered: 07/16/2012)
07/23/2012	<a href="#">78</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">73</a> MOTION to Dismiss <i>Indictment and Incorporated Memorandum of Law</i> filed by Frank Peake (Snyder, Brent) (Entered: 07/23/2012)
07/23/2012	<a href="#">79</a>	ORDER denying <a href="#">64</a> Motion for Bill of Particulars as to Frank Peake (1). See Order for further details. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 7/23/2012. (JAM) (Entered: 07/23/2012)
07/25/2012	<a href="#">80</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">72</a> MOTION <i>for Court to Conduct Interviews of Cooperating Witnesses</i> filed by Frank Peake (Snyder, Brent) (Entered: 07/25/2012)
07/25/2012	<a href="#">81</a>	AFFIDAVIT in Opposition filed by USA as to Frank Peake re <a href="#">72</a> MOTION <i>for Court to Conduct Interviews of Cooperating Witnesses</i> filed by Frank Peake (Snyder, Brent) (Entered: 07/25/2012)
07/26/2012	<a href="#">82</a>	MOTION for Leave to File a <i>Reply with the Court</i> by Frank Peake. (Attachments: # <a href="#">1</a> Exhibit Reply in Support of Motion for Court to Conduct Interviews of Cooperating Witnesses)(Markus, David) (Entered: 07/26/2012)
07/28/2012	<a href="#">83</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">74</a> MOTION to Compel <i>Production of Notes and Incorporated Memorandum of Law</i> filed by Frank Peake (Snyder, Brent) (Entered: 07/28/2012)
07/30/2012	<a href="#">84</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">71</a> MOTION to Suppress <i>Statements</i> filed by Frank Peake (Attachments: # <a href="#">1</a> Affidavit)(Snyder, Brent) (Entered: 07/30/2012)
08/02/2012	<a href="#">85</a>	***SELECTED PARTIES***RESPONSE in Opposition to <i>Defendant's Motion to Suppress Personal Electronics</i> by USA, Frank Peake as to Frank Peake re <a href="#">76</a> MOTION to Suppress <i>Personal Electronics and Incorporated Memorandum of Law</i> filed by Frank Peake (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Lee, Craig) (Entered: 08/02/2012)
08/03/2012	<a href="#">86</a>	Emergency MOTION for Protective Order by Frank Peake. Suggestions in opposition/response due by 8/20/2012 (Markus, David) (Entered: 08/03/2012)
08/06/2012	<a href="#">87</a>	***SELECTED PARTIES***RESPONSE in Opposition to <i>Defendant's Emergency Motion for Protective Order</i> by USA, Frank Peake as to Frank Peake re <a href="#">86</a> Emergency MOTION for Protective Order filed by Frank Peake (Lee, Craig) (Entered: 08/06/2012)
08/20/2012	<a href="#">88</a>	MOTION to Compel <i>Government Trial Exhibits and Trial Exhibit List</i> by Frank Peake. Suggestions in opposition/response due by 9/7/2012 (Markus, David) (Entered: 08/20/2012)
08/31/2012	<a href="#">89</a>	RESPONSE in Opposition to <i>Defendant's Motion to Compel Government Trial Exhibits</i> by USA as to Frank Peake re <a href="#">88</a> MOTION to Compel <i>Government Trial Exhibits and Trial Exhibit List</i> filed by Frank Peake (Lee, Craig) (Entered: 08/31/2012)
10/10/2012	<a href="#">90</a>	MOTION for Setting <i>Status Conference</i> by USA as to Frank Peake. Suggestions in opposition/response due by 10/26/2012 (Snyder, Brent) (Entered: 10/10/2012)
10/23/2012	91	ORDER granting <a href="#">90</a> Motion for Setting as to Frank Peake (1). <b>Status Conference set for 11/7/2012 04:30 PM in Old San Juan Courtroom before Judge Daniel R. Dominguez.</b> Signed by Judge Daniel R. Dominguez on 10/23/2012. (om) (Entered: 10/23/2012)

10/25/2012	92	ORDER as to Frank Peake: <b>Pretrial Conference set for December 11, 2012 at 04:30 PM. Proceedings will be held at Courtroom no. 4, located at the third floor at the Old San Juan Courthouse. Status Conference previously set for November 7, 2012 is vacated and set aside.</b> IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 10/25/2012.(om) (Entered: 10/25/2012)
10/26/2012	93	ORDER denying <a href="#">88</a> Motion to Compel. The Court finds that Peake can adequately prepare a defense with the Government's production of its trial exhibits sixty days prior to the start of trial and sees no just cause to depart from the parties agreed upon disclosure schedule. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 10/26/2012. (JD) (Entered: 10/26/2012)
10/26/2012	94	ORDER granting <a href="#">82</a> Motion for Leave to File Reply. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 10/26/2012. (JD) (Entered: 10/26/2012)
10/26/2012	95	ORDER granting <a href="#">72</a> Motion for Court to Conduct Interviews of Cooperating Witnesses. Pursuant to United States v. Roviario, 535 U.S. 53 (1957), the Court will interview, via telephone, all cooperating witness who were, or could have been, indicted in connection with the underlying allegations of the instant matter. <b>The Government is instructed to call Chambers (787-772-3160) at 4:30 PM on Friday, November 2, 2012</b> and have all such witness available for questioning at that time. The Court will proceed to interview each witness alone without the presence of other cooperating witnesses or counsel for either party. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 10/26/2012. (JD) (Entered: 10/26/2012)
10/30/2012	96	ORDER. The Court hereby sets a <b>Suppression Hearing for December 11, 2012 at 2:00 PM in Courtroom 4 of the Jose V. Toledo U.S. Post Office and Courthouse in Old San Juan</b> regarding Defendant's Motion to Suppress <a href="#">71</a> . IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 10/30/2012.(JD) (Entered: 10/30/2012)
11/02/2012	<a href="#">97</a>	MOTION to Compel <i>Compliance with Court Order on Exhibits</i> by Frank Peake. Suggestions in opposition/response due by 11/20/2012 (Markus, David) (Entered: 11/02/2012)
11/02/2012	98	ORDER denying <a href="#">97</a> Motion to Compel. The United States is only required to produce, at least sixty days prior to the commencement of trial, those exhibits it intends to enter into evidence upon direct examination of its witnesses. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 11/2/2012. (JD) (Entered: 11/02/2012)
11/05/2012	<a href="#">106</a>	***SELECTED PARTIES*** Minute Entry for proceedings as to Frank Peake held on 11/5/2012 held before Judge Daniel R. Dominguez as to <a href="#">72</a> Motion for Court to Conduct Interviews of Cooperating Witnesses. Pursuant to United States v. Roviario, 535 U.S. 53 (1957), the Court interviewed, via telephone the Roviario witnesses. (Court Reporter Yvette Richardson.)Hearing set for 04:30.Hearing held at 04:50.Hearing ended at 05:20. (om) Modified on 11/20/2012 to place restriction (for USA and defense viewing) and to correct filing and hearing date (held on 11/5/2012) (ni). (Entered: 11/19/2012)
11/14/2012	<a href="#">99</a>	MOTION in Limine <i>Permitting Evidence of Pleas and Plea Agreements</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/14/2012	<a href="#">100</a>	MOTION in Limine <i>Permitting Evidence of Existence of Agreement</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/14/2012	<a href="#">101</a>	MOTION in Limine <i>Permitting Evidence of Pre-Charged Events</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/14/2012	<a href="#">102</a>	MOTION in Limine to <i>Exclude Evidence Regarding Lack of Specific Intent or Mistake of Law</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/14/2012	<a href="#">103</a>	MOTION in Limine to <i>Exclude Evidence Regarding Economic Justification</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/14/2012	<a href="#">104</a>	MOTION in Limine to <i>Preclude Impeachment with Law Enforcement Reports</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/14/2012	<a href="#">105</a>	MOTION in Limine to <i>Preclude Evidence and Argument Aimed at Jury Nullification</i> by USA as to Frank Peake. Suggestions in opposition/response due by 11/30/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lee, Craig) (Entered: 11/14/2012)
11/19/2012	<a href="#">107</a>	MOTION to Continue <i>Suppression Hearing</i> by USA as to Frank Peake. Suggestions in opposition/response due by 12/6/2012 (Lee, Craig) (Entered: 11/19/2012)
11/19/2012	<a href="#">108</a>	RESPONSE in Opposition by Frank Peake re <a href="#">107</a> MOTION to Continue <i>Suppression Hearing</i> filed by USA (Markus, David) (Entered: 11/19/2012)
