

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

- 1. SAM JAHANI**
- and**
- 2. ERIC A. PEPER,**

Defendants

**INDICTMENT
18 U.S.C. § 1347
18 U.S.C. § 1956(h)
18 U.S.C. § 1956(a)(1)(A)(i)
21 U.S.C. § 841(a)(1) & (b)(1)(C), (b)(1)(E)**

The Grand Jury Charges:

COUNTS ONE THROUGH ELEVEN

A. INTRODUCTION

At all times material to this Indictment:

- 1. SAM JAHANI, D.O.,** was a licensed physician in the state of Colorado with medical license number 38632. His National Provider Identifier (NPI) number was 1306894118 and his Unique Physician Identification Number (UPIN) was D72779.
- 2. ERIC A. PEPER, M.D.,** was a licensed physician with conditions in the

state of Colorado, with medical license number 40436. On March 17, 2005, **PEPER** entered into a Stipulation and Final Agency Order in which he was required to participate in a monitoring and education program. His National Provider Identifier (NPI) number was 1659318137 and his Unique Physician Identification Number (UPIN) was E77253.

3. **SAM JAHANI** operated a medical business called Urgent Care, Inc., which was formed on or about November 1, 2005. **JAHANI** submitted bills for services under his business name. He conducted business at three locations: (1) 164 West 3rd Street, Delta, Colorado 81416; (2) 2305 South Townsend Avenue, Unit B, Montrose, Colorado 81401 (business name was “Urgent Care”), and: (3) 517 North 1st Street, Grand Junction, Colorado 81501 (business name was also “Urgent Care”).

4. **ERIC A. PEPER** was an employee of **SAM JAHANI**, and worked at the Delta office and the Grand Junction Urgent Care clinic.

Controlled Substances

5. The Controlled Substances Act (“CSA”) governs the manufacture, distribution, and dispensation of controlled substances in the United States. The term “controlled substance” means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV, and V, as designated by Title 21, United States Code, Section 802 (6) and the Code of Federal Regulations.

6. The term “Schedule II” means the drug or other substance has a high

potential for abuse. The drug has a currently accepted medical use with severe restrictions, and the abuse of the drug or other substance may lead to severe psychological or physical dependence.

7. The Drug Enforcement Administration (“DEA”) issues registration numbers to qualifying doctors, who become authorized to dispense Schedule II, III, IV, and V controlled substances. To issue a prescription for a controlled substance, a doctor must have a DEA registration number.

8. **SAM JAHANI** possessed Drug Enforcement Administration registration number BJ1423374, which authorized him to prescribe controlled substances in Schedules II through V. **ERIC A. PEPER** possessed Drug Enforcement Administration registration number AP3120451, which authorized him to prescribe controlled substances in Schedules II through V.

Health Care Benefit Programs

9. The term “health care benefit program,” as defined in Title 18, United States Code, Section 24, means any public or private plan or contract, affecting commerce, under which any medical benefit, item or service was provided to any individual, and included any individual or entity who was providing a medical benefit, item or service for which payment may be made under the plan or contract. This definition includes Medicare, Medicaid, and privately operated health care plans included herein.

The Medicaid System

10. The Medicaid system was designed under the Social Security Act (Title 42, United States Code, Section 301, *et. seq.*) for the payment of medical costs associated with the treatment of indigent patients. The Medicaid system was administered by each state individually, but was funded in part with federal funds. The United States Department of Health and Human Services (“HHS”) provided federal funding to the State of Colorado Medicaid System.

11. The Colorado Department of Health Care Policy and Financing (“HCPF”) was the single state agency that administered and monitored the Medicaid program. HCPF was assisted by its contract fiscal intermediary, ACS, 518 17th Street, Suite 400, Denver, Colorado.

12. Provider participation in the Medicaid program was voluntary. A participating provider was a person, organization, or institution with a valid participation agreement. The provider signed a Provider Participation Agreement which stated:

Provider, and person signing the claim or submitting electronic claims on Provider’s behalf, understand that failure to comply with any of the above in a true and accurate manner will result in any available administrative or criminal action available to the Department, the State Attorney General’s Medicaid Fraud Control Unit, or other government agencies. The knowing submission of false claims or causing another to submit false claims may subject the persons responsible to criminal charges, civil penalties, and/or forfeitures.

