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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

SACR16-00100

UNITED STATES OF AMERICA,

SA CR 16-00100

Plaintiff,

I N F O R M A T I O N

v.

[42 U.S.C. § 1320a-7b(b)(1)(A):
Illegal Remuneration Involving a
Federal Health Care Program]

JOHN GARBINO,

Defendant.

The United States Attorney charges:

[42 U.S.C. § 1320a-7b(b)(1)(A)]

In or about June 2015, in Orange County, within the Central District of California, defendant JOHN GARBINO ("GARBINO"), together with others known and unknown, knowingly and willfully received remuneration, that is, approximately \$926,563 in the form of two checks, one deposited on or about June 8, 2015, and the other deposited on or about June 24, 2015, into a bank account in the name of Sano Medical Consultants LLC, an account controlled by defendant

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1 GARBINO, in return for referring individuals to seek compounded
2 medication prescriptions for which payment could be made in whole and
3 in part under a Federal health care program, namely, Tricare.

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5 EILEEN M. DECKER
6 United States Attorney

7 

8 LAWRENCE S. MIDDLETON
9 Assistant United States Attorney
Chief, Criminal Division

10 GEORGE S. CARDONA
11 Assistant United States Attorney
Chief, Major Frauds Section

12 STEPHEN A. CAZARES
13 Assistant United States Attorney
Deputy Chief, Major Frauds Section

14 MARK AVEIS
15 PAUL G. STERN
16 Assistant United States Attorneys
17 Major Frauds Section
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SOUTHERN,PASPR

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)
CRIMINAL DOCKET FOR CASE #: 8:16-cr-00100-DOC-1**

Case title: USA v. Garbino
Magistrate judge case number: 8:16-mj-00324-DUTY

Date Filed: 07/20/2016

Assigned to: Judge David O. Carter

Defendant (1)**John Garbino**

represented by **Evan Christopher Borges**
Greenberg Gross LLP
650 Town Center Drive Suite 1750
Costa Mesa, CA 92626
949-383-2860
Fax: 949-383-2801
Email: EBorges@GGTrialLaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Wayne R Gross
Greenberg Gross LLP
650 Town Center Drive Suite 1750
Costa Mesa, CA 92626
949-383-2800
Fax: 949-383-2801
Email: wgross@ggtriallaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

42:1320a-7(b)(1)(A): Illegal
Remuneration Involving a Federal
Health Care Program
(1)

Disposition**Highest Offense Level (Opening)**

Felony

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints

42:1320a-7b(b)(1)(A): Illegal
Remuneration Involving A Federal
Health Care Program

Disposition

Plaintiff

USA

represented by **Mark Aveis**
AUSA - Office of US Attorney
Major Frauds Section
312 North Spring Street Suite 1100
Los Angeles, CA 90012-4700
213-894-4477
Fax: 213-894-6269
Email: USACAC.Criminal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
06/20/2016	<u>1</u>	COMPLAINT filed as to Defendant John Garbino in violation of 42: 1320a-7b (b)(1)(A). Approved by Magistrate Judge Karen E. Scott as to John Garbino (1). (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>3</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant John Garbino; defendants Year of Birth: 1970; date of arrest: 6/21/2016 (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>4</u>	MINUTES OF INITIAL APPEARANCE ON LOCAL COMPLAINT held before Magistrate Judge Karen E. Scott as to Defendant John Garbino. Defendant arraigned and advised of the charges. Defendant states true name as charged. Attorney: Wayne R Gross for John Garbino, Retained, present. Court orders bail set as: John Garbino (1) \$25,000 AB, see attached bond for terms and conditions. Defendant remanded to the custody of the U.S. Marshal. Release Order no. 36850 Preliminary Hearing set for 7/12/2016 04:30 PM before Duty Magistrate Judge in Los Angeles. Post-Indictment Arraignment set for 7/18/2016 10:00 AM before Duty Magistrate Judge. Court Smart: CS 6/21/16. (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>5</u>	NOTICE DIRECTING DEFENDANT TO APPEAR for Preliminary Hearing and Arraignment on Indictment/Information. Defendant John Garbino is directed to appear for Preliminary Hearing on 7/12/16 at 4:30 PM and for Post

		Indictment Arraignment on 7/18/16 at 10:00 AM before the Duty Magistrate Judge. (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>6</u>	DECLARATION RE: PASSPORT filed by Defendant John Garbino, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>7</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant John Garbino. USA passport was received on 6/21/16. (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>9</u>	REDACTED AFFIDAVIT OF SURETIES (No Justification - Pursuant to Local Criminal Rule 46-5.2.8) in the amount of \$25,000 by surety: Hyun Hi Garbino for Defendant John Garbino (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>10</u>	UNREDACTED AFFIDAVIT OF SURETY (NO JUSTIFICATION) filed by Defendant John Garbino re: Affidavit of Surety (No Justification)(CR-4) <u>9</u> (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/21/2016	<u>11</u>	ARREST WARRANT RETURNED Executed on 6/21/16 as to Defendant John Garbino. (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
06/22/2016	<u>8</u>	BOND AND CONDITIONS OF RELEASE filed as to Defendant John Garbino conditions of release: \$25,000 Appearance Bond. See bond for terms and conditions approved by Magistrate Judge Karen E. Scott. (dg) [8:16-mj-00324-DUTY] (Entered: 06/23/2016)
07/08/2016	<u>12</u>	WAIVER of Preliminary Examination or Hearing by Defendant John Garbino (Borges, Evan) [8:16-mj-00324-DUTY] (Entered: 07/08/2016)
07/14/2016	<u>13</u>	STIPULATION to Continue Post-Indictment Arraignment Date from July 18, 2016 to July 25, 2016 [PROPOSED] ORDER filed by Plaintiff USA as to Defendant John Garbino(Stern, Paul) [8:16-mj-00324-DUTY] (Entered: 07/14/2016)
07/15/2016	<u>14</u>	STIPULATION TO CONTINUE POST-INDICTMENT ARRAIGNMENT DATE; ORDER by Magistrate Judge Karen E. Scott as to Defendant John Garbino: Post-Indictment Arraignment continued to 7/25/2016 before Duty Magistrate Judge. (mt) [8:16-mj-00324-DUTY] (Entered: 07/15/2016)
07/20/2016	<u>15</u>	INFORMATION filed as to John Garbino (1) count(s) 1. (dg) (Entered: 07/22/2016)
07/20/2016	<u>16</u>	CASE SUMMARY filed by AUSA Mark Aveis as to Defendant John Garbino; defendants Year of Birth: 1970 (dg) (Entered: 07/22/2016)
07/20/2016	<u>17</u>	MEMORANDUM filed by Plaintiff USA as to Defendant John Garbino. This criminal action, being filed on 7/19/16, was not pending in the U. S. Attorneys Office before the date on which Judge Andre Birotte Jr and Michael Fitzgerald began receiving criminal matters. (dg) (Entered: 07/22/2016)
07/20/2016	<u>18</u>	

		MEMORANDUM filed by Plaintiff USA as to Defendant John Garbino Re Magistrate Judge Jacqueline Chooljian, Magistrate Judge Patrick J. Walsh, Magistrate Judge Sheri Pym, Magistrate Judge Michael Wilner, Magistrate Judge Jean Rosenbluth, Magistrate Judge Alka Sagar, Magistrate Judge Douglas McCormick, and Magistrate Judge Rozella Oliver (dg) (Entered: 07/22/2016)
07/25/2016	<u>19</u>	MINUTES OF POST-INDICTMENT ARRAIGNMENT: held before Magistrate Judge Douglas F. McCormick as to Defendant John Garbino (1) Count 1. Defendant arraigned. Attorney: Evan Christopher Borges for John Garbino, Retained, present. Defendant entered not guilty plea to all counts as charged. Case assigned to Judge David O. Carter. Jury Trial set for 9/13/2016 08:30 AM before Judge David O. Carter. Status Conference set for 8/22/2016 01:30 PM before Judge David O. Carter. Defendant and counsel are ordered to appear. Trial estimate: 4 days. Court Smart: CS 7/25/16. (mt) (Entered: 07/25/2016)
07/25/2016	<u>20</u>	WAIVER OF INDICTMENT by Defendant John Garbino before Magistrate Judge Douglas F. McCormick (mt) (Entered: 07/25/2016)
07/25/2016	<u>21</u>	STATEMENT OF CONSTITUTIONAL RIGHTS filed by Defendant John Garbino (mt) (Entered: 07/25/2016)
07/25/2016	<u>22</u>	DESIGNATION AND APPEARANCE OF COUNSEL; filed by Evan Christopher Borges appearing for John Garbino (mt) (Entered: 07/25/2016)
08/17/2016	<u>23</u>	Joint STIPULATION to Continue Trial Date and Findings of Excludable Time Periods Pursuant to Speedy Trial Act from September 13, 2016 to March 14, 2017 filed by Defendant John Garbino (Attachments: # <u>1</u> Proposed Order) (Borges, Evan) (Entered: 08/17/2016)
08/18/2016	<u>24</u>	ORDER by Judge David O. Carter as to Defendant John Garbino: Granting Request for (1) Continuance of Trial Date and (2) Findings of Excludable Time Periods Pursuant to Speedy Trial Act <u>23</u> . Jury Trial continued to 3/14/2017 08:30 AM before Judge David O. Carter. Status Conference continued to 2/27/2017 01:30 PM before Judge David O. Carter. The time period of September 13, 2016 to March 14, 2017 is excludable. (mt) (Entered: 08/18/2016)
01/30/2017	<u>25</u>	STIPULATION re: excludable delay from March 14, 2017 to September 26, 2017 filed by Plaintiff USA as to Defendant John Garbino (Attachments: # <u>1</u> Proposed Order)(Aveis, Mark) (Entered: 01/30/2017)
02/01/2017	<u>26</u>	ORDER by Judge David O. Carter as to Defendant John Garbino: On Stipulation Regarding Request for (1) Continuance of Trial Date and (2) Findings of Excludable Time Periods Pursuant to Speedy Trial Act. Jury Trial continued to 9/26/2017 08:30 AM before Judge David O. Carter. Status Conference continued to 8/21/2017 01:30 PM before Judge David O. Carter. The time period of March 14, 2017 to September 26, 2017 is excludable. (mt) (Entered: 02/01/2017)
04/20/2017	<u>27</u>	STIPULATION for Modification of Conditions of Release filed by Defendant John Garbino (Attachments: # <u>1</u> Proposed Order)(Borges, Evan) (Entered: 04/20/2017)

