Case Report: United States v. Stewart (S.D.N.Y.)

Prepared by Pro Se Help, LLC | Case No. 1:03-cr-00717 | Docket copy accessed November 17, 2026

SAMPLE REPORT: READ THIS FIRST

This is a sample of the $15 Case Report sold through the Pro Se Help Federal Case Locator, built from the public record of a closed, widely reported case so you can see exactly what a report looks like before you order one. What the $15 report includes is listed near the end.

1. Case overview

Case name	United States v. Stewart, et al. (Martha Stewart and Peter Bacanovic)
Court	U.S. District Court for the Southern District of New York
Case number	1:03-cr-00717 (PACER format: 1:2003cr00717). The charging papers use 03 Cr. 717 (MGC).
Judge	Miriam Goldman Cedarbaum (docket initials MGC)
Filed	June 4, 2003 (original indictment, ECF No. 1)
Docket status	Closed. That is the status label on the docket. On its own it does not tell you whether an appeal is over or whether anything is pending, so those are listed separately below.
Appeal outcome	The Second Circuit affirmed both defendants' convictions on January 6, 2006 (433 F.3d 273). It sent the case back only so the district judge could consider whether to change Bacanovic's sentence. The mandate issued January 27, 2006 (ECF No. 294).
Pending matters	No pending motion was identified in the available docket copy; the missing entries and sentencing-remand outcome were not verified. The copy reviewed was CourtListener RECAP docket 8503400, accessed November 17, 2026; it does not include entries 295 to 298.
Docket copy reviewed	CourtListener RECAP, docket 8503400: latest entry ECF No. 301, dated September 22, 2010 (a Second Circuit mandate dismissing an unrelated non-party's appeal). Accessed November 17, 2026. RECAP copies may not include every entry; the official docket is on PACER.
Charges	Superseding Indictment S1 03 Cr. 717, filed January 5, 2004 (ECF No. 84), charged nine counts. The original June 2003 indictment charged the same nine offenses.

The nine counts

Count	Charge	Defendant	Statute	Result
1	Conspiracy to obstruct justice, make false statements, and commit perjury	Stewart and Bacanovic	18 U.S.C. 371	Both convicted
2	False statements	Bacanovic	18 U.S.C. 1001(a)(1), (2)	Convicted (acquitted on one specification)
3	False statements	Stewart	18 U.S.C. 1001(a)(1), (2)	Convicted (acquitted on one specification)
4	False statements	Stewart	18 U.S.C. 1001(a)(1), (2)	Convicted (acquitted on one specification)
5	Making and using a false document (a worksheet)	Bacanovic	18 U.S.C. 1001(a)(3)	Acquitted by the jury

Count	Charge	Defendant	Statute	Result
6	Perjury	Bacanovic	18 U.S.C. 1621	Convicted (acquitted on several specifications)
7	Obstructing an agency proceeding	Bacanovic	18 U.S.C. 1505	Convicted
8	Obstructing an agency proceeding	Stewart	18 U.S.C. 1505	Convicted
9	Securities fraud	Stewart	15 U.S.C. 78j(b), 78ff; 17 C.F.R. 240.10b-5	Judgment of acquittal by the judge (Rule 29)

2. The case in plain language

Federal investigators were looking into trading in ImClone Systems stock. On December 27, 2001, Stewart sold ImClone shares from her personal account. The next day, ImClone announced that the FDA had rejected its application for its lead drug, Erbitux. The charges in this case were not about whether the trade itself was a crime. They were about what Stewart and her broker, Peter Bacanovic, told investigators from the SEC, the FBI, and the U.S. Attorney's Office when they asked about the sale, and whether the two of them worked together to mislead those investigators.

That distinction is the most misunderstood part of this case, and it is why the charges read the way they do: conspiracy, false statements, obstruction, and perjury, with no insider trading charge. The one securities fraud count Stewart did face, Count Nine, accused her of lying to the public in June 2002 to prop up the stock of her own company. The judge ruled that no reasonable juror could find criminal intent on that count beyond a reasonable doubt, and acquitted her of it before the jury began deliberating.

3. Timeline: what happened, and what it means

ECF numbers are docket entry numbers from the public RECAP copy. Minute entry items have no number; "not in public copy" items were missing from that copy.