13. Upon receipt of Medicaid claims from providers, the fiscal agent (ACS) processed the claims, and advised HCPF of the amount to be paid to the provider. HCPF then prepared and paid the claim, either in the form of a state warrant mailed to

the provider or representative, or by electronic funds transmission to the bank account of the provider or representative, in the reimbursement amount determined by the fiscal agent pursuant to HCPF rules and guidelines.

14. Medicaid also paid for prescriptions for eligible Medicaid patients. Physicians issuing the prescriptions were not required to be a participating Medicaid provider. The pharmacies entered the data from the prescriptions into an electronic data base system known as the "Point of Sale" system along with the recipient's eligibility Medicaid identification number. The data was transmitted to determine whether the recipient's eligibility was current and if the drug prescribed was listed on the Colorado drug formulary. The claim was reviewed, processed and if approved, paid to the pharmacy.

15. One of the critical conditions for the payment of a prescription was that the medication had been authorized for a legitimate, medically necessary purpose.

16. **SAM JAHANI and ERIC A. PEPER** were authorized providers of physician services under the Colorado Medicaid program. **JAHANI** had been a participating provider in the Medicare and Medicaid programs in Colorado since approximately 2000, and had two individual Medicaid provider numbers, 37332538 and 65673221. **PEPER** began participating in the Medicare and Medicaid programs in Colorado in approximately 2002, and his Medicaid provider number was 30253349.

17. Regardless of their provider status, prescriptions issued by **SAM JAHANI**

and ERIC A. PEPER to eligible Colorado Medicaid recipients could be filled and dispensed by Medicaid-participating pharmacies and paid for by Medicaid.

The Medicare Program

18. HHS, through the Centers for Medicare and Medicaid Services (“CMS”), administered the Medicare Program, which was a federally-funded medical benefits program to provide health care services to the elderly and disabled. Provider participation in the Medicare program was voluntary. A participating provider is a person, organization, or institution with a valid participating physician or supplier agreement.

19. Trailblazer’s Health Enterprises was the Medicare Administrative Contractor (“MAC”) which administered and monitored the Medicare program for Part A and Part B in Colorado. MACs were private entities that made payments to providers for services rendered to Medicare beneficiaries. They were responsible for processing Medicare claims arising within their assigned geographic area, including determining whether the claim was for a covered service. The MAC also assigned the provider a unique provider identification number, which was a necessary identifier for billing purposes.

20. The Medicare Prescription Drug Program, Part D, was administered by the commercial health insurance plans chosen by the Medicare beneficiary. The health insurance plans were private entities that made payments to the pharmacies for the prescriptions. They were responsible for processing Medicare claims arising within their

assigned geographic area, including determining whether the claim was for a covered service.

21. In regard to pharmacy claims, the participating pharmacy electronically submitted the claim to the beneficiary's health plan. The claim was reviewed, processed and if approved, paid to the pharmacy.

22. One of the critical conditions for the payment of a prescription is that the medication was authorized for a legitimate, medically necessary purpose.

23. Under Medicare regulations, the provider submitted either a hard copy claim (Health Insurance Claim Form, CMS 1500) or an electronic claim to the assigned Medicare program's MAC. When a provider submitted a claim to Medicare, it included information such as the beneficiary's name, address and date of birth, Medicare's personal identification number, date and type of service provided, place of service, procedure code, diagnosis code, amount billed and other relevant medical information.

On the reverse side of the CMS 1500 appeared notices and information to the provider:

Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under law and may be subject to civil penalties.

24. Under the section entitled "Signature of Physician or Supplier (Medicare, CHAMPUS, FECA and Black Lung)," stated:

I certify that the services shown on this form were medically indicated and necessary for the health of the patient and were personally furnished by me or were furnished incident to my professional service by my employee under my immediate personal supervision, except as otherwise expressly permitted by

Medicare or CHAMPUS regulations.

25. The claim was reviewed, processed and if approved, paid to the provider via mail or electronically to their bank account.

