

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 09-_____**
v. : **DATE FILED: March 10, 2009**
LAWRENCE YOUNG : **VIOLATIONS:**
: **21 U.S.C. § 846 (conspiracy to distribute**
: **controlled substances -1 count)**
: **21 U.S.C. § 841(a)(1) (distribution of**
: **controlled substances - 3 counts)**
: **18 U.S.C. § (aiding and abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant LAWRENCE YOUNG was a pharmacist licensed by the Commonwealth of Pennsylvania who owned and operated Young's Pharmacy at 1306 South Street, Philadelphia, Pennsylvania. Defendant YOUNG was registered as a licensed pharmacist with the Drug Enforcement Administration ("DEA").
2. Defendant LAWRENCE YOUNG operated the pharmacy as a haven for drug dealers and drug addicts to fill sham medical prescriptions for frequently abused prescription drugs containing controlled substances. The drug dealers and drug addicts fraudulently obtained the sham prescriptions in their own names and in the names of others from corrupt doctors, such as Joseph L. Borkson, charged elsewhere, who issued the invalid "prescriptions" for no legitimate medical purpose, and outside the usual course of professional practice.

3. From at least 2001 through October 2006, various drug dealers and addicts known and unknown to the grand jury, were frequent customers of defendant LAWRENCE YOUNG. Those cash-paying customers, who showed no signs of physical illness, frequented Young's Pharmacy to fill multiple invalid prescriptions, under their own names, other real names, and fictitious names, multiple times a week.

4. Under federal law, a pharmacist who fills a prescription for a controlled substance has a duty to make sure before filling the prescription that the prescription was issued by a physician for a legitimate medical purpose, and in the usual course of the physician's professional practice. A prescription that does not meet these requirements is invalid, and a pharmacist may not fill such a prescription.

5. The Controlled Substances Act ("the Act") governs the manufacture, distribution, and dispensing of controlled substances in the United States. The Act is contained in Title 21 of the United States Code, 21 U.S.C. §§ 801-971.

6. Title 21, United States Code, Section 841, provides that "[e]xcept as authorized, it shall be unlawful for any person to knowingly or intentionally manufacture, distribute, or dispense with intent to manufacture, distribute or dispense, a controlled substance."

7. Title 21, United States Code, Section 802(10), provides that the term "dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for delivery.

8. Title 21, United States Code, Section 821, provides that “[t]he Attorney General [of the United States] is authorized to promulgate rules and regulations . . . relating to the registration and control of the manufacture, distribution and dispensing of controlled substances.”

9. The Attorney General of the United States has exercised his rulemaking authority regarding the dispensing of controlled substances through the promulgation of Title 21, Code of Federal Regulations, Section 1306.04, governing the issuance of prescriptions, which provides:

a prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act [21 U.S.C. § 829] and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

10. Pursuant to the Act, there are five schedules of controlled substances, Schedules I, II, III, IV, and V. Controlled substances are scheduled into these levels based upon their potential for abuse, among other things. Abuse of Schedule II controlled substances may lead to severe psychological or physical dependence. Abuse of Schedule III controlled substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of Schedule IV controlled substances may lead to more limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

11. Oxycodone is the generic name for an addictive prescription painkiller that is classified under the Act as a Schedule II controlled substance. When oxycodone is legally prescribed for a legitimate medical purpose, it is typically used to combat acute, severe pain. Accordingly, the prescription is usually for a modest number of pills to be taken over a short period of time. Brand names for common Schedule II controlled substances containing oxycodone include Percocet, Endocet, and Roxicet. Oxycodone is also the active ingredient in the brand OxyContin, legitimately prescribed for the treatment of moderate-to-severe pain lasting more than a few days. Because of its controlled release property, each OxyContin tablet contains more of the active ingredient oxycodone and needs to be taken less often than other oxycodone-containing drugs.

12. Fentanyl is the generic name for an addictive prescription painkiller released transdermally, that is, through the skin, which is classified under the Act as a Schedule II controlled substance. When fentanyl is legally prescribed for a legitimate purpose, it is typically used for the management of persistent, moderate to severe chronic pain that requires continuous, around-the-clock opioid administration for an extended period of time, and cannot be managed by other means. Duragesic is a brand name for transdermal patches containing fentanyl.

13. Hydrocodone is the generic name for an addictive prescription painkiller that is classified under the Act as a Schedule II controlled substance. It is classified as a Schedule III controlled substance when dispensed in amounts of not more than 15 milligrams per dosage unit when combined with other ingredients in recognized therapeutic amounts. When hydrocodone is legally prescribed for a legitimate medical purpose, it is typically used to combat acute, severe pain. Accordingly, the prescription is usually for a modest number of pills to be

taken over a short period of time. Brand names for common Schedule III controlled substances containing hydrocodone include Vicoden and Lorcet.

14. Alprazolam, more commonly referred to by one of its brand names, Xanax, is the generic name for an addictive prescription sedative and anti-anxiety agent that is classified under the Act as a Schedule IV controlled substance.

15. Promethazine with Codeine, the generic name for a schedule V narcotic sometimes branded as Phenergan with Codeine, is used for the temporary relief of coughs and upper respiratory symptoms associated with allergy or common cold.

