

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman
Probation Officer: Kurt Thoene

Date: February 2, 2010

Criminal Action No. 07-cr-00338-MSK

Parties:

Counsel Appearing:

UNITED STATES OF AMERICA,

Jaime Pena
Gregory Rhodes

Plaintiff,

v.

THOMAS BADER,

Charles Torres
Joe McHatton

Defendant.

COURTROOM MINUTES

HEARING: Jury Trial Day Sixteen

The jury continues its deliberation

11:21 a.m. Court in session.

Defendant is present.

Counsel present as listed above. Special Agent Cathy Hermsen is seated at Government's table.

11:24 a.m. Jury present.

The jury informs the Court it has reached a verdict. The Court received the written verdict and orally read the verdict. Pursuant to General Order 2007-3 the original Jury Verdict has been filed conventionally by delivery to the clerk's office. A representation of the Jury Verdict is attached to the court minutes.

Jurors polled individually to confirm its verdict.

Jury excused from the courtroom, to be released from the jury deliberation room by the Judge.

11:34 a.m. Jury excused

The Government requests that defendant be remanded into custody.

Argument by defense counsel Torres.

The hearing will be continued to allow counsel the opportunity to address outstanding legal issues and motions.

ORDER: The hearing will be continued to 1:30 p.m. today to address outstanding matters and to schedule sentencing.

11:45 a.m. Court in recess
1:50 p.m. Court in session

The Court addresses the Government's motion to remand the defendant.

Argument by counsel Pena for the Government and Torres for defendant.

ORDER: The cash required to back the current 1M bond will be raised to \$400,000. The defendant will post the additional bond amount by **February 9, 2010**. Defendant will submit to electronic monitoring by the probation department within 72 hours and will pay for the cost of the monitoring. Defendant will not transfer any asset or consent to the transfer of any asset in which he may have an interest without prior notification to the probation officer. Defendant will also participate in the preparation of the presentence investigation report in anticipation of the sentencing hearing .

ORDER: Sentencing hearing is scheduled for **April 29, 2010 at 1:00 p.m.**, in Courtroom A901, 901 19th Street, Denver, CO.

The Court addresses whether the parties believe a forfeiture hearing is necessary.

Statements from counsel Russell for the Government and Mr. Torres.

The Court addresses defendant's Motion to Dismiss for Prosecutorial Misconduct (**Doc. #259**)

Counsel Torres requests time to file an additional motion. The Government has no objection.

ORDER: Defendant's motion will be filed by February 12, 2010.

2:39 p.m. Court in recess.
Total Time: 1 hour 23 minutes.
Trial concluded.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Criminal Action No. 07-cr-00338-MSK

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS BADER,

Defendant.

VERDICT FORM

WE THE JURY, in the above-captioned action, render our verdict in response to the following interrogatories:

Question 1: How do you find Mr. Bader on Count 1: Conspiracy to Facilitate the Sale of Smuggled Goods?

GUILTY NOT GUILTY

Question 2: How do you find Mr. Bader on each of Counts 12 through 15: Unlawful Distribution of Human Growth Hormone?

COUNT 12: GUILTY NOT GUILTY

COUNT 13: GUILTY NOT GUILTY

COUNT 14: GUILTY NOT GUILTY

COUNT 15: GUILTY NOT GUILTY

Question 3: How do you find Mr. Bader on Count 16: Receiving Smuggled Goods or Aiding and Abetting?

GUILTY NOT GUILTY

Question 4: How do you find Mr. Bader on Count 17: Facilitating the Sale of Smuggled Goods or Aiding and Abetting?

GUILTY NOT GUILTY

Question 5: How do you find Mr. Bader on Count 19: Conspiracy to Possess With Intent to Distribute a Controlled Substance?

GUILTY NOT GUILTY

Question 6: How do you find Mr. Bader on Count 20: Possession of Human Growth Hormone With Intent to Distribute?

GUILTY NOT GUILTY

Question 7: How do you find Mr. Bader on each of Counts 21 through 43: Unlawful Distribution of Human Growth Hormone to Minors?

COUNT 21: GUILTY NOT GUILTY

COUNT 22: GUILTY NOT GUILTY

COUNT 23: GUILTY NOT GUILTY

COUNT 24: GUILTY NOT GUILTY

COUNT 25: GUILTY NOT GUILTY

COUNT 26: X GUILTY ___ NOT GUILTY
COUNT 27: X GUILTY ___ NOT GUILTY
COUNT 28: X GUILTY ___ NOT GUILTY
COUNT 29: X GUILTY ___ NOT GUILTY
COUNT 30: X GUILTY ___ NOT GUILTY
COUNT 31: X GUILTY ___ NOT GUILTY
COUNT 32: X GUILTY ___ NOT GUILTY
COUNT 33: X GUILTY ___ NOT GUILTY
COUNT 34: X GUILTY ___ NOT GUILTY
COUNT 35: X GUILTY ___ NOT GUILTY
COUNT 36: X GUILTY ___ NOT GUILTY
COUNT 37: X GUILTY ___ NOT GUILTY
COUNT 38: X GUILTY ___ NOT GUILTY
COUNT 39: X GUILTY ___ NOT GUILTY
COUNT 40: X GUILTY ___ NOT GUILTY
COUNT 41: X GUILTY ___ NOT GUILTY
COUNT 42: X GUILTY ___ NOT GUILTY
COUNT 43: X GUILTY ___ NOT GUILTY

If you have found Mr. Bader guilty on any of the Counts, proceed to answer Questions 8 and 9. If you have found Mr. Bader not guilty on all Counts, proceed to the Certification section and sign the appropriate portion.

Question 8: Did the Government prove, by a preponderance of the evidence, that the sum of \$ 4.8 million represents the amount of proceeds Mr. Bader obtained directly or indirectly as the result of the crime(s) for which you have found Mr. Bader guilty?

YES NO

Question 9: Did the Government prove, by a preponderance of the evidence, that the real property located at 3505 Austin Bluffs Parkway, Colorado Springs, Colorado was used, or was intended to be used, in any manner or part, to commit or to facilitate the commission of the crime(s) for which you have found Mr. Bader guilty?


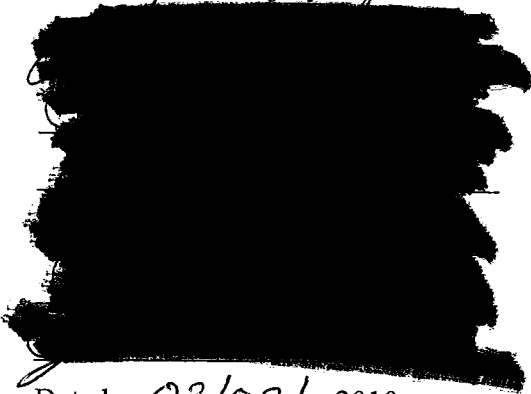
YES NO

Proceed to the Certification section and sign the appropriate portion.

Certification

If you found Mr. Bader guilty of one or more charges, sign and date the following section. Once you have done so, inform the Court by note that you are ready to return to the courtroom to announce your verdict.

By our signatures and our answers to these questions, we certify that we have found Mr. Bader guilty on the charge(s) indicated herein, and that the answers on this form represent the unanimous verdict of the jury.



Dated: 02/02/, 2010

If you found Mr. Bader not guilty on all charges, sign and date the following section. Once you have done so, inform the Court by note that you are ready to return to the courtroom to announce your verdict.

By our signatures and our answers to these questions, we certify that we have found Mr. Bader not guilty on the charges indicated herein, and that the answers on this form represent the unanimous verdict of the jury.

Dated: _____, 2010