

I further state that I am a Task Force Officer with the Drug Enforcement Administration and that this complaint is based on the following facts:

SEE ATTACHMENT B

Anthony Maldonado
Task Force Officer
Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

March 23, 2011
Date

at

Newark, New Jersey
City and State

Massiepp
Honorable Michael A. Shipp
United States Magistrate Judge

ATTACHMENT A

knowingly and intentionally conspire and agree with each other and with others to distribute and to dispense a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and in violation of Title 21, United States Code, Section 846.

ATTACHMENT B

I, Anthony Maldonado, am a Task Force Officer with the Drug Enforcement Administration (“DEA”). The facts set forth below to the best of my knowledge and belief are based on, *inter alia*, intercepted telephone conversations and meetings, physical and electronic surveillance, documents obtained pursuant to subpoena, information provided by cooperating witnesses working with the DEA who have proven reliable and credible, and my discussions with other individuals involved in this investigation.

1. Pursuant to the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and the Code of Federal Regulations, 21 C.F.R. § 1306.01 *et seq.*, licensed medical practitioners are authorized to issue prescriptions for “controlled substances.” The term “controlled substance” means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV or V, as designated by Title 21, United States Code, Section 802, and the Code of Federal Regulations. A prescription for a controlled substance is not legal or effective unless it was issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. *See, e.g.*, 21 C.F.R. § 1306.04.

2. Oxycontin, manufactured by Purdue Pharma, Roxicodone, manufactured by Xanodyne Pharmaceuticals, Inc., and Percocet/Endocet, manufactured by Endo Pharmaceuticals, are brand-name pills that contain 80 milligram, 30 milligram, and 10 milligram amounts of oxycodone, respectively. Oxycodone is an orally active opioid analgesic approximately twice the potency of morphine designed for the treatment of chronic pain. Oxycodone is a Schedule II controlled substance, meaning that it has a high potential for abuse, a currently accepted medical use with severe restrictions, and abuse of the drug or other substance may lead to severe psychological or physical dependence.

3. At all times relevant herein, defendant Michael F. DURANTE was a physician licensed to practice medicine by the State of New Jersey, with a principal place of business at 460 Franklin Avenue, Nutley, New Jersey 07110. From at least in or about January 2010, through on or about March 10, 2011, further to the conspiracy, DURANTE knowingly and intentionally issued prescriptions for oxycodone to numerous individuals, including but not limited to defendants Andre DOMANDO, Lawrence J. GEBO, Martin P. RINALDI, Michael P. SCHERER, and Marianna COLUCCI, outside the usual course of professional practice and not for any legitimate medical purpose. These defendants filled the oxycodone prescriptions obtained from DURANTE at various pharmacies in and around Essex County, New Jersey, and profited from the redistribution of those pills.

4. For example, DURANTE prescribed to DOMANDO more than 1,000 pills containing oxycodone over a single 10-day period, as noted below:

DATE	DRUG PRESCRIBED	QUANTITY OF PILLS
February 14, 2011	Oxycodone 30mg	120
	Oxycodone 30mg	120
February 21, 2011	Oxycontin 80mg	120
	Oxycodone 30mg	120
	Oxycodone 30mg	90
	Percocet 10mg	120
February 24, 2011	Oxycodone 30mg	120
	Oxycodone 30mg	120
	Percocet 10mg	90

5. Defendant Brian J. RENKART, on multiple occasions during the time period alleged, also offered and sold to DOMANDO quantities of oxycodone pills. DOMANDO, in turn, sold significant quantities of oxycodone pills to various distributors, including but not limited to defendants Tristen M. AMBROSINO, Daniel J. LALLY, Melvin FERNANDEZ, Michael J. CORRAO and Gregory GAVINI, each of whom resold the oxycodone pills they obtained from DOMANDO.

6. DURANTE received money and items of value in exchange for prescriptions of oxycodone. For example, on or about January 10, 2011, defendant GEBO, a retired Newark police officer, plotted with a co-conspirator to provide DURANTE with a “gold” Fraternal Order of Police (“FOP”) card – typically reserved for the immediate family members of police officers – in exchange for prescriptions. On January 25, 2011, GEBO told the co-conspirator that he “got his [DURANTE’s] card,” and a discussion ensued whether GEBO could provide a “gold” FOP card for one of DURANTE’s family members, which would cost GEBO \$30. On or about February 4, 2011, GEBO asked the co-conspirator how many cards were needed, and said that he had obtained a stack of approximately 50 cards.

7. Similarly, DURANTE willingly accepted cash payments for prescriptions. For example, in February 2011, DURANTE provided a patient with prescriptions for oxycodone, not for any legitimate medical purpose, but rather in exchange for payment of \$100 in U.S. currency. What DURANTE did not know, however, was that the foregoing patient was actually a DEA Special Agent acting in an undercover capacity, and that his meeting with the undercover was captured on audio and video recording.

8. Specifically, in his first visit with the undercover agent, DURANTE wrote the following prescriptions: (a) a prescription for 120 pills of Oxycodone 30mg; (b) a second prescription for 120 pills of Percocet; and (c) a third prescription for a spine x-ray. The undercover then offered DURANTE \$100 in cash, and asked “can I bother you for another 30, 30 of the Roxicodone?”

9. DURANTE replied, “30 Roxicodone, but what will you, will you bring that to a different drug store?” After the undercover agent replied, “yeah,” DURANTE accepted the money and wrote yet another prescription for an additional 30 pills of Oxycodone 30mg. At the same time, DURANTE asked, “do you owe somebody the pills,” to which the undercover agent replied, “yeah.” In other words, despite knowledge that his purported patient intended to distribute the pills, DURANTE wrote the oxycodone prescription at issue in return for cash and – in an effort to conceal detection of that criminal conduct – instructed that the prescriptions be filled at different pharmacies.

10. DURANTE’s knowledge of and involvement in the foregoing oxycodone distribution conspiracy did not cease there. For example, after writing multiple oxycodone prescriptions for a co-conspirator, DURANTE told the individual: “I know what people do with these things. You gotta have at least \$12,000 to \$15,000 a month in income here.” DURANTE further stated: “I just know because my friend does the same thing you do. [UI] \$1,000 to \$1,200 a bottle. So two the next week, four this week, you should have \$6,000 in your pocket.” DURANTE continued, “and next week, another \$6,000. What could you do with \$20,000 a month?”