26. To receive Medicare reimbursement, providers of services to Medicare beneficiaries were required to make appropriate application to the MAC and execute a written Provider Agreement. The Provider Agreement obligated the provider to know, understand and follow all Medicare regulations and rules. In the Medicare provider enrollment application, under section #15 Certification Statement, items #7 and #8 state:

I understand that the Medicare identification number issued to me can only be used by me or by a provider or supplier to whom I have reassigned my benefits under current Medicare regulations, when billing for services rendered by me. I will not knowingly present or cause to be presented a false or fraudulent claim for payment by Medicare, and will not submit claims with deliberate ignorance or reckless disregard of their truth or falsity.

27. **SAM JAHANI and ERIC A. PEPER** were authorized providers of physician services under the Medicare program.

Rocky Mountain Health Plans

28. Rocky Mountain Health Plans ("RMHP") was an independent, not-for-profit health benefits provider in Colorado. RMHP was a company which provided health insurance to beneficiaries and issued payments to providers for covered medical services. RMHP was a contractor for the provision of medical services to Medicaid-eligible clients.

CPT Codes

29. Medical providers and health care benefit programs used well-known and standard insurance processing codes to identify certain medical diagnoses and medical treatments or procedures. The codes for medical procedures were called “CPT” codes (physicians’ Current Procedural Terminology, published by the American Medical Association). Medical providers recorded diagnoses and medical procedures on a standard claim form known in the industry as the Health Care Financing Administration 1500 (HCFA-1500) form, which was then sent to the patients’ health care benefit program. CPT codes must be designated on the HCFA-1500 claim form by the health care provider and then submitted either by mail or electronically to the health care benefit program for payment.

30. Specific CPT codes were also assigned for evaluation and management (“E/M”) services provided to established patients in a physician’s office (some of the E/M services were known as “office visits”). Among these E/M services were office visits billed under CPT codes “99211,” “99212,” “99213,” “99214,” and “99215.” Insurance companies reimbursed health care providers at increasing rates based upon the level of complexity indicated by the office visit codes. For example, CPT code 99214 was used for office visits for evaluation and management of an established patient which required the physician to perform at least two of the following three components: a detailed history; a detailed examination, and moderately complex medical decision-making.

31. By submitting claims using these CPT codes, providers represented to Medicare, Medicaid, and other insurances the services depicted in the codes were, in fact, performed and/or provided. Reimbursement rates for the CPT codes were set through a “fee schedule” created by Medicare. The fee schedule outlined the maximum amount the government and/or the insurance company allows the provider to collect for a given service.

Prescriptions

32. The PDMP, or Colorado Prescription Drug Monitoring Program, was a statewide electronic database which collected designated data on substances dispensed in the state. The agency then distributed, to those authorized by law, the informational data for purposes of their profession. The PDMP was primarily used by medical professionals to determine whether particular patients had sought scheduled drugs from other sources. The main principles behind the PDMP were to identify and subsequently deter prescription drug abuse, dependence and diversion. Both **SAM JAHANI** and **ERIC A. PEPER** were authorized to utilize the PDMP database.

33. Prescriptions for controlled substances issued by **SAM JAHANI** and **ERIC A. PEPER** to patients would be presented by patients at various pharmacies, and claims for many of these prescriptions would be submitted to health care benefit programs for reimbursement and payment.

Relevant Controlled Substances

34. Oxycodone was a narcotic drug, a Schedule II controlled substance, and was marketed commonly as “OxyContin,” “OxyIR,” “Percocet,” “Percodan,” “Endocet” and “Tylox.” Common street names included “Oxy,” “O,” “OC” and “Perc.”

35. Morphine was a narcotic drug, a Schedule II controlled substance, and was marketed commonly as “Kadian,” “MS Contin,” “MSIR,” and “Avinza.”

36. Fentanyl was a narcotic drug, a Schedule II controlled substance, and was marketed commonly as “Fentora.” Common street names included “chicklets” and “lolly pops.”

37. Methadone was a narcotic drug, a Schedule II controlled substance, and was marketed commonly as “Methadose” and “Roxane.”

38. Hydromorphone was a narcotic drug, a Schedule II controlled substance, and was marketed commonly as “Dilaudid.”

39. Hydrocodone was a narcotic drug, a Schedule III controlled substance, and was marketed commonly as “Lorcet,” “Lortab,” “Vicodin,” “Zydone,” and “Tussionex.”

40. Propoxyphene was a narcotic drug, a Schedule IV controlled substance, and, combined with acetaminophen, was marketed commonly as “Darvocet.” It was withdrawn from the U.S. market in November 2010.