11/21/2012	<a href="#">109</a>	MOTION for Extension of Time to File Response/Reply to <i>Government's Motions</i> as to <a href="#">102</a> MOTION in Limine to <i>Exclude Evidence Regarding Lack of Specific Intent or Mistake of Law</i> , <a href="#">105</a> MOTION in Limine to <i>Preclude Evidence and Argument Aimed at Jury Nullification</i> , <a href="#">103</a> MOTION in Limine to <i>Exclude Evidence Regarding Economic Justification</i> , <a href="#">104</a> MOTION in Limine to <i>Preclude Impeachment with Law Enforcement Reports</i> , <a href="#">99</a> MOTION in Limine <i>Permitting Evidence of Pleas and Plea Agreements</i> , <a href="#">101</a> MOTION in Limine <i>Permitting Evidence of Pre-Charged Events</i> , <a href="#">100</a> MOTION in Limine <i>Permitting Evidence of Existence of Agreement</i> by Frank Peake. Suggestions in opposition/response due by 12/7/2012 (Attachments: # <a href="#">1</a> Text of Proposed Order) (Markus, David) (Entered: 11/21/2012)
11/27/2012	110	ORDER granting <a href="#">109</a> Motion for Extension of Time to File Response/Reply. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 11/27/2012. (JD) (Entered: 11/27/2012)
11/27/2012	111	ORDER granting <a href="#">107</a> Motion to Continue. In light of Attorney Snyder's trial calendar, the Court hereby resets the previously set <b>Suppression Hearing for Monday, January 7, 2013 at 9:30 AM in the Jose V. Toledo U.S. Post Office and Courthouse in Old San Juan.</b> Accordingly, the <b>Trial is also reset for the following day, Tuesday, January 8, 2013, at 9:30 AM.</b> IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 11/27/2012. (JD) (Entered: 11/27/2012)
11/30/2012	<a href="#">112</a>	OPINION AND ORDER denying <a href="#">76</a> Motion to Suppress and denying <a href="#">86</a> Emergency Motion for Protective Order. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 11/30/2012. (JD) (Entered: 11/30/2012)
12/04/2012	<a href="#">113</a>	RESPONSE to Motion by Frank Peake re <a href="#">102</a> MOTION in Limine to <i>Exclude Evidence Regarding Lack of Specific Intent or Mistake of Law</i> filed by USA, <a href="#">100</a> MOTION in Limine <i>Permitting Evidence of Existence of Agreement</i> filed by USA (Markus, David) (Entered: 12/04/2012)
12/04/2012	<a href="#">114</a>	RESPONSE to Motion by Frank Peake re <a href="#">105</a> MOTION in Limine to <i>Preclude Evidence and Argument Aimed at Jury Nullification</i> filed by USA, <a href="#">103</a> MOTION in Limine to <i>Exclude Evidence Regarding Economic Justification</i> filed by USA, <a href="#">104</a> MOTION in Limine to <i>Preclude Impeachment with Law Enforcement Reports</i> filed by USA, <a href="#">99</a> MOTION in Limine <i>Permitting Evidence of Pleas and Plea Agreements</i> filed by USA, <a href="#">101</a> MOTION in Limine <i>Permitting Evidence of Pre-Charged Events</i> filed by USA (Markus, David) (Entered: 12/04/2012)
12/04/2012	<a href="#">115</a>	Third NOTICE of Compliance by USA re <a href="#">23</a> Order, Set/Reset Deadlines and Hearings., (Whitlock, Michael) (Entered: 12/04/2012)
12/07/2012	<a href="#">116</a>	CASE MANAGEMENT ORDER. The Court hereby sets a <b>Pretrial Conference for Thursday, December 20, 2012 at 5:00 PM; a Suppression Hearing for Tuesday, January 8, 2013 at 9:30 AM; and finally, Trial for Wednesday, January 9, 2013 at 9:30 AM.</b> IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 12/7/2012.(JD) (Entered: 12/07/2012)
12/10/2012	<a href="#">117</a>	ORDER granting in part and denying in part <a href="#">74</a> Motion to Compel. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 12/10/2012. (JD) (Entered: 12/10/2012)
12/19/2012	<a href="#">118</a>	OPINION AND ORDER denying <a href="#">73</a> Motion to Dismiss as to Frank Peake (1). IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 12/19/2012. (JD) (Main Document 118 replaced on 12/20/2012 due to a typo ) (np). Modified on 12/20/2012 (np). (Entered: 12/19/2012)
12/20/2012	<a href="#">119</a>	Minute Entry for Pretrial Conference held on 12/20/2012. (JD) (Entered: 12/21/2012)
12/26/2012	<a href="#">120</a>	TRIAL BRIEF by USA as to Frank Peake (Whitlock, Michael) (Entered: 12/26/2012)
12/28/2012	121	ORDER as to Frank Peake: The final draft of the Jury Questionnaire in this case was sent to counsel yesterday via email. Any objections to the same shall be submitted forthwith. Jurors will be summoned to answer the Questionnaire on January 3 and 4, 2013 at 9:00 a.m. in the Jury Assembly Room (Hato Rey). Counsel are instructed to inform in writing if they consent or not to having a Magistrate-Judge conduct this first process of the jury selection in this case. Signed by Judge Daniel R. Dominguez on 12/28/2012.(ja) (Entered: 12/28/2012)
12/28/2012	<a href="#">122</a>	Joint NOTICE RELATING TO JURY QUESTIONNAIRE by USA re 121 Order., (Lee, Craig) (Entered: 12/28/2012)
01/02/2013	<a href="#">123</a>	MOTION to Exclude <i>Untimely Exhibits</i> by Frank Peake. Suggestions in opposition/response due by 1/18/2013 (Markus, David) (Entered: 01/02/2013)
01/03/2013	<a href="#">131</a>	Minute Entry for proceedings held before US Magistrate Judge Silvia Carreno-Coll: 1st day of Voir Dire (Jury Questionnaires) held on 1/3/2013 as to Frank Peake. <b>Potential Jurors 1-91 were summoned to appear on January 3, 2013 before Judge Daniel R. Dominguez.</b> (Court Reporter FTR.)Hearing set for 09:30.Hearing held at 10:13.Hearing ended at 10:23. (amr) (Entered: 01/04/2013)
01/04/2013	124	ORDER granting <a href="#">99</a> MOTION in Limine <i>Permitting Evidence of Pleas and Plea Agreements</i> . The Court hereby authorizes the Government to introduce evidence of co-conspirator witnesses' guilty pleas and plea agreements at trial provided that the Court provides the jury with a cautionary instruction. See United States v. Thompson, 449 F.3d 267, 274 (1st Cir. 2006); United States v. Dworken, 855 F.2d 12, 30 (1st Cir. 1988) (evidence of witness's guilty pleas is admissible to "dampen the effect of an anticipated attack on the witness's credibility" provided jury is so instructed). Additionally, the Government may comment on the guilty pleas and the plea agreements during its opening and closing arguments. See United States v. Ladd, 877 F.2d 1083, 1088 (1st Cir. 1989)(quoting United States v. Magee, 821 F.2d 234, 241 (5th Cir. 1987)("The government was entitled to outline for the jury its expected evidence which included testimony by convicted co-conspirators; thus, the disclosure [about their guilty pleas and status as convicted co-conspirators] served a legitimate purpose..."); United States v. Hansen, 434 F.3d 92, 102 (1st Cir. 2006)(finding no improper vouching when the prosecution mentioned a witness' plea agreement during its closing). Finally, the defense may also mention any potential interests that the witnesses may have in diminishing their sentence. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/4/2013. (JD) (Entered: 01/04/2013)

01/04/2013	125	ORDER granting <a href="#">100</a> MOTION in Limine Permitting Evidence of Existence of Agreement. Prosecution witnesses may testify as to opinions they have formed, based upon first-hand knowledge, regarding the existence of an illicit agreement. See <i>United States v. Standard Oil Co.</i> , 316 F.2d 884, 890 (7th Cir. 1963) ("witnesses in antitrust cases have uniformly been permitted to testify concerning the existence of agreements and understandings"). Such testimony does not constitute expert testimony and is proper lay testimony permissible under Rule 701. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/4/2013. (JD) (Entered: 01/04/2013)
01/04/2013	126	ORDER granting in part and denying in part <a href="#">101</a> MOTION in Limine Permitting Evidence of Pre-Charged Events. Without more specifics on the evidence the Government intends to introduce, the Court cannot rule on the admissibility of said evidence at this juncture. Although the Court will not analyze hypothetical scenarios, the Court will generally state that, within the parameters of Rule 403's balancing test as well as Rule 404, the Government may introduce evidence relating to events that predate the alleged conspiracy provided in the Indictment for the purposes of, inter alia, demonstrating past business practices, intent, motive or to otherwise provide the jury with a more fulsome understanding of the charges against the Defendant. However, Peake, may not be convicted for acts occurring prior to the dates alleged in the Indictment. Accordingly, the Government is to inform the Court when at trial it intends to introduce such evidence as the Court must perform the requisite Rule 403's balancing test. Additionally, the Court must provide the jury with a mitigating and qualifying instruction that the evidence is being presented for the purposes of potentially demonstrating motive and/or intent and is not presented for the purposes of demonstrating an overt act as these events occurred outside of the time period alleged in the Indictment. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/4/2013. (JD) (Entered: 01/04/2013)
