

Approved: _____
ILAN T. GRAFF
Assistant United States Attorney

Before: THE HONORABLE GEORGE A. YANTHIS
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. - : Violation of
: 21 U.S.C. §§ 812,
: 841(a)(1), 841(b)(1)(c)

ROHAN WIJETILAKA, :

Defendant. : COUNTY OF OFFENSE:
WESTCHESTER

- - - - -x

SOUTHERN DISTRICT OF NEW YORK, ss.:

GUY J. REPICKY, being duly sworn, deposes and says that he is a Westchester County Police Detective, currently assigned to a Drug Enforcement Administration ("DEA") Task Force.

COUNT ONE

1. On or about April 23, 2012, in the Southern District of New York, ROHAN WIJETILAKA, the defendant, intentionally and knowingly did distribute and dispense a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

2. The controlled substance involved in the offense was a schedule II controlled substance, to wit, oxycodone, in violation of Title 21, United States Code, Sections 812 and 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Westchester County Police Detective, currently assigned to a DEA Task Force. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers and agents, my interviews of witnesses, and my examination of documents, reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Since September 2011, DEA, the Federal Bureau of Investigation ("FBI"), and the Department of Health and Human Services ("HHS"), as well as other law enforcement agencies, have been investigating ROHAN WIJETILAKA, the defendant.

3. ROHAN WIJETILAKA, the defendant, is a cardiologist, who received his New York State medical license in 1993 and has been practicing medicine in Yonkers, New York, since at least 1996.

4. I have spoken with a Yonkers Police Officer who informed me of the following:

a. Between 2006 and early 2012, on at least thirty occasions, pharmacists and pharmaceutical technicians expressed concerns to the Yonkers Police Department about the frequency with which WIJETILAKA, the defendant, prescribed Percocet, Oxycontin, Oxycodone, and other painkillers. Based on my training and experience I know that these prescription drugs are often abused and that many people are addicted to them.

b. Between 2007 and 2011, several of the WIJETILAKA's patients reported to the Yonkers Police Department that the WIJETILAKA sold prescription drugs in exchange for patients allowing the WIJETILAKA to bill their insurance providers for unnecessary tests.

5. Since in or about September 2011, DEA has been working with a Confidential Informant ("the CI"). The CI has

also worked with, and is a registered informant for, the Westchester County Police Department. Both DEA and the Westchester County Police Department have found the CI to be a reliable source of information and have found that his reports have been consistently corroborated by independent evidence. The CI has been a patient of WIJETILAKA, the defendant, for approximately two years. The CI has informed me of the following:

a. In or around the summer of 2010, the CI was informed by another individual that WIJETILAKA, the defendant, readily provided prescriptions for prescription painkillers, including oxycodone.

b. Since in or around the summer of 2010 the CI has gone to the office of WIJETILAKA, the defendant, at least once a month. WIJETILAKA has routinely written prescriptions for the CI for oxycodone and other painkillers. WIJETILAKA often wrote these prescriptions without examining the CI or identifying a condition for which the painkiller was being prescribed.

c. When the CI had insurance coverage, WIJETILAKA would bill his insurer for the painkillers. On occasions when the CI was uninsured, he would pay WIJETILAKA in cash.

6. On or around April 23, 2012, the CI went to the office of WIJETILAKA, the defendant. On this occasion the CI was wearing a recording device, and I and other law enforcement agents were conducting physical surveillance of the exterior of the office and observed the CI enter the building. Based on my conversations with the CI, my evaluation of signed prescriptions, and my review of the recording, I have learned the following:

a. As of April 23, 2012, the CI had not been to WIJETILAKA's office for approximately four weeks, nor had he been otherwise evaluated by WIJETILAKA or another doctor.

b. The CI paid WIJETILAKA's receptionist cash for oxycodone prescriptions for himself and his girlfriend. The CI's girlfriend had formerly been a patient of WIJETILAKA's, but, as of April 23, 2012, had not been to WIJETILAKA's office

nor otherwise been evaluated by WIJETILAKA for approximately five months.

c. Without examining the CI, WIJETILAKA signed a prescription in the CI's presence. The prescription authorized the CI to receive 90 pills, each of which contained 30 milligrams of oxycodone.

d. Without examining the CI's girlfriend (who was not present) WIJETILAKA also signed a prescription for the CI's girlfriend in the CI's presence. The prescription authorized the CI to receive 90 pills, each of which contained 30 milligrams of oxycodone.

7. On or around June 27, 2012, the New York State Department of Health, State Board for Professional Medical Conduct,¹ suspended WIJETILAKA's license to practice medicine in New York State, effective July 3, 2012. WIJETILAKA is still licensed to practice medicine in New Jersey and may also be licensed to practice elsewhere.

8. I have spoken with a DEA agent, who has informed me that, since July 3, 2012, New York State's Bureau of Narcotic Enforcement's records reflect that at least five prescriptions for controlled substances have been written by someone using the New York State registration number for WIJETILAKA, the defendant.

¹ Based on my review of the State Board's mission statement, I know that the State Board investigates complaints about healthcare professionals and is responsible for monitoring and disciplining healthcare practitioners.

WHEREFORE, deponent prays that an arrest warrant be issued for ROHAN WIJETILAKA, the above-named defendant, and that she be arrested and imprisoned, or bailed, as the case may be.

GUY J. REPICKY
Detective
Westchester County Police
Department

Sworn to before me this
25th day of July, 2012

THE HONORABLE GEORGE A. YANTHIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK