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Jury Clears Miami Drug Trial Co.'s CEO Of Fraud Charges

By **Craig Clough**

Law360 (May 19, 2023, 5:09 PM EDT) -- A jury found the CEO of a Miami clinical drug trial company and an employee not guilty on Thursday of all charges connected to an alleged scheme to falsify research and defraud drugmakers, although it did convict a third defendant of making false statements.

The jury had deliberated since Tuesday before finding Tellus Clinical Research Inc. CEO Fidalgis Font not guilty of conspiracy to commit mail and wire fraud, two counts of mail fraud and money laundering, while also finding defendant Julio Lopez not guilty of conspiracy to commit mail and wire fraud and mail fraud.

Defendant Martin Valdes was found not guilty of conspiracy to commit mail and wire fraud, mail fraud and money laundering, but was found guilty of making false statements.

"We're very excited," Font's attorney, Marc David Seitles of Seitles & Litwin PA, told Law360. "Ms. Font has been waiting for four years for her name to be vindicated, the jury spent nine days looking at all the evidence being presented during the course of the trial, some by the government, some by us. And after examining everything they came up with the only result, which was she was 100% innocent of what she was charged with."

Counsel for the U.S. Department of Justice did not immediately respond to requests for comment.

"Thrilled to defend such an honorable member of our community," Lopez's attorney, Jordan M. Lewin of The Lewin Law Group, said in an email to Law360. "Julio was falsely accused and unfairly prejudged. Through hard work and a tenacious defense team we were able to refute every aspect of the Government's case and demonstrate that Julio was absolutely innocent. It was a privilege to participate in a trial where the jury took the time to thoroughly analyze the presented evidence and arguments in order to arrive at a just verdict. The American Justice system absolutely works!"

Gustavo Daniel Lage of Sanchez-Medina Gonzalez Quesad Lage Crespo LLP, who represents Valdes, told Law360 that "we were very gratified that the jury saw fit to acquit Dr. Valdes of the counts related to conspiracy to commit wire fraud, wire fraud, mail fraud and money laundering. It vindicated our decision to go to trial as we believe that the evidence would show and actually did show that he was completely innocent of that conduct."

The defendants were among four people indicted in February 2021 for their alleged roles in the scheme.

Prosecutors said the alleged fraud at Tellus occurred from at least February 2014 until at least July 2016 and did not stop until after a clinical trial sponsor alerted the U.S. Food and Drug Administration about irregular patterns in the company's data.

Charged Tellus employees falsified lab results and medical records, enrolled people in trials who didn't meet eligibility requirements and lied about trial participants taking the drugs being studied, according to the indictment.

Prosecutors alleged it was part of a plan to make more money from pharmaceutical study sponsors that paid the clinic. Tellus got contracts for more than 20 clinical trials from more than 15 different

companies from 2013 to 2016, according to prosecutors.

One former Tellus employee, Duniel Tejada, pled guilty in **October 2021** to conspiracy to commit mail and wire fraud in an agreement with prosecutors to dismiss one substantive count of mail fraud, according to court documents.

U.S. District Judge Robert N. Scola Jr. sentenced Tejada in January 2022 to 30 months in prison. Prosecutors said at the time that Tejada had accepted responsibility and agreed to cooperate with the government's investigation.

Judge Scola in November **rejected Font's claim** that the government's delay in filing charges prejudiced her ability to mount a defense.

Font is represented by Marc David Seitles of Seitles & Litwin PA and Dustin M Tischler of Bruck & Tischler PLLC.

Valdes is represented by Gustavo Daniel Lage of Sanchez-Medina Gonzalez Quesad Lage Crespo LLP.

Lopez is represented by Jordan M. Lewin of The Lewin Law Group.

The government is represented by Lauren M. Elfner and Joshua D. Rothman of the U.S. Department of Justice Civil Division's Consumer Protection Branch.

The case is USA v. Valdes, case number 1:21-cr-20106, in the U.S. District Court for the Southern District of Florida.

--Additional reporting by Ivan Moreno. Editing by Patrick Reagan.