June 4, 2003

Indictment filed in the Southern District of New York. ECF No. 1.

What this means: The opening of the criminal case. Both defendants were arraigned the same day and pleaded not guilty.

January 5, 2004

Superseding Indictment S1 03 Cr. 717 filed: nine counts. ECF No. 84.

What this means: "Superseding" means it replaced the original indictment. It charged the same nine offenses with revised wording, and it is the charging document the trial was fought over.

February 27, 2004

Judgment of acquittal on Count Nine (securities fraud) under Rule 29. ECF No. 101; reported at 305 F. Supp. 2d 368.

What this means: Stewart moved for acquittal on February 23, 2004 (ECF No. 95). The judge ruled the evidence on Count Nine was legally insufficient, so that count never went to the jury. An acquittal is a ruling of not guilty: under the Double Jeopardy Clause, the government generally cannot bring that charge again. A dismissal can sometimes leave the door open to refiling.

March 5, 2004

Jury verdicts after three days of deliberation. Minute entry (no ECF number).

What this means: Stewart was convicted on Counts One, Three, Four, and Eight. The jury acquitted her of one specification (one of the specific false statements alleged) in Count Three and one in Count Four. Bacanovic was convicted on Counts One, Two, Six, and Seven. He was acquitted on Count Five (the false worksheet document), on one specification of Count Two, and on several specifications of Count Six.

May 5, 2004

Two motions for a new trial denied. ECF Nos. 156 and 157; ECF No. 156 is reported at 317 F. Supp. 2d 432.

What this means: One motion claimed a juror had concealed information on his jury questionnaire. The other claimed the jury considered outside information. The judge found neither claim justified a new trial.

July 8, 2004

Further new-trial motions denied. ECF No. 174; reported at 323 F. Supp. 2d 606.

What this means: After the trial, a government ink expert was charged with perjury over his testimony. The judge ruled there was no reasonable likelihood his testimony affected the verdict, and that overwhelming independent evidence supported it.

July 16, 2004

Sentencing. Minute entry. Stewart filed her notice of appeal the same day (ECF No. 179); Bacanovic's is ECF No. 180.

What this means: Each defendant received five months in custody, then two years of supervised release with five months of home confinement. Stewart was fined $30,000 and Bacanovic $4,000, plus a $400 special assessment each. The court stayed (put on hold) execution of the sentences while the appeals were pending.

July 20, 2004

Judgments of conviction entered. Stewart: ECF No. 177 (signed July 19, entered July 20). Bacanovic: not in public copy.

What this means: This is the formal document that makes the conviction and sentence official. It is the paper most families need first.

September 15, 2004

Stewart announced she would begin serving her sentence while her appeal was still pending.

What this means: She asked to start serving while her appeal continued. The stay was lifted and an amended judgment followed (next entry).

September 22, 2004

Amended judgment for Stewart. ECF No. 269 (signed September 21, entered September 22).

What this means: The amended judgment ordered her to surrender to the Bureau of Prisons before 2 p.m. on October 8, 2004. When two versions of a judgment exist, the amended one controls.

October 8, 2004

Stewart reported to the federal prison camp in Alderson, West Virginia.

What this means: She began serving the five-month custody term while her appeal was still pending.

December 29, 2004

Amended judgment for Bacanovic. Not in public copy.

What this means: His stay was also vacated and an amended judgment entered. Bacanovic finished the custody part of his sentence in June 2005.

March 4, 2005

Stewart released from Alderson.

What this means: She then began the home-confinement and supervised-release part of her sentence.

March 2005

Second Circuit sent the sentencing part of Stewart's case back to the district court. Order filed March 22, 2005, ECF No. 287.

What this means: After the Supreme Court's Booker decision made the sentencing guidelines advisory, the appeals court let the judge decide whether she would have imposed a different sentence. Stewart's challenge to the conviction stayed with the appeals court.

April 11, 2005

District court declined to change Stewart's sentence. ECF No. 292; 2005 WL 831272.

What this means: The judge said she would have imposed the same sentence anyway, and also denied Stewart's requests to change her home-detention conditions and supervised-release term.

January 6, 2006

Second Circuit decided the appeal: United States v. Stewart, 433 F.3d 273. Mandate issued January 27, 2006 (ECF No. 294).