41. Alprazolam was an anti-anxiety drug, a Schedule IV controlled substance, and was marketed commonly as “Xanax.” Common street names included “Zannies.”

42. Diazepam was a hypnotic or sedative drug, a Schedule IV controlled

substance, and was marketed commonly as “Valium.”

43. Lorazepam was an anti-anxiety drug, a Schedule IV controlled substance, and was marketed commonly as “Ativan.”

44. Clonazepam was an anticonvulsant and sedative drug, a Schedule IV controlled substance, and was marketed commonly as “Klonopin.”

45. Temazepam was an anti-anxiety drug, a Schedule IV controlled substance, and was marketed commonly as “Restoril.”

46. Zolpidem was a hypnotic or sedative drug, a Schedule IV controlled substance, and marketed commonly as “Ambien.”

47. Modafinil was a medication that promotes wakefulness, a Schedule IV controlled substance, and marketed commonly as “Provigil.”

48. The combination of buprenorphine and naloxone was a maintenance treatment for opioid dependence, a schedule III controlled substance, and marketed commonly as “Suboxone.”

49. Pregabalin was a pain medication, a Schedule V controlled substance, and marketed commonly as “Lyrica.”

50. Carisoprodol was a non-scheduled muscle relaxant, and marketed commonly as “Soma.”

51. Phentermine was a stimulant, a Schedule IV controlled substance, and marketed commonly as “Fastin.”

B. SCHEME

That on or about and between January 1, 2006, and April 30, 2010, in the District of Colorado and elsewhere, the defendants,

**SAM JAHANI
and
ERIC A. PEPER,**

did knowingly and willfully execute and attempt to execute a scheme to defraud health care benefit programs, namely Medicaid, Medicare, and commercial health care plans, and to obtain, by means of material false and fraudulent pretenses, representations and promises, money and property owned by, and under the custody and control of, the above-named health care benefit programs, in connection with the delivery of and payment for health care benefits, items and services.

C. MANNER AND MEANS

The manner and means by which the scheme was carried out are as follows:

1. **SAM JAHANI and ERIC A. PEPER** prescribed controlled substances to patients without determining a sufficient medical necessity for the prescription of controlled substances.
2. **SAM JAHANI and ERIC A. PEPER** prescribed controlled substances to patients in a manner which was inconsistent with the usual course of professional practice and for other than legitimate medical purpose.
3. **SAM JAHANI and ERIC A. PEPER** caused patients to fill prescriptions for controlled substances at various pharmacies, allowing the pharmacies to file claims and

obtain reimbursement for those prescriptions from health care benefit programs used by the patients submitting the prescriptions issued by **JAHANI and PEPER**.

4. **SAM JAHANI and ERIC A. PEPER** required patients to pay for follow-up visits to obtain additional prescriptions for controlled substances.

5. **SAM JAHANI and ERIC A. PEPER** prescribed controlled substances in quantities and dosages that would cause patients to abuse, misuse, and become addicted to the controlled substances.

6. **SAM JAHANI and ERIC A. PEPER** prescribed quantities and combinations of controlled substances to patients but failed to adequately medically address the misuse and abuse of the prescribed controlled substances of the patients.

7. **SAM JAHANI and ERIC A. PEPER** prescribed controlled substances to patients knowing that their patients were addicted to the controlled substances, misusing the controlled substances, or “doctor-shopping,” and were requesting additional quantities of controlled substances to support the patients’ drug habits.

8. **SAM JAHANI and ERIC A. PEPER** prescribed controlled substances to patients knowing that their prescribing endangered their patients’ lives, and if taken as directed, their prescriptions would be expected to result in accidental fatal overdoses.

9. **SAM JAHANI and ERIC A. PEPER** prescribed controlled substances to patients in such strengths and quantities that their prescribing became a contributing factor in the patients’ overdose deaths.

10. **SAM JAHANI and ERIC A. PEPER** knowingly falsified, and caused to be falsified, medical records.

11. **SAM JAHANI and ERIC A. PEPER** engaged in “upcoding,” a fraudulent practice whereby providers bill health care benefit programs using a CPT code with a higher reimbursement rate than is justified for the services actually rendered.

