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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

JOSHUA D. BARON

**UNDER SEAL**

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about January 13, 2011, at Wilmette, in the Northern District of Illinois, Eastern Division, JOSHUA D. BARON, defendant herein:

did attempt to knowingly and intentionally distribute a controlled substance, namely, a quantity of mixtures and substances containing amphetamine, a Schedule II Controlled Substance, outside of the usual course of professional practice and without a legitimate medical purpose;

in violation of Title 21, United States Code, Section 846. I further state that I am a Special Agent with the Drug Enforcement Administration, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

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Signature of Complainant

TIFFANY T. HAYES

Special Agent, Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

October 26, 2011

Date

at

Chicago, Illinois

City and State

ARLANDER KEYS, U.S. Magistrate Judge

Name &amp; Title of Judicial Officer

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Signature of Judicial Officer

UNITED STATES DISTRICT COURT                    )  
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NORTHERN DISTRICT OF ILLINOIS                )

AFFIDAVIT

I, TIFFANY T. HAYES, being duly sworn, state as follows:

1.       I am a Special Agent with the Drug Enforcement Administration (“DEA”), and have been employed by the DEA for approximately six years. From 2005 through 2008, I was a Diversion Investigator in the Milwaukee District Office of the DEA before joining the Chicago Field Division Tactical Diversion Squad as a Special Agent in 2009. I have assisted with and been involved in the investigation of prescription drug trafficking crimes by doctors, pharmacists, patients, dealers, and abusers. I have received training in the investigation of drug trafficking crimes, including the illegal dissemination and distribution of various pharmaceuticals and narcotics. My current responsibilities include the investigation of narcotics trafficking offenses.

2.       This affidavit is submitted in support of a criminal complaint alleging that Joshua D. Baron (hereinafter “BARON”) has violated Title 21, United States Code, Section 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging that BARON did attempt to knowingly and intentionally distribute a controlled substance, namely, a quantity of mixtures and substances containing amphetamine, a Schedule II Controlled Substance, outside of the usual course of professional practice and without a legitimate medical purpose, it does not contain all of the information known to me concerning this investigation.

3. This affidavit is based on my personal knowledge and experience, and information provided to me by other law enforcement agents and from persons with knowledge regarding relevant facts.

### **Facts Supporting Probable Cause**

4. Since approximately May 8, 2006, BARON has been licensed to practice medicine in the State of Illinois. BARON specializes in pediatric neurology. Until approximately January 2011, in Chicago, Illinois, within the Northern District of Illinois, BARON maintained medical offices where he would examine and treat patients at Rush University Medical Center, John H. Stroger, Jr., Hospital of Cook County, and St. Anthony's Hospital.

5. From in or about 2007 through 2011, approximately 68 advertisements offering to trade various prescription drugs, such as Adderall, Norco, Percocet, Xanax, Vicodin, Ativan, Ritalin, Darvocet, Oxycontin, and/or Klonopin, were posted on the online website Craigslist.com through one of two email addresses. Most or all of these advertisements were posted under the Casual Encounters section of the Craigslist Personals. According to Craigslist records, the email address rcrumb54@yahoo.com was used to submit advertisements posted in 2010 and 2011, and email address jdb1\_m@yahoo.com was used to submit advertisements posted in 2007 through 2009. Records received from Yahoo! reflect that email address jdb1\_m@yahoo.com was subscribed to Joshua Baron, and email address rcrumb54@yahoo.com was subscribed to Robert Crumb. Service provider records reflect that someone using Yahoo ID jdb1\_m and rcrumb54@yahoo.com accessed the

internet using an IP address assigned to John Baron at an address in Oak Park. This same address is listed as BARON's residence on his Illinois driver's license. That same IP address and the email address rcrumb54@yahoo.com was used on or about August 3, 2010 to post an advertisement entitled, "Do you need Xanax or Adderall? - m4w,"<sup>1</sup> in the Casual Encounters section of Craigslist. That advertisement continued, "Let me know what you are willing to trade, and please send a pic."