What this means: Both defendants' convictions were affirmed. The case was sent back only so the judge could consider whether to change Bacanovic's sentence under Booker; his conviction was not disturbed.

4. Documents, organized by purpose

The Case Report names each key document, gives its docket entry number, and explains what it is for. Where a free public copy exists online, the report links to it; the report does not include purchased filing copies. Copies of court filings themselves come with the $39 Judgment Pull (the judgment) or the $79 Docket Packet (the full file).

Charging documents

Superseding Indictment S1 03 Cr. 717 (January 5, 2004), ECF No. 84

The nine counts the government had to prove, count by count, with the statute for each. Free public copy: U.S. Department of Justice archive (PDF), linked below.

Original Indictment (June 4, 2003), ECF No. 1

Replaced by the superseding indictment, but it shows how the case started.

Judgment and sentencing

Stewart: Judgment (entered July 20, 2004), ECF No. 177; Amended Judgment (entered September 22, 2004), ECF No. 269

The official record of the conviction and the exact sentence: custody time, supervised release, home confinement, fine, special assessment, and conditions.

Bacanovic: Judgment (entered July 20, 2004) and Amended Judgment (December 29, 2004), ECF numbers not in public copy

Same purpose for the co-defendant.

Sentencing transcript for Stewart (hearing of July 16, 2004), ECF No. 188

What the judge said in court when imposing the sentence.

Court decisions

Rule 29 opinion on Count Nine, 305 F. Supp. 2d 368 (Feb. 27, 2004), ECF No. 101

Why the judge acquitted Stewart of securities fraud. Free copy: CourtListener.

New-trial rulings: 317 F. Supp. 2d 432 (May 5, 2004), ECF No. 156; companion opinion, ECF No. 157; 323 F. Supp. 2d 606 (July 8, 2004), ECF No. 174

Why the convictions stood despite the juror and ink-expert issues.

Remand decision, 2005 WL 831272 (Apr. 11, 2005), ECF No. 292

Why Stewart's sentence was not changed after Booker.

Appeal

Notices of appeal, ECF Nos. 179 (Stewart) and 180 (Bacanovic)

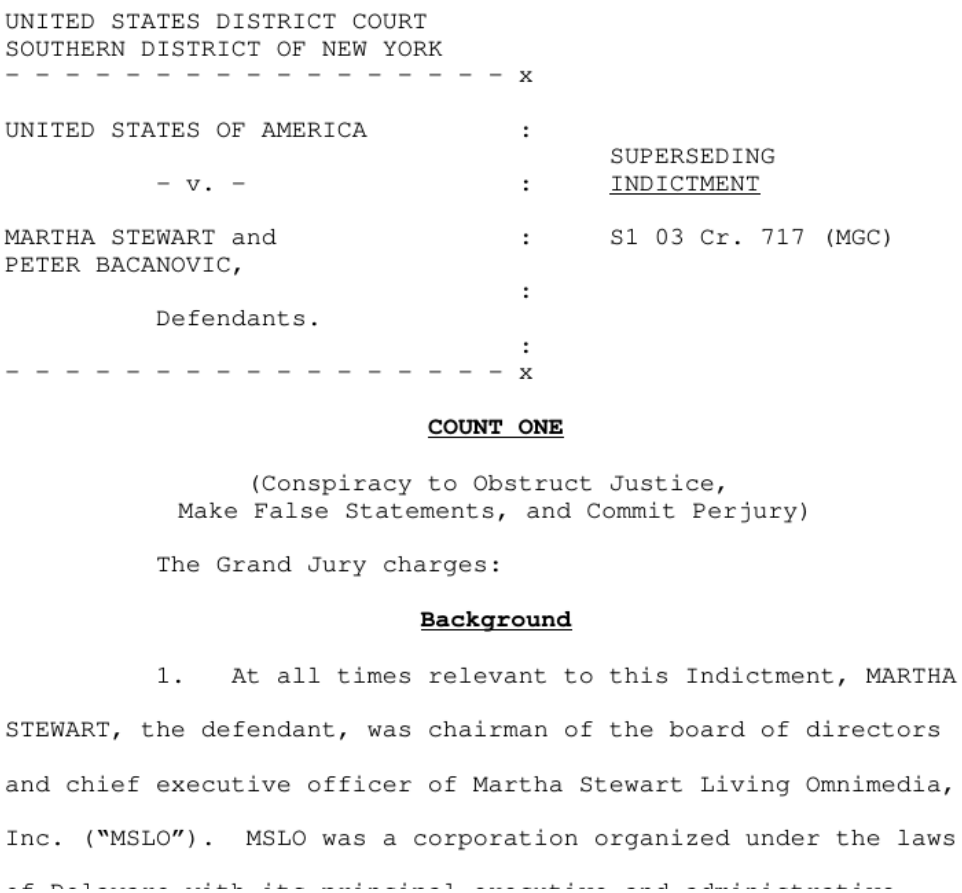
The filings that started the appeal.