12. **SAM JAHANI** billed and caused his business to bill for services not rendered, including for services claimed to have been provided to patients after the patients’ deaths.

13. **SAM JAHANI and ERIC A. PEPER** and others performed acts and made statements to hide and conceal, and cause to be hidden and concealed, the fraudulent scheme and the acts committed in furtherance thereof.

D. EXECUTION OF THE SCHEME

That on or about the dates set forth below, in the District of Colorado and elsewhere, for the purpose of executing and attempting to execute a scheme to defraud health care benefit programs and to obtain their money and property by false and fraudulent pretenses, representations and promises, and attempting to do so, the defendants named below knowingly and willfully caused money to be obtained from health care benefit programs named herein, based upon false and fraudulent claims that the defendants caused to be submitted for medical services and procedures that were not medically necessary:

COUNT	DEFENDANT	DATE	CPT CODE	PATIENT	HEALTH CARE PROGRAM
ONE	JAHANI	6/20/08	99214	K G.	Private Insurance
TWO	PEPER	1/26/09	99213	C.S.	RMHP
THREE	JAHANI	3/2/09	99215	C.S.	RMHP
FOUR	PEPER	12/10/08	99213	W. F.	Medicare
FIVE	PEPER	3/4/09	99213	W. F.	Medicare
SIX	JAHANI	7/15/09	99214	P. M.	RMHP
SEVEN	PEPER	7/25/09	99213	J. H.	Medicaid
EIGHT	PEPER	9/4/09	99213	A. W.	Medicaid
NINE	PEPER	9/4/09	99213	C. H.	Private Insurance
TEN	JAHANI	9/29/09	99214	V. A.	Medicare
ELEVEN	JAHANI	10/2/09	99213	V. A.	Medicare

All in violation of Title 18, United States Code, Section 1347.

COUNT TWELVE

1. The allegations contained in Sections A and C of Counts One through Eleven are hereby expressly incorporated as if set forth herein.

2. That on or about and between November 1, 2007, and January 1, 2010, in the District of Colorado and elsewhere, the defendants,

SAM JAHANI
and

ERIC A. PEPPER,

did knowingly combine, conspire, confederate and agree with each other and with other persons known and unknown to the Grand Jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, that is, to knowingly conduct a financial transaction affecting interstate and foreign commerce, which involved the proceeds of a specified unlawful activity, specifically health care fraud in violation of Title 18, United States Code, Section 1347, with the intent to promote the carrying on of said specified unlawful activity, and that while conducting such financial transaction, the defendants knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS THIRTEEN THROUGH TWENTY-TWO

1. The allegations contained in Sections A and C of Counts One through Eleven are hereby expressly incorporated as if set forth herein.
2. That on or about the dates set forth below, in the District of Colorado and elsewhere, the defendants,

**SAM JAHANI
and
ERIC A. PEPER,**

did knowingly conduct and cause to be conducted financial transactions affecting interstate and foreign commerce, specified below, which involved the proceeds of a specified unlawful activity, that is, health care fraud in violation of Title 18, United States Code, Section 1347, with the intent to promote the carrying on of said specified unlawful activity, and that while conducting such financial transactions, the defendants knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity:

COUNT	DEFENDANTS	DATE	FINANCIAL INSTITUTION	TRANSACTION	AMOUNT
THIRTEEN	SAM JAHANI and ERIC A. PEPER	3/18/2009	Vectra Bank	Salary Payment (check) to PEPER	\$1,650.00
FOURTEEN	SAM JAHANI and ERIC A. PEPER	3/18/2009	Delta Bank	Salary Payment (check) to PEPER	\$868.47
FIFTEEN	SAM JAHANI	3/31/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,291.68
SIXTEEN	SAM JAHANI and ERIC A. PEPER	4/3/2009	Vectra Bank	Salary Payment (check) to PEPER	\$4,125.00

COUNT	DEFENDANTS	DATE	FINANCIAL INSTITUTION	TRANSACTION	AMOUNT
SEVEN-TEEN	SAM JAHANI	5/19/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,230.33
EIGHTEEN	SAM JAHANI	6/19/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,230.33
NINETEEN	SAM JAHANI	7/21/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,230.33
TWENTY	SAM JAHANI	8/19/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,230.33
TWENTY-ONE	SAM JAHANI	9/21/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,230.33
TWENTY-TWO	SAM JAHANI	10/20/2009	Vectra Bank	Commercial Loan Payment (debit) for Grand Junction Urgent Care	\$2,230.33

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and Title 18, United States Code, Section 2.