01/04/2013	127	ORDER granting in part and denying in part <a href="#">102</a> MOTION in Limine to Exclude Evidence Regarding Lack of Specific Intent or Mistake of Law. Intent is required in any criminal prosecution arising out of the Sherman Act. <i>United States v. United States Gypsum Co.</i> , 438 U.S. 422, 436-43 (1978). Accordingly, the Government must demonstrate Peake's intent to conspire to engage in anti-competitive practices and Peake is entitled to refute the Government's efforts to do so. However, as the instant Indictment alleges a per se violation of the Sherman Act, the Government is not required to demonstrate a further intent that envisions the actual anti-competitive results of the alleged conspiracy. See <i>United States v. Nippon Paper Indus. Co.</i> , 109 F.3d 1, 7 (1st Cir. 1997)(the Gypsum Court made it plain that intent need not be shown to prosecute criminally 'conduct regarded as per se illegal because of its unquestionably anticompetitive effects.' This means, of course, that defendants can be convicted of participation in price-fixing conspiracies without any demonstration of a specific criminal intent to violate the antitrust laws.)(quoting <i>Gypsum</i> , 438 U.S. at 440); <i>United States v. Koppers Co.</i> , 652 F.2d 290, 296 n.6 (2d Cir. 1981)("Where per se conduct is found, a finding of intent to conspire to commit the offense is sufficient; a requirement that intent go further and envision actual anti-competitive results would reopen the very questions of reasonableness which the per se rule is designed to avoid."); <i>United States v. Gillen</i> , 599 F.2d 541, 550 (3d Cir. 1979)("the government need not prove that the defendant knew that the effects of the conduct or the conduct itself were proscribed, since mistake or ignorance of the law is no defense."). Similarly, in compliance with Rule 401 as well as to conserve judicial resources and to avoid jury confusion, the defense is not permitted to present evidence that Peake did not or could not envision the actual anti-competitive results of the alleged conspiracy. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/4/2013. (JD) (Entered: 01/04/2013)
01/04/2013	128	ORDER granting <a href="#">103</a> MOTION in Limine to Exclude Evidence Regarding Economic Justification. The parties are authorized to discuss the prices within the cabotage market. Sea Star's pricing and how Sea Star made its pricing decisions. However, as the instant Indictment alleges a per se violation of the Sherman Act, the defense is not authorized to argue that per se illicit conduct is in anyway justified by sound business judgments or economic sense or necessity. Similarly, the defense is prohibited from arguing that any purported agreements set reasonable, fair or competitive prices; created real or imagined efficiencies; or were necessary to avoid ruinous competition. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/4/2013. (JD) (Entered: 01/04/2013)
01/04/2013	129	ORDER granting <a href="#">105</a> MOTION in Limine to Preclude Evidence and Argument Aimed at Jury Nullification. In an effort to minimize jury confusion, the parties are hereby prohibited from presenting evidence or arguments related to possible punishments or the potential effects of a conviction on Peake. Such considerations are outside the providence of the jury and have no bearing on the jury's primary task of deciding Peake's guilt or innocence. Similarly, decisions related to prosecutorial discretion, that is who to charge with what and when, are also outside of the jury's providence and thus not germane to their considerations. Hence, such evidence shall not be presented to the jury. However, evidence relating to immunity, cooperation and plea agreements of witnesses are relevant and thus permissible. Finally, evidence relating to the personal characteristics of Peake, such as age, health and financial means, are impermissible. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/4/2013. (JD) (Entered: 01/04/2013)
01/04/2013	<a href="#">130</a>	RESPONSE in Opposition to <i>Defendants Motion to Exclude Untimely Exhibits</i> by USA as to Frank Peake re <a href="#">123</a> MOTION to Exclude <i>Untimely Exhibits</i> filed by Frank Peake (Lee, Craig) (Entered: 01/04/2013)
01/04/2013	<a href="#">137</a>	Minute Entry for proceedings held before US Magistrate Judge Silvia Carreno-Coll: Further Voir Dire held on 1/4/2013 as to Frank Peake. Questionnaires filed as to potential jurors #92-138. Potential jurors summoned for 1/10/2013 before DRD. (Court Reporter FTR.)Hearing set for 09:00.Hearing held at 09:50.Hearing ended at 09:55. (ct) (Entered: 01/08/2013)
01/06/2013	<a href="#">132</a>	NOTICE of Intent to Introduce and Admit Summary Charts Under Federal Rule of Evidence 1006 by USA (Lee, Craig) (Entered: 01/06/2013)
01/06/2013	<a href="#">133</a>	Amended NOTICE of Intent to Introduce and Admit Summary Charts Under Federal Rule of Evidence 1006 by USA (Attachments: # <a href="#">1</a> Appendix) (Lee, Craig) (Entered: 01/06/2013)
01/07/2013	<a href="#">134</a>	Proposed Voir Dire by Frank Peake (Markus, David) (Entered: 01/07/2013)
01/07/2013	<a href="#">135</a>	Proposed Jury Instructions by USA as to Frank Peake (Lee, Craig) (Entered: 01/07/2013)
01/07/2013	<a href="#">136</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">134</a> Proposed Voir Dire filed by Frank Peake (Snyder, Brent) (Entered: 01/07/2013)
01/08/2013	<a href="#">143</a>	***SELECTED PARTIES*** Docket Annotation as to Frank Peake: In RE: List of Jurors stricken. (Attachments: # <a href="#">1</a> List) (om) (Entered: 01/11/2013)
01/08/2013	<a href="#">144</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:Suppression Hearing as to Frank Peake held on 1/8/2013. (Court Reporter Yvette Richardson.)Hearing set for 09:30.Hearing held at 11:18.Hearing ended at 03:45. (om) (Entered: 01/11/2013)
01/08/2013	<a href="#">145</a>	***SELECTED PARTIES***Minute Entry for proceedings held before Judge Daniel R. Dominguez:In Camera Hearing as to Frank Peake held on 1/8/2013. Roviario Interview. (Court Reporter Yvette Richardson.)Hearing set for 04:00.Hearing held at 04:15.Hearing ended at 04:20. (om) (Entered: 01/11/2013)
01/08/2013	<a href="#">146</a>	EXHIBIT LIST (Suppression Hearing held on January 8, 2013) in the case of Frank Peake. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3)(om) (Entered: 01/11/2013)
01/09/2013	<a href="#">138</a>	RESPONSE in Opposition to the Government's Request for Jury Instruction on Elements of the Offense by Frank Peake re <a href="#">135</a> Proposed Jury Instructions filed by USA (Markus, David) (Entered: 01/09/2013)
01/09/2013	<a href="#">139</a>	REPLY TO RESPONSE in Support to the Government's Request for Jury Instruction on Elements of the Offense filed by USA as to Frank Peake re <a href="#">135</a> Proposed Jury Instructions , <a href="#">138</a> Response in Opposition filed by Frank Peake (Snyder, Brent) Modified on 1/10/2013 correcting title and creating link (np). (Entered: 01/09/2013)
01/09/2013	<a href="#">140</a>	OPINION AND ORDER denying <a href="#">71</a> Motion to Suppress. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/9/2013. (JD) (Entered: 01/09/2013)
01/10/2013	141	ORDER granting <a href="#">104</a> MOTION in Limine to Preclude Impeachment with Law Enforcement Reports. Peake is prohibited from introducing the contents of the Federal Bureau of Investigation's form designated FD-302 ("302") or other law enforcement interview memoranda to impeach a witness when the witness has not adopted the report, as in the witness has not signed or otherwise approved of the report or the notes were not a substantially verbatim report of the interview. See <i>Campbell v. United States</i> , 373 U.S. 487, 492 n.6 (1963). Similarly, the defense is barred from insinuating to the jury that an unadopted report is the statement of the witness. See <i>Palermo v. United States</i> , 360 U.S. 343, 350 (1959) (Congress ascertained that it would "be grossly unfair to allow the defense to use statements to impeach a witness which could not fairly be said to be the witness' own rather than the product of the investigator's selections, interpretations and interpolations."). IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 1/10/2013. (JD) (Entered: 01/10/2013)