United States v. Stewart, 433 F.3d 273 (2d Cir. Jan. 6, 2006); mandate, ECF No. 294

The published appeals decision and the main source for the charges, verdicts, and sentences in this report. Free copy linked below.

Example: a real public document from this case

Shown here: the top of page 1 of the Superseding Indictment, S1 03 Cr. 717 (ECF No. 84), from the free public copy in the U.S. Department of Justice archive.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - - - - x

UNITED STATES OF AMERICA :

- v. - : SUPERSEDING INDICTMENT

MARTHA STEWART and PETER BACANOVIC, : S1 03 Cr. 717 (MGC)

Defendants. :

- - - - - - - - - - - - - - - - - - - x

COUNT ONE

(Conspiracy to Obstruct Justice, Make False Statements, and Commit Perjury)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, MARTHA STEWART, the defendant, was chairman of the board of directors and chief executive officer of Martha Stewart Living Omnimedia, Inc. ("MSLO"). MSLO was a corporation organized under the laws

How to read the caption. The court is at the top left. The parties are under it: the United States, then the defendants. On the right are the document type and the case number. "S1" marks the first superseding indictment, and "(MGC)" is the judge's initials.

Full document: Superseding Indictment S1 (DOJ archive, PDF)

The appeals decision is also free to read: United States v. Stewart, 433 F.3d 273

The public docket copy used for this report: CourtListener RECAP docket 8503400

5. What remains open

No pending motion was identified in the available docket copy; the missing entries and sentencing-remand outcome were not verified. The copy reviewed was CourtListener RECAP docket 8503400, latest entry ECF No. 301 dated September 22, 2010, accessed November 17, 2026. The last activity in that copy, in 2010, was an unrelated filing by a non-party, which the Second Circuit dismissed. That copy does not include entries 295 to 298 or show how the 2006 remand of Bacanovic's sentence was resolved; the official PACER docket would. For an open case, this section lists exactly what is still unresolved, as in the example below.

EXAMPLE: what this section looks like for an open case. Illustration only; bracketed items are placeholders, not real case information. Pending motion: [Motion name], filed [Date] by [Party] - what the motion asks the judge to do, in plain language, and what happens if it is granted or denied [ECF No.]. Response deadline: [Date] - when the other side's response is due, and under which order or rule [ECF No.]. Next court date: [Hearing type], [Date] - what usually happens at this kind of hearing [ECF No.].

6. Where they are now

For a person who is or was in federal custody, a paid report includes the BOP register number, the current facility, and the projected release date shown by the Federal Bureau of Prisons Inmate Locator; if the person has been released, the district where they are supervised, when that information is public. For this sample the case is long finished (both custody terms ended in 2005), so no register numbers are listed here.

Before you mail court papers to someone in federal prison: do not mail a Presentence Report (PSR) or the Statement of Reasons (SOR) from a judgment. Under BOP Program Statement 1351.05, PSRs and SORs received by mail are treated as contraband, and people in custody can be disciplined for having copies. They may ask staff to review their own PSR and SOR.

Check custody status any time, free: BOP Inmate Locator

7. Who to contact

Every paid report lists these offices for the district where the case is filed. For this case:

Clerk's Office	U.S. District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, NY 10007-1312. The clerk keeps the official docket and copies of filed documents.
Pro Se Intake Unit	500 Pearl Street, Room 205, New York, NY 10007. Accepts filings from people who do not have a lawyer, by mail, in person, or by email under the court's posted procedures.
Federal Defenders	Federal Defenders of New York, Manhattan office: 52 Duane Street, 10th Floor, New York, NY 10007, (212) 417-8700. Provides court-appointed lawyers for people charged in federal criminal cases in this district who cannot afford one.

