

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3030 Disciplinary Docket No. 3
	:	
	:	No. 14 DB 2024
	:	
Petitioner	:	
	:	
v.	:	Attorney Registration No. 57626
	:	
	:	(Philadelphia)
	:	
TODD ANDREW GOODMAN	:	
	:	
	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 16th day of October, 2024, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Todd Andrew Goodman is suspended on consent from the Bar of this Commonwealth for a period of one year and one day, retroactive to April 24, 2024. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 10/16/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3030, DD No. 3

Petitioner :

: No. 14 DB 2024

v. :

: Atty. Reg. No. 57626

TODD ANDREW GOODMAN, :

Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER Pa.R.D.E. 215(d)

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel, and Gloria Randall Ammons, Disciplinary Counsel, and Respondent, Todd Andrew Goodman, and Daniel J. Siegel, Esquire, Counsel for Respondent, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") 215(d) ("Joint Petition"), and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207, Pa.R.D.E., with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary

FILED

07/12/2024

**The Disciplinary Board of the
Supreme Court of Pennsylvania**

proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Todd Andrew Goodman, was born on April 1, 1963, and was admitted to practice law in the Commonwealth on December 8, 1989. His registered mailing address is 1003 Easton Road, Apartment 418C, Willow Grove, PA 19090.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. By Order dated March 25, 2024, the Supreme Court of Pennsylvania placed Respondent on temporary suspension and referred Respondent's criminal conviction, as described *infra*, to the Office of Disciplinary Counsel pursuant to Pa.R.D.E. 214(f)(1). (A true and correct copy of the Order is attached and marked "Exhibit A.>").

CHARGE

5. On December 14, 2023, a Judgment in a Criminal Case was entered in the United States District Court for the Eastern District of Pennsylvania, case captioned ***United States of America v. Todd Goodman***, No. 2:22-CR-00435 (USM No. 35275-510), which showed that Respondent pled guilty to knowingly dispensing a controlled substance without a valid prescription in violation of 21 U.S.C. §§

842(a)(1) and (c)(2)(A), and Aiding and Abetting in violation of 18 U.S.C. § 2, which are misdemeanors.

6. The Government's Change of Plea Memorandum describes the criminal conduct underlying the charges that were filed against Respondent. Respondent, a licensed pharmacist since August 1986, worked part-time at Verree Pharmacy for approximately twenty years. Beginning around 2018, Respondent and his co-defendant filled obviously altered prescriptions for large quantities of oxycodone, without verifying the prescription with the issuing physician, checking the Pennsylvania Prescription Drug Monitoring Program, or other "red flags," for a customer and the customer's wife. The prescriptions presented to Respondent and his co-defendant were forgeries and were not based on a valid, written prescription by a licensed practitioner issued for a legitimate medical purpose. For example, on or about May 26, 2018, Respondent and his co-defendant knowingly distributed and dispensed, and aided and abetted the distribution of approximately 240 tablets of 30 mg, to the customer based on an altered and forged written prescription. Respondent and his co-defendant were paid \$820 in cash for the oxycodone. (A true and correct copy of the Government's Change of Plea Memorandum is attached and marked "Exhibit B") (See

Exhibit B, p. 7-9)

7. The crimes of which Respondent was convicted are punishable by a term of imprisonment of not more than one year, and a maximum fine of \$100,000. 18 U.S.C. § 3571 and 21 U.S.C. § 842(C)(2)(A).

8. On December 3, 2023, the Honorable Harvey Bartle, III sentenced Respondent to four months of imprisonment followed by one-year of supervised release with mandatory conditions.

9. In addition, Judge Bartle:

- a. imposed a special condition of supervision wherein Respondent is prohibited from handling, dispensing, disbursing, or otherwise being involved in providing prescription medication, whether for controlled substances or any other drug; and
- b. fined Respondent \$1,000, which Respondent was required to pay in full within thirty (30) days, and assessed \$25, which was due immediately.

10. Respondent's conviction constitutes a *per se* ground for discipline under Pa.R.D.E. 203(b)(1).

11. Respondent reported his conviction to the Office of Disciplinary Counsel as required by Pa.R.D.E 214(a).

12. By his conduct as alleged in Paragraphs 5 through 11 above, Respondent violated the following Rules of Professional Conduct and Pa.R.D.E.:

- a. RPC 8.4(b), which states that It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and
- b. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime shall be grounds for discipline.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

13. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of one year and one day.¹

14. Respondent hereby consents to discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgements

¹ Respondent respectfully requests that the suspension be made retroactive to the date of Respondent's temporary suspension. ODC has no objection to that request, but notes that the decision to impose retroactivity rests with the Supreme Court.

contained in Rule 215(d)(1) through (4), Pa.R.D.E.

15. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and Respondent's consent to receiving a suspension of one year and one day; and
- c. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of one year and one day.

16. If this matter were to proceed to a hearing, Respondent would offer as mitigation numerous character witnesses and/or character letters from his community, friends and family in regard to Respondent's past and present involvement in the community, such as serving as a volunteer baseball coach for a local youth organization,

creator of a community youth travel sports league, and serving as a support person for close family friends, who had suddenly and unexpectedly lost a husband/father.

17. Respondent does not have a record of discipline.

18. Although there is no case in this jurisdiction that involves an attorney/pharmacist who filled forged and altered prescriptions for a third party, attorneys who have been convicted of drug related offenses involving the delivery of a controlled substance and/or possession of a controlled substance have received lengthy discipline that required a reinstatement hearing. In ***Office of Disciplinary Counsel v. Reed James Davis***, No. 76 DB 2005 (Bd. Rpt. 11/3/2006)(S.Ct. Order 1/18/2007), Respondent Davis who had no prior record of discipline, entered a plea for possession, possession with the intent to deliver and delivery of a controlled substance, namely cocaine. Davis contacted a former client, who had previously supplied him with cocaine for his own personal use, on behalf of a college friend in order to obtain cocaine for the friend. After obtaining the cocaine from the former client, Davis kept a gram or two for his own use and gave the rest to the friend. Davis was sentenced to prison for one to three years' imprisonment followed by two years of probation. Davis was suspended for one year and one

day retroactive to his temporary suspension. In ***Office of Disciplinary Counsel v. Guy N. Amatangelo***, No. 130 DB 2015 (Bd. Rpt. 12/19/2016)(S.Ct. Order 2/21/2017), Amatangelo, who had no history of discipline, pled guilty to conspiracy to distribute and possession with intent to distribute crack cocaine. Amatangelo, who had worked as an Assistant Allegheny County Public Defender, and then maintained a private criminal practice, purchased crack cocaine from a former client who was the subject of a federal investigation, and used the drug for personal use. Amatangelo was sentenced to a term of three years of probation and home detention with electronic monitoring. In a separate matter, Amatangelo pled guilty to possession of a firearm by an unlawful user of a controlled substance and was sentenced to three years of probation to run concurrently with his previous conviction. Amatangelo was suspended for three years retroactive to his temporary suspension.

In ***Office of Disciplinary Counsel v. William Floyd Conway***, No. 149 DB 2009 (Bd. Rpt. 4/15/2011)(S.Ct. Order 10/3/2011), Conway, who had no history of discipline, was convicted of attempting to smuggle marijuana into a county jail for the benefit of an inmate, who was also Conway's drug dealer. Conway needed the money for his cocaine habit. Conway was suspended for three years retroactive to his

temporary suspension.

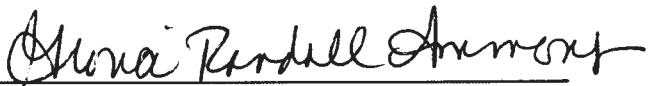
Unlike the above respondents, Respondent Goodman's criminal conviction did not involve clients and/or former clients or his law practice, and there was no evidence that Respondent was a drug user. In addition, Respondent self-reported his conviction, and is willing to accept a suspension that requires a reinstatement proceeding without the filing of a petition for discipline, demonstrating his cooperation with ODC, remorse and acceptance of responsibility. Respondent's situation is further distinguishable from the cases cited in that Respondent pled guilty to a misdemeanor, and received a much shorter sentence than the above respondents.

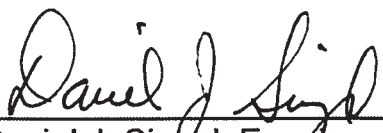
WHEREFORE, Petitioner and Respondent respectfully request that pursuant to Pa.R.D.E. 215(e) and 215(g), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for one year and one day.

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

By 
Gloria Randall Ammons
Disciplinary Counsel

By 
Daniel J. Siegel, Esquire
Counsel for Respondent


By 
Todd Andrew Goodman
Respondent

EXHIBIT A

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 3030 Disciplinary Docket No. 3
	:	
TODD ANDREW GOODMAN	:	No. 14 DB 2024
	:	
	:	(United States District Court for the Eastern
	:	District of Pennsylvania, No. 2:22-cr-00435)
	:	
	:	Attorney Registration No. 57626
	:	
	:	(Philadelphia)

ORDER

PER CURIAM

AND NOW, this 25th day of March, 2024, having received no response to a rule to show cause why Respondent Todd Andrew Goodman should not be placed on temporary suspension, the Rule is made absolute, and Respondent is placed on temporary suspension. See Pa.R.D.E. 214(d)(2). Respondent shall comply with the provisions of Pa.R.D.E. 217.

Respondent's right to petition for dissolution or amendment of this Order and to request accelerated disposition of any charges underlying this Order pursuant to Pa.R.D.E. 214(d)(4) and (f)(2) are specifically preserved.

This Order constitutes an imposition of public discipline. See Pa.R.D.E. 402(c)(2) (providing an exception to the confidentiality requirement of Rule 402 when "the investigation is predicated upon a conviction of the respondent-attorney for a crime").

A True Copy Nicole Traini
As Of 03/25/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 22-435-1**
 :
TODD GOODMAN :

CHANGE OF PLEA MEMORANDUM

The United States of America, by its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, Joan E. Burnes and Eileen Castilla Geiger, Assistant United States Attorneys, and Robert Smulkis, Special Assistant United States Attorney, hereby submits this Change of Plea Memorandum. A plea hearing is scheduled for Wednesday, September 6, 2023, at 10 a.m.

I. INTRODUCTION

On September 5, 2023, the government filed a one-count Superseding Information charging defendant Todd Goodman with the misdemeanor offense of knowingly distributing and dispensing a mixture and substance containing a detectable amount of a Schedule II controlled substance, and aiding and abetting the same, in violation of 21 U.S.C. § 842(a)(1), (c)(2)(A), and 18 U.S.C. § 2, all arising from dispensing oxycodone, a Schedule II controlled substance, based on an altered and forged prescription. The government and the defendant have reached a plea agreement, a signed copy of which is attached as Exhibit A.¹

¹ Upon the Court's acceptance of defendant Todd Goodman's and co-defendant Eric Pestrack's guilty pleas to the Superseding Information, and imposition of sentence on each defendant, the government intends to move to dismiss the ten-count Indictment filed on December 1, 2022 (22 Cr. 435, ECF No. 1). It is anticipated that the guilty pleas to the Superseding Information by the defendants will resolve all charges in this criminal prosecution.

II. SUMMARY OF PLEA AGREEMENT

The following is a summary of the plea agreement (attached as Exhibit A) that the defendant, the defendant's counsel, and the government have entered into under Rule 11 of the Federal Rules of Criminal Procedure.

In the agreement, the defendant agrees to plead guilty to Count One of a Superseding Information, waiving prosecution by Indictment and the statute of limitations, charging him with the misdemeanor offense of knowingly distributing and dispensing a mixture and substance containing a detectable amount of a Schedule II controlled substance, and aiding and abetting the same, in violation of 21 U.S.C. § 842(a)(1), (c)(2)(A), and 18 U.S.C. § 2. The defendant further acknowledges his waiver of rights, as set forth in the attachment to the agreement.

At the time of sentencing, the government will:

1. Move to dismiss Counts One through Ten of the initial Indictment (Criminal No. 22-435-1, filed December 1, 2022) as to the defendant. The defendant waives the statute of limitations as to all counts to be dismissed under this agreement and agrees that if the defendant withdraws from, or successfully challenges, the guilty plea entered under this agreement, or if these counts are otherwise reinstated under the terms of this agreement, neither the statute of limitations nor the Double Jeopardy Clause will bar prosecution on any of these dismissed counts.
2. Make whatever sentencing recommendation as to imprisonment, fines, forfeiture, restitution, and other matters which the government deems appropriate.
3. Comment on the evidence and circumstances of the case; bring to the Court's attention all facts relevant to sentencing including evidence relating to dismissed counts, if any, and to the character and any relevant criminal conduct of the

defendant; address the Court regarding the nature and seriousness of the offense; respond factually to questions raised by the Court; correct factual inaccuracies in the presentence report or sentencing record; and rebut any statement of facts made by or on behalf of the defendant at sentencing.

4. Nothing in this agreement shall limit the government in its comments in, and responses to, any post-sentencing matters.

The plea agreement is conditioned upon the following: (a) co-defendant Eric Pestrack entering a guilty plea in this case; and (b) acceptance of that plea by a United States District Judge at the time of the guilty plea hearing. If co-defendant Pestrack does not satisfy these two conditions, or subsequently seeks to withdraw his guilty plea, the United States Attorney's Office, in its sole discretion, will be released from all its obligations under this agreement. In addition, if co-defendant Pestrack breaches his plea agreement, the United States Attorney's Office, in its sole discretion, may void this defendant's plea agreement.

In the event that (a) the defendant's conviction is later vacated for any reason; (b) the conviction of co-defendant Pestrack is later vacated for any reason; (c) the defendant violates this agreement; (d) co-defendant Pestrack violates his plea agreement; (e) the defendant's plea is later withdrawn; or (f) co-defendant Pestrack's plea is later withdrawn, the defendant waives all defenses based on speedy trial and the statute of limitations, for 120 days from any of these events.

In order to facilitate the collection of the criminal monetary penalties to be imposed in connection with this prosecution, the defendant agrees fully to disclose all income, assets, liabilities, and financial interests, held directly or indirectly, whether held in his own name or in

the name of a relative, spouse, associate, another person, or entity, and whether held in this country or outside this country.

The defendant agrees that any restitution or fine imposed by the Court shall be due and payable immediately and on such terms and conditions that the Court may impose. In the event the Court imposes a schedule for the payment of restitution or fine, the defendant understands and agrees that such a schedule represents a minimum payment obligation and does not preclude the United States Attorney's Office from pursuing any other means by which to satisfy the defendant's full and immediately enforceable financial obligation under applicable federal and/or state law.

The defendant may not withdraw his plea because the Court declines to follow any recommendation, motion, or stipulation by the parties to this agreement. No one has promised or guaranteed to the defendant what sentence the Court will impose.

Pursuant to USSG § 6B1.4, the parties enter into the following stipulations under the Sentencing Guidelines Manual. It is understood and agreed that: (1) the parties are free to argue (except as stated below) the applicability of any other provision of the Sentencing Guidelines, including offense conduct, offense characteristics, criminal history, adjustments, and departures; (2) these stipulations are not binding upon either the Probation Office or the Court; and (3) the Court may make factual and legal determinations that differ from these stipulations and that may result in an increase or decrease in the Sentencing Guidelines range and the sentence that may be imposed: The parties agree and stipulate that, as of the date of this agreement, the defendant has demonstrated acceptance of responsibility for his offense, making the defendant eligible for a 2-level downward adjustment under USSG § 3E1.1(a).

The defendant understands and agrees that: (a) the status of any professional license or certification held by the defendant is not protected by this agreement and is a matter solely within the discretion of the appropriate licensing, regulatory, and disciplinary authorities; and (b) the government will inform the appropriate professional licensing, regulatory, and disciplinary authorities in Pennsylvania of the disposition of the criminal charges filed against the defendant in this case.

If the defendant commits any federal, state, or local crime between the date of this agreement and his sentencing, or otherwise violates any other provision of this agreement, the government may declare a breach of the agreement, and may at its option seek the remedies outlined in the plea agreement. The decision shall be in the sole discretion of the government both whether to declare a breach, and regarding the remedy or remedies to seek.

In exchange for the promises made by the government in entering this plea agreement, the defendant voluntarily and expressly waives all rights to file any appeal, any collateral attack, or any other writ or motion that challenges the defendant's conviction, sentence, or any other matter relating to this prosecution, except for the limited circumstances outlined in the plea agreement.

III. ELEMENTS OF THE OFFENSES

A. 21 U.S.C. § 842(a)(1), (c)(2)(A)

To establish a violation of 21 U.S.C. § 842(a)(1), (c)(2)(A), the government must prove the following elements beyond a reasonable doubt:

- (1) That the defendant was subject to the requirements of Part C of the Controlled Substances Act;

-
- (2) That the defendant knowingly distributed and dispensed a mixture and substance containing a detectable amount of a Schedule II controlled substance (that is, approximately 240 tablets of oxycodone 30 mg, to Person 1); and
 - (3) That the defendant did so based on an altered and forged written prescription that was not a valid written prescription by a licensed practitioner issued for a legitimate medical purpose, in violation of the requirements of Section 829 of the Controlled Substances Act.

See 21 U.S.C. § 842(a)(1), (c)(2)(A); 21 U.S.C. § 822(a)(2); 21 U.S.C. § 829; *see also United States v. Spivack*, 2022 WL 4091669, at *1, n.1 (E.D. Pa. Sept. 6, 2022).

B. 18 U.S.C. § 2

To convict the defendant of aiding and abetting the dispensing of a controlled substance in violation of 18 U.S.C. § 2, the government must prove the following elements beyond a reasonable doubt:

- (1) The principal committed the offense charged by committing each of the elements of the offense charged;
- (2) The defendant knew that the offense charged was going to be committed or was being committed by the principal;
- (3) The defendant did some act for the purpose of aiding, assisting, soliciting, facilitating, or encouraging the principal in committing the offense and with the intent that the principal commit the offense; and
- (4) The defendant's acts did, in some way, aid, assist, facilitate, or encourage the principal to commit the offense.

Third Circuit Model Jury Instructions (Criminal) 7.02.

C. MAXIMUM PENALTIES

The total statutory maximum sentence on Count One of the Superseding Information, knowingly distributing and dispensing a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, based on an altered and forged prescription, and aiding and abetting the same, in violation of 21 U.S.C. § 842(a)(1), (c)(2)(A), and 18 U.S.C. § 2, is: one year of imprisonment, a one-year period of supervised release, a \$100,000 fine, and a \$25 special assessment.

The defendant further understands that supervised release may be revoked if its terms and conditions are violated. When supervised release is revoked, the original term of imprisonment may be increased by up to one year on Count One. Thus, a violation of supervised release increases the possible period of incarceration and makes it possible that the defendant will have to serve the original sentence, plus a substantial additional period, without credit for time already spent on supervised release.

IV. FACTUAL BASIS FOR PLEA

If this case were to proceed to trial, the government would introduce evidence, through witnesses and documentary records, to establish the following facts:

Oxycodone was a generic version of the opioid drug OxyContin. Opioids could cause physical and psychological dependence, even when taken as prescribed. At high doses, opioids would cause life threatening conditions or death, especially when used in combination with other controlled substances and/or alcohol. Oxycodone was a Schedule II controlled substance.