6. During the course of the investigation, I, along with other law enforcement officials, interviewed various individuals, including Individuals A, B, and C, who claimed to have responded to online classified advertisements offering specific prescription drugs, such as Adderall, on Craigslist Chicago and then received prescriptions for various drugs from an individual later identified as BARON. According to various individuals interviewed by law enforcement, the user of rcrumb54@yahoo.com and/or jdb1\_m@yahoo.com identified himself as BARON in emails communicating with these individuals about exchanging prescriptions for sex and/or cash. According to Individual A, in 2008, 2009, and 2010, BARON distributed prescriptions for various prescription pills, including Xanax, Percocet, and Norco, to Individual A on approximately ten or eleven occasions in exchange for Individual A having oral sex and/or sexual intercourse with him. According to Individual B, in 2009, BARON distributed prescriptions for Adderall to Individual B on approximately four occasions in exchange for sex and/or cash. According to Individual B, BARON used

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<sup>1</sup>The abbreviation "m4w" typically is used in online personal ads to communicate "man looking for a woman."

the email address jdb1\_m@yahoo.com to arrange the distributions to Individual B. According to Individual C, in 2010 and January 2011, BARON distributed prescriptions for Norco and Adderall to Individual C on approximately eleven or twelve occasions in exchange for cash. According to Individual C, BARON used the email address rcrumb54@yahoo.com to arrange the distributions to Individual C. According to Individuals A, B, and C, they were not patients of BARON's, they did not visit his medical offices as patients, and BARON never took a medical history, conducted an examination, or attempted to diagnose them. BARON only distributed prescriptions to them in exchange for sex and/or cash. Individuals A, B, and C each identified a photograph of BARON from a photo array shown to them by law enforcement as the individual who distributed prescriptions to them in exchange for sex and/or cash.

7. On or about January 6, 2011, a detective with the Wilmette Police Department, working in an undercover capacity (hereinafter the "UC"), located an advertisement on Craigslist under the posting identification number 2146622920 (hereinafter "the Advertisement"). The Advertisement was posted in the Casual Encounters section of the Craigslist Chicago Personals. The Advertisement was entitled, "Do you need Adderall? - m4w - 34 (Chicago)." The Advertisement said, "Please let me know what you are willing to trade. Please also send a pic. I am good-looking, fun and into just about anything."

8. On or about January 6, 2011, at approximately 11:01 a.m., the UC, using an undercover email address with the user name "Katie Blackwell," responded to the Advertisement by emailing the Craigslist email address associated with the Advertisement

and expressing interest in the Advertisement. That same day, at approximately 12:32 p.m., the UC received an email response from an individual who, as discussed below, was later identified as BARON, using the email address rcrumb54@yahoo.com and the email user name “Robert Crumb.” BARON’s email asked, “What would you like to trade for?” After the UC replied, “depends how many [meaning how many prescription pills] u got to trade! lol,” BARON inquired, “What would you do for 30?”<sup>2</sup>

9. On or about January 6, 2011, during email conversations with BARON, the UC represented himself to be a 24-year-old woman named Katherine, or Katie, Blackwell who lived in Wilmette, Illinois. During an email on or about January 6, 2011, at approximately 1:01 p.m., BARON told the UC, “I am a physician and can write out a prescription for 30 of the 20s or 30s. I will prove to you that I am a doc with my id and with anything else you feel would be helpful for confirmation.” At approximately 1:40 p.m., BARON emailed the UC, “Is a prescription OK? Are you OK with mutual oral and sex?” At approximately 3:19 p.m., the UC asked, “will u cut me a script for 30 mg addies [meaning Adderall]?” BARON responded, “yes... 30, 30 mg.”

10. On or about January 6, 2011, at approximately 3:33 p.m., the UC asked BARON, “Whats ur name 4 real?” BARON responded, “Joshua Baron.” At approximately 3:48 p.m., BARON emailed, “You can see a pic of me online, at the Rush website.” At

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<sup>2</sup>At various points in this Affidavit, I offer my interpretations of certain conversations in brackets. My interpretation of these conversations is based upon my knowledge of the investigation, conversations with other law enforcement officers, and my experience and familiarity with these types of investigations.

approximately 4:01 p.m., BARON emailed the UC a copy of his prescription pad from Rush University Medical Center with the name “Joshua D. Baron, MD.” BARON explained ahead of time, “The script pad has my name on it, which is the same name on my ID and my license.” At approximately 4:10 p.m., BARON asked the UC, “Sex?” and the UC wrote, “oral for sure and if you write that script for a 60 day supply you can have it all [meaning that BARON would receive oral sex and sexual intercourse in exchange for a prescription for 60 pills of Adderall, 30 mg].” After learning that the UC lived in Wilmette, and not near Rush University Medical Center, BARON emailed, “If you come to me, I will give you some \$ toward the prescription.” BARON and the UC however agreed to meet at the UC’s apartment in Wilmette at 3 p.m. on Wednesday, January 12, 2011.