01/10/2013	142	ORDER denying <a href="#">123</a> Motion to Exclude Untimely Exhibits. The Court finds that the United States complied with the stipulated protective order by producing all potential trial exhibits then known to the United States. Furthermore, the Court determines that the United States acted prudently in waiting for the Court to rule on Defendant's motion to suppress and motion for a protective order before incurring potentially needless litigation expenses. After the Court issued its ruling, the United States also acted expeditiously in promptly reviewing the materials on the Defendant's laptop and producing those materials. As the United States provided Defendant with the forty exhibits in question approximately two weeks before trial, the Court additionally ascertains that Defendant will not suffer any prejudice by the late production of documents. Alternatively, upon a motion by the defense, the Court would be amenable to continuing the trial date to allow Defendant more time to review the forty exhibits. See <i>United States v. Sepulveda</i> , 15 F.3d 1161 (1st Cir. 1993)("When discovery material makes a belated appearance, a criminal defendant must ordinarily seek a continuance if he intends to claim prejudice."). In such instances of delay production, the proper remedy is to provide additional time to the purportedly aggrieved party to cure any alleged prejudice rather than to entirely exclude the materials at issue. See <i>United States v. Guzman</i> , 282 F.3d 56, 59 (1st Cir. 2002)("the law frowns on the exoneration of a defendant for reasons unrelated to his guilt or innocence, and, accordingly, the power to dismiss charges based solely on government misconduct must be used sparingly.... At the very least, [to demonstrate prosecutorial misconduct] the defendant must show that the challenged conduct violates commonly accepted norms of fundamental fairness and is shocking to the universal sense of justice."); <i>United States v. Santana</i> , 6 F.3d 1, 10 (1st Cir. 1993)("While we have expressed the view that courts should be willing to consider invoking their supervisory powers to secure enforcement of better prosecutorial practice and reprimand of those who fail to observe it, we have repeatedly cautioned that such powers must be used sparingly. Potent elixirs should not be casually dispensed.") (internal citations and quotations omitted); <i>United States v. Osorio</i> , 929 F.2d 753, 757-758 (1st Cir. 1991). Such public policy is consistent with ensuring that all matters, civil and criminal, are properly resolved squarely on the merits. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/10/2013. (JD) (Entered: 01/10/2013)
01/10/2013	<a href="#">147</a>	***SELECTED PARTIES***RESTRICTED* Jury List as to Frank Peake. (om) (Entered: 01/11/2013)
01/10/2013	<a href="#">148</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:First day of Jury Trial as to Frank Peake held on 1/10/2013.Further jury trial set for January 14, 2013 at 9:00 a.m. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 11:30.Hearing ended at 05:07. (om) (Entered: 01/11/2013)
01/12/2013	<a href="#">149</a>	Joint NOTICE of Stipulation and Proposed Order as to Government and Defense Trial Exhibits by USA (Lee, Craig) (Entered: 01/12/2013)
01/13/2013	<a href="#">150</a>	Amended NOTICE of Stipulation and Proposed Order as to Government and Defense Trial Exhibits (JOINT) by USA (Lee, Craig) (Entered: 01/13/2013)
01/13/2013	<a href="#">151</a>	Joint NOTICE of Stipulation and Proposed Order as to the Pre-Admissibility of Government Exhibits by USA (Lee, Craig) (Entered: 01/13/2013)
01/14/2013	<a href="#">152</a>	NOTICE to Admit Summary Charts by USA re <a href="#">133</a> Notice (Other) (Attachments: # <a href="#">1</a> Appendix B) (Snyder, Brent) (Entered: 01/14/2013)

01/14/2013	<a href="#">153</a>	MOTION for Declaration of Mistrial by Frank Peake. Suggestions in opposition/response due by 1/31/2013 (Markus, David) (Entered: 01/14/2013)
01/14/2013	<a href="#">154</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez: Second day of Jury Trial as to Frank Peake held on 1/14/2013. <b>Further jury trial set for January 15, 2013 at 9:00 a.m.</b> Governments' Exhibits 49, 50, 51, 53, 55, 73, 74, 123, 169, 183, and 189 were admitted. Illustrations 292, 293, and 294, 296, shown to the jury. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:27.Hearing ended at 04:50. (om) (Entered: 01/15/2013)
01/15/2013	<a href="#">155</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez: Third day of Jury Trial as to Frank Peake held on 1/15/2013. <b>Further jury trial set for January 16, 2013 at 9:30 a.m.</b> Governments' Exhibits 1, 5, 6, 10,19, 21, 22, 23, 24, 26, 33, 36, 57, 58, 62, 67, 69, 85, 126, 127, 149, 152, 164, 165, 167, 173, 180, 195, 199, 222, 225, 239, and 276 were admitted. Defendant's Identification 450 offered as exhibit, and rejected by the Court. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 10:10.Hearing ended at 05:23. (om) (Entered: 01/16/2013)
01/16/2013	<a href="#">156</a>	Proposed Jury Instructions by Frank Peake (Markus, David) (Entered: 01/16/2013)
01/16/2013	<a href="#">157</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez: Fourth day of Jury Trial as to Frank Peake held on 1/16/2013: <b>Further Jury trial set for January 17, 2013 at 9:00 a.m.</b> Governments' Exhibits 187, and 266 were admitted. Defendant's Exhibits 77, 98, 182, and 183 were admitted. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 10:15.Hearing ended at 05:18. (om) (Entered: 01/17/2013)
01/17/2013	<a href="#">158</a>	NOTICE of Intent to Admit Business Records under Fed. R. Evid. 803(6) and 902(11), and Request for Ruling on Admissibility by USA (Attachments: # <a href="#">1</a> Appendix) (Whitlock, Michael) (Entered: 01/17/2013)
01/17/2013	<a href="#">159</a>	NOTICE to Admit Audio Recordings (Motion) by USA (Snyder, Brent) (Entered: 01/17/2013)
01/17/2013	<a href="#">160</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez: Fifth day of Jury Trial as to Frank Peake held on 1/17/2013. <b>Further Jury trial set for January 18, 2013 at 9:00 a.m.</b> Governments' Exhibits 7, 13, 25, 29, 47, 48, 54, 56, 68, 70, 110, 113, 115, 124, 125, 176, 182, 215, 216, 245, 247, 263, 264, 270, 271, 273, 275, 277 were admitted. Defendant's Exhibits 13, 15, 16, 18, 19, 20, 21, 23, 29, 30, 31, 32, 38, 42, 44, 45, 54, 113, and 127, were admitted. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 10:38.Hearing ended at 05:30. (om) (Entered: 01/18/2013)
01/18/2013	<a href="#">161</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">153</a> MOTION for Declaration of Mistrial filed by Frank Peake (Snyder, Brent) (Entered: 01/18/2013)
01/18/2013	<a href="#">173</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:6TH DAY of Further Jury Trial as to Frank Peake held on 1/18/2013. <b>Further jury trial set for January 22, 2013 at 9:00 a.m.</b> Defendant's Exhibits 12, 48, 137, 141, 146, 173, and 191 were admitted. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:31.Hearing ended at 01:31. (om) (Entered: 01/23/2013)
01/18/2013	<a href="#">179</a>	AMENDED Minute Entry for proceedings held before Judge Daniel R. Dominguez (To include Governments' exhibits admitted): 6TH DAY of Further Jury Trial as to Frank Peake held on 1/18/2013. Further jury trial set for January 22, 2013 at 9:00 a.m. Defendant's Exhibits 12, 48, 137, 141, 146, 173, and 191 were admitted. Governments' Exhibits 8, 9, 11, 71, 72R, 78, 80, 81, 83, 119, 170, 172, 175, 209, and 210 were admitted (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:31.Hearing ended at 01:31. (om) (Entered: 01/25/2013)
01/21/2013	<a href="#">162</a>	MOTION to Exclude Evidence of Wealth by Frank Peake. Suggestions in opposition/response due by 2/7/2013 (Markus, David) (Entered: 01/21/2013)
01/21/2013	<a href="#">163</a>	MOTION to Exclude Evidence related to Profit and Loss, and Phone Records by Frank Peake. Suggestions in opposition/response due by 2/7/2013 (Markus, David) (Entered: 01/21/2013)