Spivack, Inc. d/b/a Verree Pharmacy (hereinafter "Verree") was a small, neighborhood pharmacy located at 7960 Verree Road, Philadelphia, Pennsylvania. Verree was open for business seven days per week. The United States Drug Enforcement Administration ("DEA")

granted a registration to Verree which allowed it to purchase and dispense Schedule II through V controlled substances. Accordingly, the pharmacists and pharmacy technicians who dispensed controlled substances at Verree were subject to the requirements of Part C of the Controlled Substances Act.

By in or about 2018, Verree was the top retail pharmacy purchaser of oxycodone in Pennsylvania. Verree cultivated a reputation as an easy fill, no questions asked, pharmacy for those seeking large quantities of oxycodone.

Defendant Todd Goodman was employed as a part-time pharmacist at Verree for approximately 20 years. He was registered as a licensed pharmacist since in or about August 1986. Co-defendant Eric Pestrack was employed as the lead pharmacy technician at Verree for more than 30 years. He worked full time, usually Monday through Friday. He also covered weekend shifts when another pharmacy technician was unavailable. Defendants Goodman and Pestrack were trusted employees; they had keys to Verree and the combination to the safe that contained cash and controlled substances.

In the course of their employment at Verree, defendant Goodman, together with co-defendant Pestrack, filled obviously altered written prescriptions for Person 1 and his wife, known to the United States Attorney, for large quantities of oxycodone, without verifying the prescription with the issuing physician, checking the Pennsylvania Prescription Drug Monitoring Program ("PDMP"), or otherwise resolving "red flags."² The oxycodone prescriptions for Person 1 and his wife, filled by defendants Goodman and Pestrack, were forged by Person 1 and

² These forged prescriptions bore blatant red flags, including: obvious alterations and manipulations (such as names changed, and dates scratched off and scribbled over); two drugs on one paper prescription (including one non-controlled substance on the left side, and oxycodone added on the right side by forgery); exceptionally high doses of opioids; and/or cash payments ranging from \$600 to over \$1,000. Moreover, some prescriptions had "Rx" written on them instead of "Dx" for diagnosis codes, with forged diagnosis codes added.

were not based on a valid, written prescription by a licensed practitioner issued for a legitimate medical purpose.

For example, on or about May 26, 2018, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant Goodman, together with co-defendant Pestrack, knowingly distributed and dispensed, and aided and abetted the distribution and dispensing of, a mixture and substance containing a detectable amount of a Schedule II controlled substance, that is, approximately 240 tablets of oxycodone 30 mg, to Person 1, based on an altered and forged written prescription that was not a valid written prescription by a licensed practitioner issued for a legitimate medical purpose, in violation of the requirements of Section 829 of the Controlled Substances Act. Person 1 paid \$820 in cash for the forged prescription to be filled.

V. CONCLUSION

The United States respectfully submits that this summary of evidence provides a factual basis for a guilty plea by the defendant to Count One of the Superseding Information. The government respectfully requests that the Court accept the defendant's plea of guilty.

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ Eileen Castilla Geiger / Joan E. Burnes
EILEEN CASTILLA GEIGER
JOAN E. BURNES
Assistant United States Attorneys

ROBERT SMULKTIS
Special Assistant United States Attorney

Dated: September 5, 2023

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Government's Change of Plea Memorandum to be served by email on:

Rocco C. Cipparone, Jr., Esq.

/s Eileen Castilla Geiger
EILEEN CASTILLA GEIGER
Assistant United States Attorney

Dated: September 5, 2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 22-435-1**
 :
TODD GOODMAN :

GUILTY PLEA AGREEMENT

Under Rule 11 of the Federal Rules of Criminal Procedure, the government, the defendant, and the defendant's counsel enter into the following guilty plea agreement. Any reference to the United States or the government in this agreement shall mean the Office of the United States Attorney for the Eastern District of Pennsylvania.

1. The defendant agrees to plead guilty to Count One of a Superseding Information, waiving prosecution by Indictment and the statute of limitations, charging him with the misdemeanor offense of knowingly distributing and dispensing a mixture and substance containing a detectable amount of a Schedule II controlled substance, and aiding and abetting the same, in violation of 21 U.S.C. § 842(a)(1), (c)(2)(A), and 18 U.S.C. § 2, all arising from dispensing oxycodone, a Schedule II controlled substance, based on an altered and forged prescription. The defendant further acknowledges his waiver of rights, as set forth in the attachment to this agreement.