INTRODUCTION TO COUNTS TWENTY-THREE THROUGH SEVENTY

The allegations contained in Sections A and C of Counts One through Eleven are hereby expressly incorporated as if set forth herein.

COUNT TWENTY-THREE

That on or about April 12, 2007, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of morphine and oxycodone, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-FOUR

That on or about October 11, 2007, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and hydrocodone, a Schedule III controlled substance, and death resulted from the use of such hydrocodone and oxycodone, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) & (E).

COUNT TWENTY-FIVE

That on or about March 20, 2008, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and methadone, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-SIX

That on or about June 20, 2008, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of fentanyl and oxycodone, Schedule II controlled substances, and death resulted from the use of fentanyl and oxycodone, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-SEVEN

That on or about November 18, 2008, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-EIGHT

That on or about November 24, 2008, in the District of Colorado, the defendant,

ERIC A. PEPPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-NINE

That on or about December 2, 2008, in the District of Colorado, the defendant,

ERIC A. PEPPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY

That on or about and between December 16 and December 19, 2008, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-ONE

That on or about January 26, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and hydromorphone, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-TWO

That on or about January 30, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-THREE

That on or about January 30, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-FOUR

That on or about February 2, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-FIVE

That on or about February 3, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-SIX

That on or about February 3, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-SEVEN

That on or about February 6, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled

substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-EIGHT

That on or about February 17, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-NINE

That on or about February 20, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY

That on or about February 20, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-ONE

That on or about February 20, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally attempt to dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-TWO

That on or about February 24, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled

substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-THREE

That on or about March 2, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and hydrocodone, a Schedule III controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) & (E).

COUNT FORTY-FOUR

That on or about March 2, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of hydromorphone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-FIVE

That on or about March 2, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-SIX

That on or about March 3, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of hydrocodone, a Schedule III controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E).

COUNT FORTY-SEVEN

That on or about March 4, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled

substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-EIGHT

That on or about March 4, 2009, in the District of Colorado, the defendant,

ERIC A. PEPPER,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of morphine and oxycodone, Schedule II controlled substances, and alprazolam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY-NINE

That on or about March 20, 2009, in the District of Colorado, the defendant,

ERIC A. PEPPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY

That on or about March 20, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and death resulted from the use of oxycodone, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-ONE

That on or about March 27, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and methadone, Schedule II controlled substances, and alprazolam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-TWO

That on or about May 21, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled

substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-THREE

That on or about June 4, 2009, in the District of Colorado, the defendant,
ERIC A. PEPPER,
did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-FOUR

That on or about June 20, 2009, in the District of Colorado, the defendant,
SAM JAHANI,
did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and diazepam and phentermine, Schedule IV controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-FIVE

That on or about July 13, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-SIX

That on or about July 14, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-SEVEN

That on or about July 15, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled

substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and phentermine and zolpidem, Schedule IV controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-EIGHT

That on or about July 23, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and morphine, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTY-NINE

That on or about July 27, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and morphine, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY

That on or about July 28, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-ONE

That on or about August 13, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-TWO

That on or about September 4, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of codeine, a Schedule III controlled substance, and alprazolam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E).

COUNT SIXTY-THREE

That on or about September 4, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and diazepam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-FOUR

That on or about September 8, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-FIVE

That on or about September 15, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and diazepam, a Schedule IV controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-SIX

That on or about September 17, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and hydromorphone, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-SEVEN

That on or about September 22, 2009, in the District of Colorado, the defendant,

ERIC A. PEPER,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled

substance, and that this offense involved a quantity of hydrocodone, a Schedule III controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(E).

COUNT SIXTY-EIGHT

That on or about September 24, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone and fentanyl, Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIXTY-NINE

That on or about and between September 27 and October 2, 2009, in the District of Colorado, the defendants,

**SAM JAHANI
and
ERIC A. PEPPER,**

did knowingly and intentionally dispense, and caused to be dispensed, controlled substances, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, and clonazepam and diazepam, Schedule IV controlled substances, and death resulted from the use of oxycodone, clonazepam, and diazepam, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT SEVENTY

That on or about October 5, 2009, in the District of Colorado, the defendant,

SAM JAHANI,

did knowingly and intentionally dispense, and cause to be dispensed, a controlled substance, and that this offense involved a quantity of oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FORFEITURE ALLEGATION

1. The allegations contained in Counts One through Seventy of this Indictment are hereby re-alleged and incorporated by reference for the purpose of

alleging forfeiture pursuant to the provisions of 18 U.S.C. § 982(a)(7), 18 U.S.C. § 982(a)(1), and 21 U.S.C. § 853.

2. Upon conviction of the violations alleged in Counts One through Eleven of this Indictment involving violations of 18 U.S.C. § 1347, defendants,

**SAM JAHANI
and
ERIC A. PEPER,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7) any and all of the defendants' right, title and interest in all property constituting and derived from gross proceeds the defendants obtained directly and indirectly as a result of such offense, including, but not limited to:

A money judgment in the amount of \$3.22 million, which are proceeds obtained by the scheme and by the defendants, for which the defendants are joint and severally liable.

3. Upon conviction of the violations alleged in Counts Twelve through Twenty-Two of this Indictment involving violations of 18 U.S.C. §§ 1956(a)(1)(A)(I) and 1956(h), the defendants,

**SAM JAHANI
and
ERIC A. PEPER,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any and all of the defendants' right, title and interest in all property, real or

personal, involved in such offense, or all property traceable to such property, including, but not limited to:

A money judgment in the amount of \$3.22 million, which are proceeds obtained by the scheme and by the defendants, for which the defendants are joint and severally liable.

4. Upon conviction of the violations alleged in Counts Twenty-Three through Seventy of this Indictment involving violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), the defendants,

**SAM JAHANI
and
ERIC A. PEPER,**

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853 any and all of the defendant(s)' right, title and interest in all property constituting and derived from any proceeds obtained directly and indirectly as a result of such offense, and in all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offense, including, but not limited to:

A money judgment in the amount of \$3.22 million, which are proceeds obtained by the scheme and by the defendants, for which the defendants are joint and severally liable.

5. If any of the property described in paragraphs one through four above, as a result of any act or omission of the defendants:

a) cannot be located upon the exercise of due diligence;

- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

A TRUE BILL:

Ink signature on file in the Clerk's Office
FOREPERSON

JOHN F. WALSH
United States Attorney

By: s/ Michelle M. Heldmyer
MICHELLE M. HELDMYER
Assistant United States Attorney
205 N. 4th Street, Suite 400
Grand Junction, Colorado 81501
Telephone: (970) 241-3843
Faxsimile: (970) 248-3630
Email: michelle.heldmyer@usdoj.gov
Attorney for the Government

DEFENDANT: Sam Jahani

YOB: 1961

ADDRESS(City/State): Cleveland, Texas

COMPLAINT FILED? _____ YES ____ X ____ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES ____ X ____ NO
IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: **COUNTS 1, 10 & 11:**
Health care fraud in violation of 18 U.S.C. § 1347 (death resulting)

COUNTS 3 & 6:
Health care fraud in violation of 18 U.S.C. § 1347

COUNT 12:
Money laundering conspiracy in violation of 18 U.S.C. § 1956(h).

COUNTS 13-22:
Money laundering in violation of 18 U.S.C § 1956(a)(1)(A)(i) and 2.

COUNTS 24, 26, & 69:
Dispensing of controlled substances in violation of 21 U.S.C. § 841(a)(1)
and 841(b)(1)(C) (death resulting)

COUNTS 23-26, 33, 43-44, 47, 52, 54-58, 60-61, 66, 68-70:
Dispensing of Controlled Substances in violation of 21 U.S.C. § 841(a)(1)
and 841(b)(1)(C).

COUNT 62:
Dispensing of Controlled Substances in violation of 21 U.S.C. § 841(a)(1)
and 841(b)(1)(E).