01/21/2013	<a href="#">164</a>	RESPONSE in Opposition to Government's motion to admit audio tapes by Frank Peake re <a href="#">159</a> Notice (Other) filed by USA (Markus, David) (Entered: 01/21/2013)
01/21/2013	<a href="#">165</a>	Proposed Jury Instructions by Frank Peake (Markus, David) (Entered: 01/21/2013)
01/21/2013	<a href="#">166</a>	RESPONSE in Opposition to Motions to Exclude Evidence of Wealth and Evidence Related to Sea Star Profits by USA as to Frank Peake re <a href="#">163</a> MOTION to Exclude Evidence related to Profit and Loss, and Phone Records filed by Frank Peake, <a href="#">162</a> MOTION to Exclude Evidence of Wealth filed by Frank Peake (Snyder, Brent) (Entered: 01/21/2013)
01/22/2013	<a href="#">167</a>	ORDER granting <a href="#">158</a> Motion to Admit Business Records. The United States seeks to admit certain business records of Sea Star and Horizon such as financial statements and business expenses; personnel policy statements and compensation records; expenses reports, price announcements and sales data; and phone records. The Court determines that these records are relevant under Federal Rule of Evidence 401 and also probative under Rule 403. Additionally, the Court concludes that the records are kept in the "regularly conducted activity" of the businesses and are properly "accompanied by a written declaration of its custodian or other qualified person" pursuant to Rule 901(11). As Rule 901(11) has been satisfied, the Court further determines that the business records may be admissible in accordance with the so-called business records exception to the rule against hearsay, Rule 803(6). See United States v. Munoz-Franco, 487 F.3d 25, 39-40 (1st Cir. 2007); FTC v. Direct Mktg. Concepts, Inc., 624 F.3d 1, 16 (1st Cir. 2010). IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/22/2013.(JD) (Entered: 01/22/2013)
01/22/2013	<a href="#">168</a>	ORDER denying <a href="#">162</a> Motion to Exclude Evidence of Wealth. The Court finds that evidence of Defendant's salary and bonuses are relevant under Federal Rule of Evidence 401. Additionally, the Court concludes that such evidence's probative value is substantially outweighed by the danger Defendant identified of class bias or of unfair prejudice under Rule 403. Defendant's compensation structure, arguably, demonstrates that he had a financial interest in the success of the conspiracy and thereby provides a motive for Defendant to have allegedly participated in the conspiracy. Accordingly, the Court ascertains that evidence of Defendant's salary and bonuses is admissible as said evidence will have a tendency to make his motive to participate in the conspiracy more or less probable and this evidence's probative value is substantially out weighted by the danger of class prejudice. To minimize any such class bias, the United States is not introducing evidence of Defendant's overall net worth, assets or lifestyle, and, in any event, the Court will provide the jury with a limiting instruction to ensure that the jury does not view said evidence for any impermissible purpose. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/22/2013. (JD) (Entered: 01/22/2013)
01/22/2013	<a href="#">169</a>	ORDER denying <a href="#">163</a> Motion to Exclude Evidence Related to Profit and Loss. The United States is authorized to introduce into evidence Sea Star's profit and loss statements as the Court finds that they are relevant under Federal Rule of Evidence 401 and probative under Rule 403. Baci's testimony regarding Sea Star's finances both before and during the conspiracy provide a factual basis for the introduction of these financial documents. Additionally, the records demonstrate that Sea Star was running a deficit before the conspiracy and subsequently turned profitable once the conspiracy commenced; hence, the evidence may have a tendency to make the existence of the conspiracy more or less probable. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/22/2013. (JD) (Entered: 01/22/2013)
01/22/2013	<a href="#">170</a>	ORDER granting <a href="#">152</a> Motion to Admit Summary Charts. Upon considering the volume and complexity of the phone records at issue, the United States is hereby authorized to introduce into evidence four charts summarizing voluminous phone records pursuant to Rule 1006, provided that a summary witness lays the proper foundation during his or her testimony at trial. The Court determines that the instruction of said summary charts "will remove logistic or cognitive barriers to the jury's discharge of its duties." See United States v. Appolon, 695 F.3d 44, 61 (1st Cir. 2012). For identical reasons, the Court hereby authorizes the United States to additionally introduce into evidence a summary chart of Peake's compensation pursuant to Rule 1006 and Rule 611(a), again, provided that a summary witness lays the proper foundation. See United States v. Milkiewicz, 470 F.3d 390, 397 (1st Cir. 2006)("Such [Rule 611(a)] summaries most typically are used as pedagogical devices to clarify and simplify complex testimony or other information and evidence or to assist counsel in the presentation of argument to the court or jury.... The lines between these two types of summary documents [under Rules 1006 and 611(a)] are easily blurred.") (internal citations and quotations omitted). IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/22/2013.(JD) (Entered: 01/22/2013)
01/22/2013	<a href="#">171</a>	NOTICE Motion for Judicial Notice of the Existence of Corporate Plea Agreement by USA (Snyder, Brent) (Entered: 01/22/2013)
01/22/2013	<a href="#">172</a>	NOTICE Motion Regarding Admission of Character Evidence by USA (Snyder, Brent) (Entered: 01/22/2013)
01/22/2013	<a href="#">175</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:7th day of Further Jury Trial as to Frank Peake held on 1/22/2013. <b>Further jury trial set for January 23, 2013 at 9:00 a.m.</b> Governments' Exhibits 11, 27, 32, 34, 35, 37, 44, 52, 101, 109, 114, 116, 121, 188, 261, 262, 267, 269, 279, 280, 281, 282, and 283 were admitted. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:54.Hearing ended at 04:50. (om) (Entered: 01/23/2013)
01/22/2013	<a href="#">180</a>	AMENDED Minute Entry for proceedings held before Judge Daniel R. Dominguez (To include Governments' exhibits admitted): 7th day of Further Jury Trial as to Frank Peake held on 1/22/2013. Governments' Exhibits 11, 27, 32, 34, 35, 37, 44, 52, 101, 109, 114, 116, 121, 188, 261, 262, 267, 269, 279, 280, 281, 282, and 283 were admitted. Governments' Exhibits 93, 94R, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, and 260 were admitted out of the presence of the jury. <b>Further jury trial set for January 23, 2013 at 9:00 a.m.</b> (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:54.Hearing ended at 04:50. (om) (Entered: 01/25/2013)
01/23/2013	<a href="#">174</a>	OPINION AND ORDER granting <a href="#">159</a> Motion to Admit Audio Recordings. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/23/2013.(JD) (Entered: 01/23/2013)
01/23/2013	<a href="#">176</a>	RESPONSE in Opposition to Motion regarding Character Evidence by Frank Peake re <a href="#">172</a> Notice (Other) filed by USA (Markus, David) (Entered: 01/23/2013)
01/23/2013	<a href="#">181</a>	***FILED IN ERROR*** Minute Entry for proceedings held before Judge Daniel R. Dominguez: 8th day of Jury Trial as to Frank Peake held on 1/23/2013. Further jury trial set for January 24, 2013 at 9:00 a.m. Governments' Exhibits 299, 300, and 301 were admitted.Defendant's Exhibits 114, 35, 150, 174, 76, 78, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 455, 456, 457, 102, 172, 140, 142, 149, 171, 159, 160, 164, 166, 167, 168, 169, and 170 were admitted.(Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 10:45.Hearing ended at 04:56. (om) Modified on 1/25/2013 (ni). (Entered: 01/25/2013)
01/23/2013	<a href="#">182</a>	AMENDED Minute Entry for proceedings held before Judge Daniel R. Dominguez: 8th day of Jury Trial as to Frank Peake held on 1/23/2013. (TO CORRECT DATE): <b>Further jury trial set for January 24, 2013 at 9:00 a.m.</b> Governments' Exhibits 299, 300, and 301 were admitted.Defendant's Exhibits 114, 35, 150, 174, 76, 78, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 455, 456, 457, 102, 172, 140, 142, 149, 171, 159, 160, 164, 166, 167, 168, 169, and 170 were admitted. (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 10:45.Hearing ended at 04:56. (om) (Entered: 01/25/2013)
