
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
 :
 v. :
 : **Mag. No. 12-3528 (MF)**
 JACK E. POLO, a/k/a "Spank" :

I, Ryan Alexander, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about November 6, 2011 through in or about January 7, 2012, in Hudson County, in the District of New Jersey, and elsewhere, defendant JACK E. POLO, a/k/a "Spank," did:

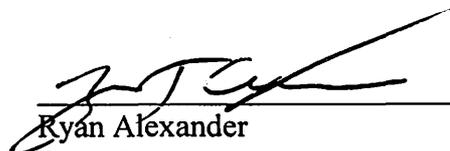
knowingly and intentionally conspire and agree to distribute, dispense, and possess with intent to distribute and dispense oxycodone, a Schedule II controlled substance, not for a legitimate medical purpose and beyond the bounds of medical practice, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C),

in violation of Title 21, United States Code, Section 846.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.



Ryan Alexander
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
February 14, 2012, at Newark, New Jersey

HONORABLE MARK FALK
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

I, Ryan Alexander, a Special Agent with the U.S. Federal Bureau of Investigation, following an investigation and discussions with other law enforcement officers, have knowledge of the following facts:

1. On or about November 6, 2011, a cooperating witness ("CW") met defendant JACK E. POLO, a/k/a "Spank," ("POLO") at a location in Middlesex County, New Jersey. At that time, POLO informed the CW, in substance and in part, that POLO would sell the CW prescriptions for oxycodone; POLO obtained the program and special printer required to print the prescriptions from a friend; POLO has approximately 400 doctors and a couple of different telephone numbers to print on the scripts; and POLO has people answering the telephones to act as if they work at the doctors' offices in the event a pharmacy calls to confirm a prescription. Further, POLO told the CW that if the CW wanted prescriptions that the CW only had to provide POLO with names and that POLO could get the prescriptions done on the same day.

2. Subsequently, through a series of text messages, POLO agreed to sell the CW fifteen fraudulent prescriptions for oxycodone for \$300 per prescription. The CW provided POLO with fifteen fictitious names, addresses, and dates of birth, as directed by FBI agents.

3. On or about November 9, 2011, POLO and the CW met at a location in Union County, New Jersey. At that meeting which was observed by FBI agents, POLO provided the CW with fifteen fraudulent prescriptions in the names of the fictitious patients that the CW provided to POLO previously, each for 120, 30 mg pills of oxycodone, in exchange for \$4,500.

4. Similarly, on or about December 7, 2011, at the direction of FBI agents, the CW purchased ten fraudulent prescriptions, each for 120, 30 mg pills of oxycodone, from POLO for \$3,000. The fraudulent prescriptions were all purportedly written in the name of Doctor D.G. to fictitious patients with names, addresses, and dates of birth provided by the CW to POLO, as the CW was directed to do by FBI agents ("D.G. Prescriptions").

5. On or about December 15, 2011, two undercover telephone calls were placed to the telephone number printed on the D.G. Prescriptions. The first telephone call was answered by a voicemail greeting stating that the caller had reached the office of Doctor J.H., Rheumatology and Orthopaedics. The second telephone call was answered by a female who claimed to be working for Doctor D.G. The female proceeded to verify the D.G. Prescriptions.

6. On or about December 29, 2011, at the direction of FBI agents, the CW again purchased five fraudulent prescriptions from POLO, each for 120, 30 mg pills of oxycodone, for \$1,500. That morning, FBI agents observed POLO meet with the CW in Nassau County, New York. During this morning meeting, the CW provided POLO with five fictitious names, dates of birth, and addresses for POLO to make the fraudulent oxycodone prescriptions. After the morning meeting, FBI agents continued to conduct surveillance of POLO.

7. Approximately one hour after the morning meeting with the CW, FBI agents observed POLO enter a residence located in Nassau County, New York. FBI agents observed POLO depart the residence approximately twenty minutes later and proceed directly to meet with the CW. At this afternoon meeting, POLO provided the CW with the five fraudulent oxycodone prescriptions in the names of the five fictitious patients that the CW provided to POLO at the morning meeting.

8. After the CW informed POLO that there was a mistake in the identification numbers on the prescriptions, POLO agreed to replace the prescriptions. On or about January 7, 2012, POLO arranged for another unnamed co-conspirator to meet with the CW to provide the CW with five replacement prescriptions, each for 120, 30 mg pills of oxycodone. This meeting, which occurred in Hudson County, New Jersey, was observed by FBI agents.

9. The New York State Bureau of Narcotics Enforcement has confirmed that all of the fraudulent oxycodone prescriptions sold by POLO to the CW were printed on official New York State prescription paper, which was assigned and shipped to a medical center for official hospital use.