2. At the time of sentencing, the government will:

a. Move to dismiss Counts One through Ten of the initial Indictment (Criminal No. 22-435-1, filed December 1, 2022) as to this defendant. The defendant waives the statute of limitations as to all counts to be dismissed under this agreement and agrees that if the defendant withdraws from, or successfully challenges, the guilty plea entered under this

agreement, or if these counts are otherwise reinstated under the terms of this agreement, neither the statute of limitations nor the Double Jeopardy Clause will bar prosecution on any of these dismissed counts.

b. Make whatever sentencing recommendation as to imprisonment, fines, forfeiture, restitution, and other matters which the government deems appropriate.

c. Comment on the evidence and circumstances of the case; bring to the Court's attention all facts relevant to sentencing including evidence relating to dismissed counts, if any, and to the character and relevant criminal conduct of the defendant; address the Court regarding the nature and seriousness of the offense; respond factually to questions raised by the Court; correct factual inaccuracies in the presentence report or sentencing record; and rebut any statement of facts made by or on behalf of the defendant at sentencing.

d. Nothing in this agreement shall limit the government in its comments in, and responses to, any post-sentencing matters.

3. This agreement is conditioned upon the following: (a) codefendant Eric Pestrack entering a guilty plea in this case; and (b) acceptance of that plea by a United States District Judge at the time of the guilty plea hearing. If codefendant Pestrack does not satisfy these two conditions, or subsequently seeks to withdraw his guilty plea, the United States Attorney's Office, in its sole discretion, will be released from all its obligations under this agreement. In addition, if codefendant Pestrack breaches his plea agreement, the United States Attorney's Office, in its sole discretion, may void this defendant's plea agreement.

4. In the event that (a) the defendant's conviction is later vacated for any reason; (b) the conviction of codefendant Eric Pestrack is later vacated for any reason; (c) the defendant violates this agreement; (d) codefendant Pestrack violates his plea agreement; (e) the defendant's

plea is later withdrawn; or (f) codefendant Pestrack's plea is later withdrawn, the defendant waives all defenses based on speedy trial and the statute of limitations, for 120 days from any of these events.

5. The defendant understands, agrees, and has had explained to him by counsel that the Court may impose the following Total Statutory Maximum Sentence on Count One of the Superseding Information, knowingly distributing and dispensing a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, based on an altered and forged prescription, and aiding and abetting the same, in violation of 21 U.S.C. § 842(a)(1), (c)(2)(A), and 18 U.S.C. § 2: one year of imprisonment, a one-year period of supervised release, a \$100,000 fine, and a \$25 special assessment.

6. The defendant further understands that supervised release may be revoked if its terms and conditions are violated. When supervised release is revoked, the original term of imprisonment may be increased by up to 1 year on Count One. Thus, a violation of supervised release increases the possible period of incarceration and makes it possible that the defendant will have to serve the original sentence, plus a substantial additional period, without credit for time already spent on supervised release.

7. In order to facilitate the collection of the criminal monetary penalties to be imposed in connection with this prosecution, the defendant agrees fully to disclose all income, assets, liabilities, and financial interests, held directly or indirectly, whether held in his own name or in the name of a relative, spouse, associate, another person, or entity, and whether held in this country or outside this country. Accordingly:

a. The defendant will submit a completed Financial Statement of Debtor to the U.S. Attorney's Office, in a form it provides and as it directs, within 14 days of execution of

this plea agreement. The defendant promises that his financial statement and disclosures will be complete, accurate, and truthful.

b. The defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on him in order to evaluate the defendant's ability to satisfy any monetary penalty imposed by the Court.

c. Upon request by the United States, the defendant also agrees to submit to a financial deposition or interview prior to sentencing, and provide all documents within the defendant's possession or control as requested by the U.S. Attorney's Office regarding the defendant's financial resources and that of the defendant's household.

d. The defendant agrees not to transfer, assign, dispose, remove, conceal, pledge as collateral, waste, or destroy property with the effect of hindering, delaying, or defrauding the United States or victims. The defendant otherwise shall not devalue any property worth more than \$1,000 before sentencing, without the prior approval of the United States.

e. The defendant also agrees to execute any documents necessary to release any funds held in any repository, bank, investment, other financial institution, or any other location in order to make partial or total payment toward any monetary penalty that the Court may impose.

f. If the defendant fails to comply with this paragraph of the plea agreement or if any of the defendant's representations pursuant to the requirements set forth in this paragraph are false or inaccurate, the government may elect to: void this agreement; and/or argue that the defendant is not entitled to a downward adjustment for acceptance of responsibility under Guideline Section 3E1.1.

8. The defendant agrees that any restitution or fine imposed by the Court shall be due and payable immediately and on such terms and conditions that the Court may impose. In the event the Court imposes a schedule for the payment of restitution or fine, the defendant understands and agrees that such a schedule represents a minimum payment obligation and does not preclude the United States Attorney's Office from pursuing any other means by which to satisfy the defendant's full and immediately enforceable financial obligation under applicable federal and/or state law.

9. The defendant agrees that forfeiture, restitution, fine, assessment, tax, interest, or other payments in this case do not constitute extraordinary acceptance of responsibility or provide any basis to seek a downward departure or variance from the applicable Sentencing Guideline range.

10. The defendant agrees to pay the special victims/witness assessment in the amount of \$25 before the time of sentencing and shall provide a receipt from the Clerk to the government before sentencing as proof of this payment.

11. The defendant may not withdraw his plea because the Court declines to follow any recommendation, motion, or stipulation by the parties to this agreement. No one has promised or guaranteed to the defendant what sentence the Court will impose.

12. Pursuant to USSG § 6B1.4, the parties enter into the following stipulations under the Sentencing Guidelines Manual. It is understood and agreed that: (1) the parties are free to argue (except as stated below) the applicability of any other provision of the Sentencing Guidelines, including offense conduct, offense characteristics, criminal history, adjustments, and departures; (2) these stipulations are not binding upon either the Probation Office or the Court; and (3) the Court may make factual and legal determinations that differ from these stipulations

and that may result in an increase or decrease in the Sentencing Guidelines range and the sentence that may be imposed:

a. The parties agree and stipulate that, as of the date of this agreement, the defendant has demonstrated acceptance of responsibility for his offense, making the defendant eligible for a 2-level downward adjustment under USSG § 3E1.1(a).

13. The defendant understands and agrees that: (a) the status of any professional license or certification held by the defendant is not protected by this agreement and is a matter solely within the discretion of the appropriate licensing, regulatory, and disciplinary authorities; and (b) the government will inform the appropriate professional licensing, regulatory, and disciplinary authorities in Pennsylvania of the disposition of the criminal charges filed against the defendant in this case.

14. If the defendant commits any federal, state, or local crime between the date of this agreement and his sentencing, or otherwise violates any other provision of this agreement, the government may declare a breach of the agreement, and may at its option: (a) prosecute the defendant for any federal crime including, but not limited to, perjury, obstruction of justice, and the substantive offenses arising from this investigation, based on and using any information provided by the defendant during the investigation and prosecution of the criminal case; (b) upon government motion, reinstate and try the defendant on any counts which were to be, or which had been, dismissed on the basis of this agreement; (c) be relieved of any obligations under this agreement regarding recommendations as to sentence; and (d) be relieved of any stipulations under the Sentencing Guidelines. Moreover, the defendant's previously entered guilty plea will stand and cannot be withdrawn by him. The decision shall be in the sole discretion of the government both whether to declare a breach, and regarding the remedy or remedies to seek. The

defendant understands and agrees that the fact that the government has not asserted a breach of this agreement or enforced a remedy under this agreement will not bar the government from raising that breach or enforcing a remedy at a later time.

15. In exchange for the promises made by the government in entering this plea agreement, the defendant voluntarily and expressly waives all rights to file any appeal, any collateral attack, or any other writ or motion that challenges the defendant's conviction, sentence, or any other matter relating to this prosecution, whether such an appeal, collateral attack, or other writ or motion arises under 18 U.S.C. § 3742, 28 U.S.C. § 1291, 28 U.S.C. § 2255, or any other provision of law. As part of this knowing and voluntary waiver of the right to challenge the conviction and sentence, the defendant expressly waives the right to raise on appeal or on collateral review any argument that (1) the statute to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute.

a. Notwithstanding the waiver provision above, if the government appeals from the sentence, then the defendant may file a direct appeal of his sentence.

b. If the government does not appeal, then notwithstanding the waiver provision set forth in this paragraph, the defendant may file a direct appeal or petition for collateral relief but may raise only a claim, if otherwise permitted by law in such a proceeding:

i. that the defendant's sentence on any count of conviction exceeds the statutory maximum for that count as set forth in paragraph 5 above;

ii. challenging a decision by the sentencing judge to impose an "upward departure" pursuant to the Sentencing Guidelines;

iii. challenging a decision by the sentencing judge to impose an "upward variance" above the final Sentencing Guideline range determined by the Court;

iv. that an attorney who represented the defendant during the course of this criminal case provided constitutionally ineffective assistance of counsel.

If the defendant does appeal or seek collateral relief pursuant to this subparagraph, no issue may be presented by the defendant in such a proceeding other than those described in this subparagraph.


16. The defendant acknowledges that pursuing an appeal or any collateral attack waived in the preceding paragraph may constitute a breach of this plea agreement. The government recognizes that the mere filing of a notice of appeal is not a breach of the plea agreement. The government may declare a breach only after the defendant or his counsel thereafter states, either orally or in writing, a determination to proceed with an appeal or collateral attack raising an issue the government deems barred by the waiver. The parties acknowledge that the pursuit of an appeal constitutes a breach only if a court determines that the appeal does not present an issue that a judge may reasonably conclude is permitted by an exception to the waiver stated in the preceding paragraph or constitutes a "miscarriage of justice" as that term is defined in applicable law.

17. The defendant waives any claim under the Hyde Amendment, 18 U.S.C. § 3006A (Statutory Note), for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.


18. The defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

19. The defendant is satisfied with the legal representation provided by the defendant's lawyer; the defendant and this lawyer have fully discussed this plea agreement; and the defendant is agreeing to plead guilty because the defendant admits that he is guilty.

20. It is agreed that the parties' guilty plea agreement contains no additional promises, agreements, or understandings other than those set forth in this written guilty plea agreement, and that no additional promises, agreements, or understandings will be entered into unless in writing and signed by all parties.