01/23/2013		NOTICE of Docket Text Modification by Deputy Clerk re: <a href="#">181</a> Minute. ***FILED IN ERROR. Re-filed, See dkt #182. *** (ni) (Entered: 01/25/2013)
01/24/2013	<a href="#">177</a>	OPINION AND ORDER denying <a href="#">153</a> Motion for Declaration of Mistrial. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/24/2013. (JD) (Entered: 01/24/2013)

01/24/2013	<a href="#">183</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:Ninth day of Jury Trial as to Frank Peake held on 1/24/2013: <b>Further jury trial set for January 25, 2013 at 9:00 a.m.</b> Defendant's Exhibits 450, 451, and 459 offered, but rejected by the Court.(Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 10:06.Hearing ended at 10:35. (om) (Entered: 01/25/2013)
01/24/2013	184	Minute Entry for proceedings held before Judge Daniel R. Dominguez:In Chambers Conference (Charge Conference) as to Frank Peake held on 1/24/2013. Hearing set for 10:35.Hearing held at 10:35.Hearing ended at 11:55. (om) (Entered: 01/25/2013)
01/25/2013	<a href="#">178</a>	AMENDED OPINION AND ORDER denying <a href="#">153</a> Motion for Declaration of Mistrial. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 1/25/2013.(JD) (Entered: 01/25/2013)
01/25/2013	<a href="#">185</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:10th day of Further Jury Trial as to Frank Peake held on 1/25/2013. <b>Further jury trial set for January 28, 2013.</b> (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:45.Hearing ended at 05:08. (om) (Entered: 02/04/2013)
01/25/2013	<a href="#">186</a>	Jury Instructions as to Frank Peake. (om) (Entered: 02/04/2013)
01/28/2013	<a href="#">187</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:11th day of Jury Trial as to Frank Peake held on 1/28/2013. <b>Further jury trial set for January 29, 2013 at 10:30 a.m.</b> (Court Reporter Yvette Richardson.)Hearing set for 09:00.Hearing held at 09:37.Hearing ended at 07:30. (om) (Entered: 02/04/2013)
01/29/2013	<a href="#">188</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez: Jury Trial as to Frank Peake held on 1/29/2013. <b>Memorandum Filing due by 3/4/2013. Response to Motion Deadline due by 4/4/2013. Sentencing Hearing set for 5/31/2013 09:30 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez.</b> (Court Reporter Yvette Richardson.)Hearing set for 10:30.Hearing held at 10:35.Hearing ended at 04:10. (om) (Entered: 02/04/2013)
01/29/2013	<a href="#">189</a>	JURY VERDICT as to Frank Peake (1) Guilty on Count 1. (om) (Entered: 02/04/2013)
01/29/2013	<a href="#">190</a>	Jury Notes (1 thru 9) as to Frank Peake. (om) (Entered: 02/04/2013)
01/29/2013	<a href="#">191</a>	AMENDED Minute Entry for proceedings held before Judge Daniel R. Dominguez: Jury Trial as to Frank Peake held on 1/29/2013. Rule 29c Motion, and all post trial motions due by 3/4/2013. Response to Motions Deadline due by 4/4/2013. Sentencing Hearing set for 5/31/2013 09:30 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez. (Court Reporter Yvette Richardson.)Hearing set for 10:30.Hearing held at 10:35.Hearing ended at 04:10.(om) (Entered: 02/04/2013) (Entered: 02/04/2013)
03/04/2013	<a href="#">192</a>	MOTION <i>For Extension of Page Limitation on Post-Trial Motion and for Judgment of Acquittal</i> by Frank Peake. Suggestions in opposition/response due by 3/21/2013 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Markus, David) (Entered: 03/04/2013)
03/04/2013	<a href="#">193</a>	MOTION for New Trial <i>and for Judgment of Acquittal (and Request for Oral Argument)</i> by Frank Peake. Suggestions in opposition/response due by 3/21/2013 (Attachments: # <a href="#">1</a> Exhibit)(Markus, David) (Entered: 03/04/2013)
03/08/2013	194	ORDER granting as requested <a href="#">192</a> Unopposed motion for extension of page limitation on post trial motion and for judgment of acquittal Motion as to Frank Peake (1). Further, the United States is granted until April 4, 2013 to reply docket no. 193 as previously stated by the Court. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 3/8/2013. (om) (Entered: 03/08/2013)
04/04/2013	<a href="#">195</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">193</a> MOTION for New Trial <i>and for Judgment of Acquittal (and Request for Oral Argument)</i> filed by Frank Peake (Snyder, Brent) (Entered: 04/04/2013)
04/05/2013	<a href="#">196</a>	MOTION for Extension of Time until April 19, 2013 to File a Reply in Support of Post-Trial Motion for New Trial and Judgment of Acquittal by Frank Peake. Suggestions in opposition/response due by 4/22/2013 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Markus, David) (Entered: 04/05/2013)
04/05/2013	197	ORDER granting <a href="#">196</a> Motion for Extension of Time. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 4/5/2013. (JD) (Entered: 04/05/2013)
04/10/2013	<a href="#">198</a>	***SELECTED PARTIES*** Jury note. (np) (Entered: 04/12/2013)
04/19/2013	<a href="#">199</a>	REPLY TO RESPONSE to Motion <i>for New Trial and for Judgment of Acquittal</i> by Frank Peake re <a href="#">193</a> MOTION for New Trial <i>and for Judgment of Acquittal (and Request for Oral Argument)</i> filed by Frank Peake (Markus, David) (Entered: 04/19/2013)
04/22/2013	<a href="#">200</a>	MOTION to Continue <i>Sentencing (Unopposed)</i> by Frank Peake. Suggestions in opposition/response due by 5/9/2013 (Markus, David) (Entered: 04/22/2013)
05/20/2013	201	ORDER granting <a href="#">200</a> Motion to Continue as to Frank Peake (1). Request that sentencing be reset is granted. Request that motion for new trial be set for May 31, 2013 at 9:30 is denied. If hearing is to be held, parties will be promptly notified. <b>Sentencing Hearing is reset for August 23, 2013 at 9:00 a.m.</b> Signed by Judge Daniel R. Dominguez on 5/16/2013. (om) (Entered: 05/20/2013)
07/06/2013	<a href="#">202</a>	***SELECTED PARTIES*** NOTICE of Disclosure of PSR Pursuant to Local Rule 132, the U.S. Probation Officer makes disclosure of the presentence report for the defendant of record. According to said rule, any inaccuracies or discrepancies should be reported to the Probation Officer within 14 days from disclosure of the document. Since the presentence report is a Court Document, its contents must not be recorded or otherwise disseminated to third parties in any manner, by USA, US Probation, Frank Peake (U.S. Probation Officer, Joan Vazquez) (Entered: 07/06/2013)
08/07/2013	<a href="#">203</a>	MOTION for Extension of Time until August 13, 2013 to File Objections to Presentence Investigation Report and Sentencing Memorandum by Frank Peake. Suggestions in opposition/response due by 8/23/2013 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Markus, David) (Entered: 08/07/2013)
08/12/2013	204	ORDER granting as requested <a href="#">203</a> Motion for Extension of Time as to Frank Peake (1). IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 8/12/2013. (om) (Entered: 08/12/2013)
08/12/2013	<a href="#">205</a>	***SELECTED PARTIES*** NOTICE of Disclosure of Amended PSR Pursuant to Local Rule 132, the U.S. Probation Officer makes disclosure of the amended presentence report for the defendant of record. Since the presentence report is a Court Document, its contents must not be recorded or otherwise disseminated to third parties in any manner, by USA, US Probation, Frank Peake (U.S. Probation Officer, Joan Vazquez) (Entered: 08/12/2013)
08/13/2013	<a href="#">206</a>	***SELECTED PARTIES**ORDER. As the United States has recently produced new evidence, the Court hereby resets <b>Defendant's Sentencing Hearing for Thursday, September 19, 2013 at 9:00 AM in Courtroom 4 of the Jose V. Toledo U.S. Post Office and Courthouse in Old San Juan.</b> IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 8/13/2013.(JD) Modified on 8/14/2013 to add docket entry restriction(cm). (Entered: 08/13/2013)
08/13/2013	<a href="#">207</a>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Frank Peake as to Frank Peake (Attachments: # <a href="#">1</a> **Selected Parties** Exhibit)(Markus, David) Modified on 8/14/2013 to add document restriction to Exhibit 1 (previously filed as selected parties) (cm). (Entered: 08/13/2013)
08/14/2013		NOTICE of Docket Text Modification by Deputy Clerk re: <a href="#">207</a> Objection to Presentence Investigation Report, <a href="#">206</a> Order, **Both documents have been modified to add docket entry restrictions (cm) (Entered: 08/14/2013)