Court website: nysd.uscourts.gov

Pro se page: nysd.uscourts.gov/prose

Federal Defenders: federaldefendersny.org

Contact details were checked on the offices' own websites on November 17, 2026. Offices can move or change procedures, so confirm before mailing anything.

What your $15 Case Report includes

- A case overview checked against the docket: the right defendant, court, case number, judge, filing date, and charges.
- Every count, with the statute and how that count ended.
- The case explained in plain language, without legal jargon.
- A timeline of the key events, with the docket entry number for each key item and a plain-language note on what it means.
- The key documents organized by purpose and named with their entry numbers, with links to the free public copies where they exist.
- A "what remains open" section that states exactly what is still unresolved, or what the checked records show if nothing is.
- Where the person is now, from the Bureau of Prisons Inmate Locator, when that information is public.
- The contact offices for the district where the case is filed: clerk, pro se intake, and federal defenders.
- The sources used, with the date they were checked.

How it differs from the Judgment Pull ($39) and the Docket Packet ($79)

The Case Report explains a case; the Judgment Pull and the Docket Packet deliver the papers themselves. The table below shows exactly what each one includes.

	Case Report, $15	Federal Judgment Pull, $39	Federal Docket Packet, $79
What you get	The official PACER index record for one case, plus the public docket detail where it exists, as a clean PDF report: overview, counts, timeline, documents, what remains open, contacts, sources.	The Judgment & Commitment Order; the Statement of Reasons when it is publicly available (the cover sheet says so if it is sealed); a one-page Sentence Summary taken from the judgment; a cover sheet listing everything inside.	A contents page; the case overview; a plain-language timeline tied to the docket entries; the complete docket sheet; the key documents grouped by purpose, with the original PDFs; a closing page on what remains open and when the record was last checked.
Delivery	By email within 2 business days	By email within 2 business days	By email within 2 business days
Refund promise	Full refund if the case cannot be found from the details you give us.	Full refund if the case cannot be found, or the judgment is not retrievable because the case is sealed.	Full refund if the case cannot be found, or the case is sealed.

About this report

Price	$15, one time, per case.
Turnaround	Emailed to you within two business days of your order.
Where it comes from	Public federal court records only: the court docket, filed documents, and published court decisions. Nothing private or sealed.
PACER fees	Included in the price. There are no extra charges.
Sealed or not found	Sealed cases and sealed filings are not public, so they cannot appear in a report. The case search covers the public federal index; sealed cases and cases filed under a different name spelling will not appear.
Refunds	Full refund if the case cannot be found or is sealed, no questions asked. To ask for a refund, email info@prosehelpllc.com with your order details. Records products (Case Report, Judgment Pull, Docket Packet) are covered by the Pro Se Help Refund Policy.

Sources

- United States v. Stewart, 433 F.3d 273 (2d Cir. 2006), the appeals decision.
- Docket, United States v. Stewart, No. 1:03-cr-00717 (S.D.N.Y.), public RECAP copy, latest entry ECF No. 301 (Sept. 22, 2010), accessed November 17, 2026: CourtListener.
- United States v. Stewart, 305 F. Supp. 2d 368 (S.D.N.Y. Feb. 27, 2004): CourtListener.
- United States v. Stewart, 317 F. Supp. 2d 432 (S.D.N.Y. May 5, 2004) and 323 F. Supp. 2d 606 (S.D.N.Y. July 8, 2004).
- Superseding Indictment S1 03 Cr. 717: U.S. Department of Justice archive.
- Custody dates (September 15, 2004 announcement; October 8, 2004 report date; March 4, 2005 release): contemporaneous reporting.
- Contacts: nysd.uscourts.gov; federaldefendersny.org. Custody: BOP Inmate Locator; BOP Program Statement 1351.05.

How to order

Find your case for free with the Federal Case Locator, then use the case's order button, or order the $15 Case Report directly and name the case at checkout.

Start here: Federal Case Locator (free search)

Questions: call 1 (866) 777-6731 or email info@prosehelpllc.com.