11. On or about January 10, 2011, BARON emailed the UC and asked, “Katie . . . Are we still on for Weds afternoon?” On or about January 11, 2011, BARON proposed, “Would you prefer to meet on Thursday? I could definitely meet closer to 1p.m. on Thurs.” After the UC agreed, BARON responded, “Thursday would work much better for me . . . we definitely still have a deal.”

12. On or about Thursday, January 13, 2011, at approximately 10:33 a.m., BARON emailed the UC and said, “I just need the apartment # or your phone # for when I get there. So, for a total of 60, 30 mg a.” At approximately 11:01 a.m., the UC emailed BARON, “Its actually 428 5th st. [in Wilmette] . . . Make sure you have that filled out for the 60 [meaning the prescription should be written for 60 pills of Adderall, 30 mg] when you get here and not something else (you have your part done and then let me do mine :).” At approximately

12:01 p.m., BARON confirmed, “filled out for 60, yes, for Katherine Blackwell. . .” At approximately 12:22 p.m., BARON emailed the UC, “I am in a cab, on my way. At 94 and Armitage but lots of traffic.” Unbeknownst to BARON, the 428 Fifth Street address did not exist.

13. On or about January 13, 2011, at approximately 1 p.m., detective(s) with the Wilmette Police Department saw BARON arrive by cab in the vicinity of 428 Fifth Street in Wilmette and observed him walking and looking around. Detectives then approached BARON who initially told them that his name was “James Brown.” Detectives arrested BARON and found his Rush University Medical Center identification card with photograph identifying him as “Joshua Baron, M.D.” BARON was also carrying a signed prescription, written on his Rush prescription pad, for Katherine Blackwell for 60 pills of Adderall, 30 mg.<sup>3</sup> The prescription was dated January 13th with the incorrect year of 2010. BARON was advised of his Miranda rights, waived his rights, and agreed to be interviewed. In a statement, BARON admitted that he wrote the prescription for 60 pills of Adderall, 30 mg, for Katie Blackwell in exchange for oral sex with the possibility of vaginal sex at her apartment at 428 Fifth Street in Wilmette at approximately 1 p.m. that afternoon. BARON further admitted that he posted the Advertisement on Craigslist and used the email address rcrumb54@yahoo.com to email with the individual known to him as Katie Blackwell.

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<sup>3</sup>Based on my training and experience, I know that Adderall is a single-entity amphetamine product combining four forms of amphetamine and is a Schedule II Controlled Substance. Adderall is properly prescribed for the treatment of attention deficit hyperactivity disorder and narcolepsy.



14. Based on my training, experience and review of the evidence, BARON's prescription for Adderall, written for the individual known to him as Katherine Blackwell, was outside of the usual course of professional practice and without a legitimate medical purpose. Based on my review of the correspondence between BARON and the UC, there was no discussion of medical issues or symptoms, any medications the UC was taking, or the UC's medical or mental health history. BARON did not attempt to diagnose the UC, known to him as Katie Blackwell, or ask the UC to provide medical records, fill out any medical forms, or visit his offices as a patient. I believe that BARON prescribed Adderall to the individual known to him as Katherine Blackwell in exchange for sex.

### **Conclusion**

15. Therefore, there is probable cause to believe that BARON did attempt to knowingly and intentionally distribute a controlled substance, namely, a quantity of mixtures

and substances containing amphetamine, a Schedule II Controlled Substance, outside of the usual course of professional practice and without a legitimate medical purpose, in violation of Title 21, United States Code, Section 846.

FURTHER AFFIANT SAYETH NOT.

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TIFFANY T. HAYES  
Special Agent, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on October 26, 2011.

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ARLANDER KEYS  
United States Magistrate Judge