

5/23/12 information filed 5 min - court + flow

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : INFORMATION

- v. - : 12 Cr. 410

ARISTIDE ESSER, :

Defendant. :

- - - - - x

COUNT ONE

The United States Attorney charges:

1. On or about August 31, 2011, in the Southern District of New York, ARISTIDE ESSER, the defendant, intentionally and knowingly distributed and dispensed a controlled substance, to wit, ESSER, a physician, prescribed secobarbital, a Schedule II controlled substance that is commonly sold in a form known as "Seconal," outside the scope of professional medical practice and not for a legitimate medical purpose.

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

COUNT TWO

The United States Attorney further charges:

2. On or about September 20, 2011, in the Southern District of New York, ARISTIDE ESSER, the defendant, intentionally and knowingly distributed and dispensed a controlled substance, to wit, ESSER, a physician, prescribed

secobarbital, a Schedule II controlled substance that is commonly sold in a form known as "Seconal," outside the scope of professional medical practice and not for a legitimate medical purpose.

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

FORFEITURE ALLEGATION

3. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Information, ARISTIDE ESSER, the defendant, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violations alleged in Counts One and Two of this Information.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

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

b) has been transferred or sold to, or deposited with, a third person;

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 defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)



PREET BHARARA
United States Attorney