LOCATION OF OFFENSE: Mesa, Delta and Montrose Counties

PENALTY: **COUNTS 1, 10 & 11:**
Life imprisonment, NMT \$250,000 fine, NMT 5 years supervised release,
\$100 Special Assessment Fee, restitution

COUNTS 3 & 6:
NMT ten years imprisonment, NMT \$250,000 fine, NMT 3 years

supervised release, \$100 Special Assessment Fee, restitution

COUNT 12:

NMT 20 years imprisonment, NMT \$500,000 fine or twice the value of the property involved, whichever is greater, NMT 3 years supervised release, \$100 Special Assessment Fee, restitution

COUNTS 13-22:

NMT 20 years imprisonment, NMT \$500,000 fine or twice the value of the property involved, whichever is greater, NMT 3 years supervised release, \$100 Special Assessment Fee

COUNTS 24, 26, & 68:

NLT 20 years imprisonment or more than life; a fine not to exceed \$1,000,000.00, or both, a period of supervised release of not less than 5 years, and a \$100.00 Special Assessment Fee.

COUNTS 23-26, 33, 43-44, 47, 52, 54-58, 60-61, 66, 68-70:

NMT 20 years imprisonment, NMT \$1,000,000 fine, NLT 3 years supervised release, \$100 Special Assessment Fee

COUNT 62:

NMT 10 years imprisonment, NMT \$500,000 fine, NLT 3 years supervised release, \$100 Special Assessment Fee

AGENT: John Gjellum, DEA; Jane Myers, HHS OIG

AUTHORIZED BY: Michelle M. Heldmyer
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

_____ five days or less x over five days _____ other

THE GOVERNMENT

 X will seek pretrial detention in this case _____ will **not** seek pretrial detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDEF CASE: _____ Yes X No

DEFENDANT: Eric A. Peper

YOB: 1957

ADDRESS(City/State): Summerland Key, Florida

COMPLAINT FILED? _____ YES ____ X ____ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES ____ X ____ NO
IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: **COUNT 4:**
Health care fraud in violation of 18 U.S.C. § 1347 (death resulting)

COUNTS 2, 5, 7, 8 & 9:
Health care fraud in violation of 18 U.S.C. § 1347

COUNT 12:
Money laundering conspiracy in violation of 18 U.S.C. § 1956(h).

COUNTS 13, 14 & 16:
Money laundering in violation of 18 U.S.C § 1956(a)(1)(A)(i) and 2.

COUNTS 50 & 69:
Dispensing of controlled substances in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C) (death resulting)

COUNTS 27-32, 34-42, 45, 48-49, 51, 53, 59, 63-65:
Dispensing of controlled substances in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C)

COUNTS 46 & 67:
Dispensing of controlled substances in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(E)

LOCATION OF OFFENSE: Mesa, Delta and Montrose Counties

PENALTY: **COUNT 4:**
Life imprisonment, NMT \$250,000 fine, NMT 5 years supervised release, \$100 Special Assessment Fee, restitution

COUNTS 2, 5, 7, 8 & 9:
NMT ten years imprisonment, NMT \$250,000 fine, NMT 3 years

supervised release, \$100 Special Assessment Fee, restitution

COUNT 12:

NMT 20 years imprisonment, NMT \$500,000 fine or twice the value of the property involved, whichever is greater, NMT 3 years supervised release, \$100 Special Assessment Fee, restitution

COUNTS 13, 14 & 16:

NMT 20 years imprisonment, NMT \$500,000 fine or twice the value of the property involved, whichever is greater, NMT 3 years supervised release, \$100 Special Assessment Fee

COUNTS 50 & 69:

NLT 20 years imprisonment or more than life; a fine not to exceed \$1,000,000.00, or both, NLT 5 years supervised release, and a \$100.00 Special Assessment Fee

COUNTS 27-32, 34-42, 45, 48-49, 51, 53, 59, 63-65:

NMT 20 years imprisonment, NMT \$1,000,000 fine, NLT 3 years supervised release, \$100 Special Assessment Fee

COUNTS 46 and 67:

NMT 10 years imprisonment, NMT \$500,000 fine, NLT 3 years supervised release, \$100 Special Assessment Fee

AGENT: John Gjellum, DEA; Jane Myers, HHS OIG

AUTHORIZED BY: Michelle M. Heldmyer
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

_____ five days or less x over five days _____ other

THE GOVERNMENT

 X will seek pretrial detention in this case _____ will not seek pretrial detention in this case

The statutory presumption of detention **is** applicable to this defendant.

OCDETF CASE: _____ Yes X No