08/23/2013	<a href="#">208</a>	**CASE PARTICIPANTS**RESPONSE in Opposition by USA as to Frank Peake re <a href="#">207</a> Objection to Presentence Investigation Report, filed by Frank Peake (Snyder, Brent) (Entered: 08/23/2013)
08/26/2013	<a href="#">209</a>	Second MOTION for New Trial <i>and Request</i> , MOTION for Hearing ( <i>Evidentiary</i> ) by Frank Peake. Suggestions in opposition/response due by 9/12/2013 (Markus, David) (Entered: 08/26/2013)
09/05/2013	210	ORDER as to Frank Peake re <a href="#">206</a> Order: <b>Sentencing Hearing is advanced for 9/17/2013 09:00 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez.</b> Signed by Judge Daniel R. Dominguez on 9/5/2013.(om) (Entered: 09/05/2013)
09/06/2013	<a href="#">211</a>	RESPONSE in Opposition by USA as to Frank Peake re <a href="#">209</a> Second MOTION for New Trial <i>and Request</i> MOTION for Hearing ( <i>Evidentiary</i> ) filed by Frank Peake (Snyder, Brent) (Entered: 09/06/2013)
09/06/2013	<a href="#">212</a>	MOTION to Restrict Document by USA as to Frank Peake. Suggestions in opposition/response due by 9/23/2013 (Snyder, Brent) (Entered: 09/06/2013)
09/06/2013	<a href="#">213</a>	**CASE PARTICIPANTS**AFFIDAVIT in Opposition filed by USA as to Frank Peake re <a href="#">209</a> Second MOTION for New Trial <i>and Request</i> MOTION for Hearing ( <i>Evidentiary</i> ) filed by Frank Peake (Snyder, Brent) (Entered: 09/06/2013)
09/09/2013	214	ORDER granting <a href="#">212</a> Motion to Restrict. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 9/9/2013. (JD) (Entered: 09/09/2013)
09/10/2013	<a href="#">215</a>	SENTENCING MEMORANDUM by USA as to Frank Peake (Attachments: # <a href="#">1</a> Appendix A, # <a href="#">2</a> Appendix B) (Snyder, Brent) (Entered: 09/10/2013)
09/10/2013	<a href="#">216</a>	SENTENCING MEMORANDUM by Frank Peake (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5) (Markus, David) (Entered: 09/10/2013)
09/10/2013	<a href="#">217</a>	NOTICE of Filing Exhibits by Frank Peake (Attachments: # <a href="#">1</a> Exhibit Letters) (Markus, David) (Entered: 09/10/2013)
09/12/2013	218	ORDER as to Frank Peake: <b>Sentencing Hearing set for September 17, 2013 at 9:00 a.m. is reset for October 29, 2013 at 09:00 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez.</b> Signed by Judge Daniel R. Dominguez on 9/12/2013.(om) (Entered: 09/12/2013)
10/07/2013	<a href="#">219</a>	Governments' EXHIBIT LIST in the jury trial of U.S. V. Frank Peake. (om) (Entered: 10/07/2013)
10/07/2013	<a href="#">220</a>	Defendant's EXHIBIT LIST in the jury trial in the case of U.S. V. Frank Peake. (om) (Entered: 10/07/2013)
10/07/2013	221	ORDER as to Frank Peake. Request for copies of the trial exhibits in this case made Robert C. Weaver on behalf of Garvey, Schubert and Barer Law Offices is granted. This matter was consulted with TA Brent Snyder, and David O. Marcus, attorney for the defendant, and both of them, via email informed the Deputy Clerk, that they had no objection of the request. Matter shall be coordinated with the proper personnel of the Intake/File section at the Clerk's Office located in Hato Rey, Puerto Rico, and the copies shall be paid at the current rates as established by the Clerk's



		Office. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 10/7/2013.(om) (Entered: 10/07/2013)
10/09/2013	<a href="#">222</a>	LETTER of leniency as to Frank Peake (np) (Entered: 10/10/2013)
10/16/2013	<a href="#">223</a>	ORDER as to Frank Peake: Upon Oral Request of the parties <b>Sentencing Hearing set for 10/29/13 is RESET for 12/6/2013 09:30 AM in Old San Juan Courtroom before Judge Daniel R. Dominguez.</b> Signed by Judge Daniel R. Dominguez on 10/16/13.(su) (Entered: 10/16/2013)
11/27/2013	<a href="#">224</a>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Frank Peake as to Frank Peake ( <i>Supplement</i> ) (Markus, David) (Entered: 11/27/2013)
11/27/2013	<a href="#">225</a>	***SELECTED PARTIES*** NOTICE of Filing of Addendum to the PSR. The addendum to the presentence investigation report has been filed in compliance with Rule 32 of the Federal Rules of Criminal Procedure by USA, US Probation, Frank Peake (U.S. Probation Officer, Joan Vazquez) (Entered: 11/27/2013)
12/03/2013	<a href="#">226</a>	TRANSCRIPT REQUEST by USA as to Frank Peake for proceedings held on 1/10/13-1/29/13 before Judge Daniel R. Dominguez. (Lee, Craig) (Entered: 12/03/2013)
12/05/2013	<a href="#">227</a>	***SELECTED PARTIES***Informative Order as to Frank Peake. Signed by Judge Daniel R. Dominguez on 12/05/2013. (Attachments: # <a href="#">1</a> Letter)(MM) (Entered: 12/05/2013)
12/05/2013	<a href="#">228</a>	ORDER denying <a href="#">193</a> Motion for New Trial as to Frank Peake; denying <a href="#">209</a> Motion for New Trial as to Frank Peake; and denying <a href="#">209</a> Motion for Hearing as to Frank Peake. IT IS SO ORDERED.Signed by Judge Daniel R. Dominguez on 12/05/2013. (MM) (Entered: 12/05/2013)
12/06/2013	<a href="#">229</a>	Amended Opinion and Order as to Frank Peake: <a href="#">193</a> Motion for New Trial, <a href="#">209</a> Motion for New Trial, and <a href="#">228</a> Order on Motion for New Trial. IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 12/06/2013.(MM) (Entered: 12/06/2013)
12/06/2013	<a href="#">230</a>	AMENDED OPINION AND ORDER simply reflecting changes to the title and date of the prior Amended Opinion and Order <a href="#">229</a> . IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 12/06/2013.(MM) (Entered: 12/06/2013)
12/06/2013	<a href="#">233</a>	Minute Entry for proceedings held before Judge Daniel R. Dominguez:Sentencing held on 12/6/2013 for Frank Peake (1). Present were: AUSA Brent Snyder, AUSA Craig Y. Lee, AUSA Heather S. Tewksbury, Atty A. Margot Moss and Atty David Oscar Markus, USPO Joan Vazquez. Defendant is OB and present in court. Objections and corrections to the PSR were made. Statements in support of mitigation of punishment heard by defense counsels. Court ordered that the Presentation be part of the record. Defendant's allocution heard. As to Count 1: IMPR 60 months (ordered under 3553, 18 USC 3553(2)(a)(d), to receive while under custody the 500 hours for alcohol abuse. The Court understands that the Court is warranted to issue this order under paragraph 75 and 77 of the PSL), SRT of 3 years, SMA of \$100.00 (to be paid in 10 days), FINE of \$25,000.00. The parties agreed that defendant may remain under the same bail conditions pending appeal. However, the Court orders that the alcohol testing is to be made in the district that he is residing. If after the appeal the conviction and sentence is affirmed, the Court approved that the defendant has 45 days surrender to Fort Dix, NJ, by then the Court will state the date, if that matter occurs. Defendant was advised to his right to appeal Recommendation to BOP: 1) that he be afforded the 500 hours alcohol abuse program, 2) that he serves his sentence at Fort Dix, NJ. (Court Reporter Annette Montalvo.)Hearing set for 09:30.Hearing held at 10:40.Hearing ended at 05:41. (su) (Entered: 12/27/2013)
12/06/2013	<a href="#">234</a>	JUDGMENT as to Frank Peake (1), Count(s) 1, Imprisonment of 60 months (ordered under 3553, 18 USC 3553(2)(a)(d), to receive while under custody the 500 hours for alcohol abuse. The Court understands that the Court is warranted to issue this order under paragraph 75 and 77 of the PSL), SRT of 3 years, SMA of \$100.00 (to be paid in 10 days), FINE of \$25,000.00. Signed by Judge Daniel R. Dominguez on 12/6/13.(su) (Entered: 12/27/2013)
12/11/2013	<a href="#">231</a>	TRANSCRIPT REQUEST by USA as to Frank Peake for proceedings held on 12/6/13 before Judge Dominguez. (Lee, Craig) (Entered: 12/11/2013)
12/20/2013	<a href="#">232</a>	NOTICE OF APPEAL by Frank Peake. Re: <a href="#">234</a> JUDGMENT. Filing fee \$505, receipt number 0104-3733336. <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/efiling.htm">http://www.ca1.uscourts.gov/efiling.htm</a></b> (Markus, David) Modified on 11/6/2015 creating relationship (np). (Entered: 12/20/2013)
01/10/2014	<a href="#">235</a>	Transcript of Sentencing Hearing as to Frank Peake held on December 6, 2013, before Judge Daniel R. Dominguez. Court Reporter Annette M. Montalvo, Telephone number 847-370-7335. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/3/2014. Redacted Transcript Deadline set for 2/13/2014. Release of Transcript Restriction set for 4/14/2014. (am) (Entered: 01/10/2014)