04/25/2017	<u>28</u>	ORDER <u>27</u> by Judge David O. Carter as to Defendant: Based on the Stipulation of the parties filed concurrently herewith, it is hereby ordered that the conditions of release for Defendant John Garbino are modified to remove the condition that Mr. Garbino submit to drug testing. (lwag) (Entered: 04/25/2017)
05/31/2017	<u>29</u>	NOTICE of Manual Filing of CRIMINAL UNDER SEAL DOCUMENTS: EX PARTE APPLICATION, PROPOSED ORDER AND UNDER SEAL DOCUMENT filed by Plaintiff USA as to Defendant John Garbino (Aveis, Mark) (Entered: 05/31/2017)
06/05/2017	<u>30</u>	SCHEDULING NOTICE by Judge David O. Carter as to Defendant John Garbino. Change of Plea Hearing set for 6/26/2017 @ 1:30 PM before Judge David O. Carter. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY.(dgo) TEXT ONLY ENTRY (Entered: 06/05/2017)
06/05/2017	<u>31</u>	SEALED DOCUMENT RE GOVERNMENT'S EX PARTE APPLICATION FOR ORDER SEALING DOCUMENT; DECLARATION OF MARK AVEIS (mt) (Entered: 06/05/2017)
06/05/2017	<u>32</u>	SEALED DOCUMENT RE ORDER ON APPLICATION GOVERNMENT'S EX PARTE APPLICATION FOR ORDER SEALING DOCUMENT (mt) (Entered: 06/05/2017)
06/05/2017	<u>33</u>	SEALED DOCUMENT RE DOCUMENT (mt) (Entered: 06/05/2017)
06/26/2017	<u>34</u>	MINUTES OF Change of Plea Hearing held before Judge David O. Carter as to Defendant John Garbino. Defendant sworn. Court questions defendant regarding the plea. The Defendant John Garbino (1) pleads GUILTY to Count 1 of the Information. The plea is accepted. The Court ORDERS the preparation of a Presentence Report. The Court orders the Hearing and transcript SEALED. The Final Pretrial Conference set for 8/21/2017 and the Jury Trial set for 9/26/2017 are VACATED. Sentencing set for 12/4/2017 @ 7:30 AM before Judge David O. Carter. Court Reporter: Deborah Parker; Courtroom Deputy: Deborah Goltz; AUSA: Cassie Palmer, Paul Stern; Defendant Attorney: Joshua Robbins, Evan Christopher Borges; Time in Court: :42. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. TEXT ONLY ENTRY. (dgo) (Entered: 06/27/2017)
09/20/2017	<u>35</u>	STIPULATION to Continue Sentencing Hearing from December 4, 2017 to April 28, 2018 filed by Plaintiff USA as to Defendant John Garbino (Attachments: # <u>1</u> Proposed Order)(Aveis, Mark) (Entered: 09/20/2017)
09/25/2017	<u>36</u>	ORDER by Judge David O. Carter as to Defendant John Garbino: Approving Stipulation to Continue Sentencing Hearing <u>35</u> . Sentencing Hearing continued to 4/30/2018 07:30 AM before Judge David O. Carter. (mt) (Entered: 09/25/2017)
03/08/2018	<u>37</u>	STIPULATION to Continue sentencing from April 30, 2018 to September 24, 2018 filed by Plaintiff USA as to Defendant John Garbino (Attachments: # <u>1</u> Proposed Order)(Aveis, Mark) (Entered: 03/08/2018)
03/13/2018	<u>38</u>	ORDER by Judge David O. Carter as to Defendant John Garbino: Approving Stipulation to Continue Sentencing Hearing <u>37</u> . Sentencing hearing continued

	to 9/24/2018 07:30 AM before Judge David O. Carter. (mt) (Entered: 03/13/2018)
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07/11/2018 13:54:04			
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