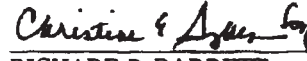


TODD GOODMAN
Defendant



ROCCO C. CIPPARONE, JR. ESQ.
Counsel for the Defendant

JACQUELINE C. ROMERO
United States Attorney



RICHARD P. BARRETT
Chief, Criminal Division
Assistant United States Attorney

/s/ Joan E. Burnes

JOAN E. BURNES
EILEEN CASTILLA GEIGER
Assistant United States Attorneys

/s/ Robert Smulkis

ROBERT SMULKIS
Special Assistant United States Attorney
Deputy Attorney General
PA Office of Attorney General

Date: 08-31-2023

Attachment

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
v. : **CRIMINAL NO. 22-435-1**
TODD GOODMAN :

ACKNOWLEDGMENT OF RIGHTS

I hereby acknowledge that I have certain rights that I will be giving up by pleading guilty.

1. I understand that I do not have to plead guilty.
2. I may plead not guilty and insist upon a trial.
3. At that trial, I understand
 - a. that I would have the right to be tried by a jury that would be selected from the Eastern District of Pennsylvania and that along with my attorney, I would have the right to participate in the selection of that jury;
 - b. that the jury could only convict me if all 12 jurors agreed that they were convinced of my guilt beyond a reasonable doubt;
 - c. that the government would have the burden of proving my guilt beyond a reasonable doubt and that I would not have to prove anything;
 - d. that I would be presumed innocent unless and until such time as the jury was convinced beyond a reasonable doubt that the government had proven that I was guilty;
 - e. that I would have the right to be represented by a lawyer at this trial and at any appeal following the trial, and that if I could not afford to hire a lawyer, the court would appoint one for me free of charge;
 - f. that through my lawyer I would have the right to confront and cross-examine the witnesses against me;

g. that I could testify in my own defense if I wanted to and I could subpoena witnesses to testify in my defense if I wanted to; and

h. that I would not have to testify or otherwise present any defense if I did not want to and that if I did not present any evidence, the jury could not hold that against me.

4. I understand that if I plead guilty, there will be no trial and I would be giving up all of the rights listed above.

5. I understand that if I decide to enter a plea of guilty, the judge will ask me questions under oath and that if I lie in answering those questions, I could be prosecuted for the crime of perjury, that is, for lying under oath.

6. I understand that if I plead guilty, I have given up my right to appeal, except as set forth in the appellate waiver provisions of my plea agreement.

7. Understanding that I have all these rights and that by pleading guilty I am giving them up, I still wish to plead guilty.

8. I acknowledge that no one has promised me what sentence the Court will impose. I am aware and have discussed with my attorney that, at sentencing, the Court will calculate the Sentencing Guidelines range (including whether any departures apply), and then, in determining my sentence, will consider the Guideline range and all relevant policy statements in the Sentencing Guidelines, along with other sentencing factors set forth in 18 U.S.C. § 3553(a), including


(1) the nature and circumstances of the offense and my personal history and characteristics;

(2) the need for the sentence imposed-- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;


(3) the kinds of sentences available;

(4) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(5) the need to provide restitution to any victims of the offense.



TODD GOODMAN
Defendant



ROCCO C. CIPPARONE, JR., ESQ.
Counsel for the Defendant

Dated: 08/31/2023

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3030, DD No. 3

Petitioner :

: No. 14 DB 2024

v. :

: Atty. Reg. No. 57626

TODD ANDREW GOODMAN, :

Respondent : (Philadelphia)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E., are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

7/11/2024
Date

Gloria Randall Ammons
Gloria Randall Ammons
Disciplinary Counsel

7/9/24
Date

Daniel J. Siegel
Daniel J. Siegel, Esquire
Counsel for Respondent

7/9/24
Date

Todd Andrew Goodman
Todd Andrew Goodman
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3030, DD No. 3
Petitioner :
: No. 14 DB 2024
v. :
: Atty. Reg. No. 57626
TODD ANDREW GOODMAN, :
Respondent : (Philadelphia)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, Todd Andrew Goodman, hereby states that he consents to the imposition of a suspension of one year and one day as set forth in the Joint Petition, as jointly recommended by the Petitioner and Respondent in the Joint Petition in Support of Discipline on Consent, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a proceeding at No. 14 DB 2024 involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if the charges against him continue to be prosecuted in the pending proceeding, he could not successfully defend against them.




Todd Andrew Goodman
Respondent

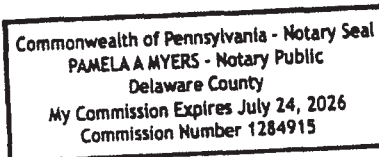
Sworn to and subscribed

before me this 9th

day of June, 2024.



Notary Public



CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Gloria Randall Ammons

Name: Gloria Randall Ammons

Attorney No. (if applicable): 57701