01/15/2014	<a href="#">236</a>	TRANSCRIPT REQUEST <i>Sentencing</i> by Frank Peake for proceedings held on 12/6/2013 before Judge Dominguez. (Markus, David) (Entered: 01/15/2014)
01/16/2014	<a href="#">237</a>	Certified and Transmitted Record on Appeal as to Frank Peake to US Court of Appeals re <a href="#">232</a> Notice of Appeal - Final Judgment, [Docket Entries 232 & 234] (xi) (Entered: 01/16/2014)
01/16/2014	<a href="#">238</a>	USCA Case Number 14-1088 for <a href="#">232</a> Notice of Appeal - Final Judgment, filed by Frank Peake. (xi) (Entered: 01/16/2014)
02/04/2014	<a href="#">239</a>	Transcript of Jury Trial Excerpt as to Frank Peake held on January 14, 2013, before Honorable United States District Court Judge Daniel R. Dominguez. Court Reporter/Transcriber Amy Walker, Telephone number 787-772-3470, prcsr123@gmail.com. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/28/2014. Redacted Transcript Deadline set for 3/10/2014. Release of Transcript Restriction set for 5/8/2014. (aw) (Entered: 02/04/2014)
02/10/2014	<a href="#">240</a>	Transcript of Further Jury Trial as to Frank Peake held on January 25, 2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Zulma M. Ruiz, Telephone number 787-772-3375. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/6/2014. Redacted Transcript Deadline set for 3/17/2014. Release of Transcript Restriction set for 5/15/2014. (zr) (Entered: 02/10/2014)
02/10/2014	<a href="#">241</a>	Transcript of Verdict as to Frank Peake held on January 29, 2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Zulma M. Ruiz, Telephone number 787-772-3375. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/6/2014. Redacted Transcript Deadline set for 3/17/2014. Release of Transcript Restriction set for 5/15/2014. (zr) (Entered: 02/10/2014)
02/11/2014	<a href="#">242</a>	***EX-PARTE***SEALED Transcript of Jury Voir Dire as to Frank Peake held on January 10, 2013, before Judge Honorable United States District Court Judge Daniel R. Dominguez. Court Reporter/Transcriber Amy Walker, Telephone number 787-772-3470, prcsr123@gmail.com. (Entered: 02/11/2014)
02/25/2014	<a href="#">243</a>	***FILED IN ERROR*** Transcript of Further Jury Trial as to Frank Peake held on January 28, 2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Zulma M. Ruiz, Telephone number 787-772-3375. (zr) Modified on 2/26/2014 - court reporter will re-file correctly (ni). (Entered: 02/25/2014)
02/25/2014		NOTICE of Docket Text Modification by Deputy Clerk re: <a href="#">243</a> Transcript. ***FILED IN ERROR; missing information. Court Reporter will re-file. *** (ni) (Entered: 02/26/2014)
03/05/2014	<a href="#">244</a>	Transcript of Further Jury Trial as to Frank Peake held on January 28, 2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Zulma M. Ruiz, Telephone number 787-772-3375. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/31/2014. Redacted Transcript Deadline set for 4/10/2014. Release of Transcript Restriction set for 6/6/2014. (zr) (Entered: 03/05/2014)
03/17/2014	<a href="#">245</a>	(NUNC PRO TUNC 12/06/13) PRESENTATION heard during Sentencing Hearing by Frank Peake. (su) (Entered: 03/17/2014)
04/18/2014	<a href="#">246</a>	MOTION for New Trial <i>Based on Exculpatory and Newly Discovered Evidence</i> by Frank Peake (1). Suggestions in opposition/response due by 5/5/2014 (Attachments: # <a href="#">1</a> Exhibit Qui Tam Complaint, # <a href="#">2</a> Exhibit Qui Tam Press Release)(Markus, David) (Entered: 04/18/2014)
04/22/2014	<a href="#">247</a>	Transcript of Jury Voir Dire as to Frank Peake (1) held on 1-3-13, before Judge Silvia Carreno-Coll. Court Reporter/Transcriber Crystal Inchaustegui, Telephone number 787-783-6623. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/16/2014. Redacted Transcript Deadline set for 5/27/2014. Release of Transcript Restriction set for 7/24/2014. (cib) (Entered: 04/22/2014)
04/25/2014	<a href="#">248</a>	Transcript of Further Jury Voir Dire as to Frank Peake (1) held on 1-4-13, before Judge Silvia Carreno-Coll. Court Reporter/Transcriber Crystal Inchaustegui, Telephone number 787-783-6623. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/19/2014. Redacted Transcript Deadline set for 5/30/2014. Release of Transcript Restriction set for 7/28/2014. (cib) (Entered: 04/25/2014)

05/05/2014	<a href="#">249</a>	Transcript of Jury Trial (Day 2) as to Frank Peake (1) held on 01/14/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">250</a>	Transcript of Opening Statement as to Frank Peake (1) held on 1/14/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">251</a>	Transcript of Jury Trial (Day 3) as to Frank Peake (1) held on 1/15/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	252	ORDER. <b>The Court hereby orders the United States to respond to Defendant's Motion for New Trial 246 by Friday, May 16, 2014 at 5:00 PM.</b> IT IS SO ORDERED. Signed by Judge Daniel R. Dominguez on 05/05/2014.(MM) (Entered: 05/05/2014)
05/05/2014	<a href="#">253</a>	RESPONSE in Opposition to <i>Defendants Motion for New Trial Based on Newly Discovered Evidence</i> by USA as to Frank Peake (1) re <a href="#">246</a> MOTION for New Trial <i>Based on Exculpatory and Newly Discovered Evidence</i> filed by Frank Peake (Attachments: # <a href="#">1</a> Exhibit)(Lee, Craig) (Entered: 05/05/2014)
05/05/2014	<a href="#">254</a>	Transcript of Jury Trial (Day 4) as to Frank Peake (1) held on 01/16/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">255</a>	Transcript of Jury Trial (Day 5) as to Frank Peake (1) held on 01/17/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">256</a>	Transcript of Jury Trial (Day 6) as to Frank Peake (1) held on 01/18/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">257</a>	Transcript of Jury Trial (Day 7) as to Frank Peake (1) held on 01/22/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">258</a>	Transcript of Jury Trial (Day 8) as to Frank Peake (1) held on 01/23/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/05/2014	<a href="#">259</a>	Transcript of Jury Trial (Day 9) as to Frank Peake (1) held on 01/24/2013, before Judge Daniel R. Dominguez. Court Reporter/Transcriber Yvette Richardson. COA Number: 14-1088. <b>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at www.prd.uscourts.gov.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2014. Redacted Transcript Deadline set for 6/9/2014. Release of Transcript Restriction set for 8/7/2014. (be) (Entered: 05/05/2014)
05/07/2014	<a href="#">260</a>	MOTION for Extension of Time to File Response/Reply <i>In Support Of His Motion For New Trial Based On Newly Discovered Evidence</i> by Frank Peake (1). Suggestions in opposition/response due by 5/23/2014 (Markus, David) (Entered: 05/07/2014)
05/21/2014	<a href="#">261</a>	RESPONSE in opposition to <i>Motion for New Trial Based on Newly Discovered Evidence</i> by Frank Peake (1) re <a href="#">246</a> MOTION for New Trial <i>Based on Exculpatory and Newly Discovered Evidence</i> filed by Frank Peake (Markus, David) Modified on 5/22/2014 correcting title (np). (Entered: 05/21/2014)
02/04/2015	262	ORDER granting <a href="#">260</a> Motion for Extension of Time to File Response/Reply as to Frank Peake(1). Signed by Judge Daniel R. Dominguez on 2/4/2015. (bg) (Entered: 02/04/2015)
02/13/2015	263	ORDER as to Frank Peake. <b>The Court hereby sets a motion hearing, regarding the motion for new trial at Docket No. 246 , to be held on Friday, 2/20/2015, at 1:00 PM in courtroom 4 of the Old San Juan courthouse before Judge Daniel R. Dominguez.</b> Signed by Judge Daniel R. Dominguez on 2/13/2015. (MF) (Entered: 02/13/2015)
02/17/2015	<a href="#">264</a>	MOTION to Continue <i>Hearing on Motion for New Trial (Unopposed)</i> by Frank Peake (1). Suggestions in opposition/response due by 3/6/2015 (Markus, David) (Entered: 02/17/2015)
02/19/2015	265	ORDER granting in part and denying in part <a href="#">264</a> Motion to Continue. The Court hereby continues the motion hearing sine die. Signed by Judge Daniel R. Dominguez on 2/19/2015. (MF) (Entered: 02/23/2015)
10/15/2015	<a href="#">266</a>	Printed Opinion from USCA as to Frank Peake (1) entered on 10/14/15 Re: <a href="#">232</a> Notice of Appeal - Final Judgment, filed by Frank Peake. (xi) (Entered: 10/15/2015)
10/15/2015	<a href="#">267</a>	JUDGMENT of USCA (certified copy) as to Frank Peake (1) re <a href="#">232</a> Notice of Appeal - Final Judgment; AFFIRMED. (xi) (Entered: 10/15/2015)