The government contends that the weight of Anzalone’s testimony outweighs the impact of his guilty plea, arguing that “much of this potential for prejudice is negated when the pleading co-defendant ... testifies regarding the specific facts underlying the crimes in issue” (United States v. Thornton, 609 F.3d 373, 378 (6th Cir. 2010)).

However, the Thornton case is not applicable here; it involved an illicit drug conspiracy where a co-defendant confirmed his illegal activities, such as purchasing cocaine with the intent to distribute it. In that case, the defense did not preserve this argument, which was then reviewed under a plain error standard. In contrast, Hosseinipour’s objection to the use of the plea was preserved. Furthermore, the government, in the Thornton case, did not raise the plea issue during closing arguments or use the plea to demonstrate guilt.

In contrast, Anzalone's testimony focused entirely on legitimate, legal activities associated with multi-level marketing (MLM) business-building practices and served to exculpate Hosseinipour and Barnes. His references to a "recruiting focus" were merely semantic and required a legal determination regarding whether this "recruiting focus" crossed an ambiguous line between legal and illegal MLM conduct, based on a non-defined regulatory standard of "overemphasis" on recruitment.

Unlike in the Thornton case, Anzalone, despite his plea cooperation deal, consistently maintained the innocence of Hosseinipour and Barnes by asserting their collective lack of intent. He testified that neither he nor Hosseinipour knowingly participated in a criminal conspiracy or believed they were engaging in unlawful activities.

Anzalone repeatedly defended both his and Hosseinipour’s belief in Maike, Koerner, the company, and the products. He highlighted Hosseinipour’s focus on customers and helping people and stated that he would not lie, mislead, or deceive anyone. He asserted that the products were legitimate and directly linked to commission rewards, which contradicts the notion of a pyramid scheme. He noted that 25% of the business volume was influenced by actual product usage.

Anzalone testified that his wife and Hosseinipour trained on the products, emphasizing that everyone believed in the long-term opportunities they presented. He expressed skepticism that Barnes would represent the company if he sensed any wrongdoing.

In contrast to the Thornton case, the Anzalone plea required the jury to infer guilt without necessitating a finding of mens rea. The reference to Anzalone being Hosseinipour’s “partner in this crime” drew from the guilty plea rather than from Anzalone’s testimony refuting his criminal intent. Unlike the Thornton case, the government did not attempt to use Anzalone’s plea for credibility purposes.

Considering the circumstances surrounding Anzalone's plea, wherein his attorney “explained the law” to him despite his lack of criminal intent, it is evident that the jury could only conclude that mens rea was not required to determine guilt. Consequently, Hosseinipour and Barnes, despite lacking criminal intent, were presumed guilty.

Ultimately, contrary to the government's depiction, there was no other evidence of guilt.