16. From at least 2001 through in or about October 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

LAWRENCE YOUNG

conspired and agreed with Joseph L. Borkson, Stephen Anderson, a/k/a “Stephen McKibben,” Wayne Johnson, a/k/a “Square,” Garry Fields, Kenneth Gateward, William Williams, a/k/a “Top Cat,” charged elsewhere, and others known and unknown to the grand jury, to knowingly and intentionally distribute, not for a legitimate medical purpose, and outside the course of professional practice, mixtures and substances containing detectable amounts of various controlled substances, including oxycodone, a Schedule II controlled substance, hydrocodone, a Schedule III controlled substance, alprazolam, a Schedule IV controlled substance, and codeine, a Schedule V controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C) and (D).

MANNER AND MEANS

It was a part of the conspiracy that:

17. Defendant LAWRENCE YOUNG filled, and under his supervision caused to be filled, invalid prescriptions for thousands of dosage units of Schedule II, III, IV, and V substances at Young's Pharmacy, which defendant YOUNG owned and operated. These prescriptions were invalid because they had been written by corrupt doctors, such as Joseph L. Borkson, charged elsewhere, who wrote the prescriptions for no legitimate medical purpose, and outside the usual course of professional practice.

18. As the on-site pharmacist at Young's Pharmacy, defendant LAWRENCE YOUNG was ultimately responsible for verifying or checking each prescription filled. Instead, he filled, and under his supervision caused to be filled, "sets" of prescriptions, that is, a bundle of multiple sham prescriptions for frequently abused prescription drugs, for regular drug-dealing customers whom he personally observed and dealt with, in exchange for cash, tips, and lunches. These regular drug-dealing customers would wait in line outside Young's Pharmacy in the mornings, waiting to fill their fraudulent prescriptions.

19. Under the supervision and management of defendant LAWRENCE YOUNG, prescriptions were entered into the office computer and filled. Every prescription had to be verified by the on-site pharmacist and, generally, defendant YOUNG was personally responsible for verifying the prescriptions.

20. To avoid detection, defendant LAWRENCE YOUNG set an artificial limit on the number of prescriptions he would fill per day from Joseph L. Borkson to keep the Borkson prescriptions from being consecutively recorded and reported to governmental authorities responsible for tracking prescriptions.

21. After filling fraudulent and invalid prescriptions at Young's Pharmacy

from defendant LAWRENCE YOUNG, the regular customers either sold the drugs they obtained to others, or abused the drugs themselves.

22. From in or around 2001 through in or about 2006, Stephen Anderson regularly brought sham prescriptions, including prescriptions from Joseph L. Borkson, to Young's Pharmacy to obtain controlled substances.

23. From in or about 2002 through in or about 2006, Wayne Johnson regularly brought sham prescriptions, including prescriptions from Joseph L. Borkson, to Young's Pharmacy to obtain controlled substances.

24. From in or about 2002 through in or about 2006, Garry Fields regularly brought sham prescriptions, including prescriptions from Joseph L. Borkson, to Young's Pharmacy to obtain controlled substances.

25. In or about 2002, Wayne Johnson and Garry Fields referred Kenneth Gateward to defendant LAWRENCE YOUNG to fill fraudulent and invalid prescriptions for controlled substances from Joseph L. Borkson. From in or about 2002 until in or about April 2006, Gateward regularly brought sham prescriptions, including prescriptions from Borkson, to Young's Pharmacy to obtain controlled substances.

26. From in or around 2002 through in or about 2006, William Williams regularly brought sham prescriptions, including prescriptions from Joseph L. Borkson, to Young's Pharmacy to obtain controlled substances.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. On or about February 3, 2003, defendant LAWRENCE YOUNG filled, and caused to be filled, a fraudulent and invalid prescription from Joseph L. Borkson for 100 tablets of Roxicet for Johnson in the name “Bernard Houston.”

2. On or about September 26, 2003, defendant LAWRENCE YOUNG filled, and caused to be filled, a fraudulent and invalid prescription from Joseph L. Borkson for 100 tablets of Endocet in the name of Garry Fields’s sister.

3. On or about July 29, 2003, defendant LAWRENCE YOUNG filled, and caused to be filled, a fraudulent and invalid prescription from Joseph L. Borkson for 100 tablets of Roxicet in the name of Kenneth Gateward’s sister.

4. On or about January 6, 2004, defendant LAWRENCE YOUNG filled, and caused to be filled, a fraudulent and invalid prescription from Joseph L. Borkson for 100 tablets of Roxicet in the name of William Williams’s mother-in-law.

5. On or about July 24, 2006, defendant LAWRENCE YOUNG filled, and caused to be filled, a fraudulent and invalid prescription from Joseph L. Borkson for 100 tablets of Percocet for Stephen Anderson in the name “Juan Rodriquez.”

6. On or about July 25, 2006, defendant LAWRENCE YOUNG filled, and caused to be filled, a fraudulent and invalid prescription from Joseph L. Borkson for 100 tablets of Percocet for Stephen Anderson in the name “Dwight Gibson.”

7. On or about August 10, 2006, defendant LAWRENCE YOUNG filled, and caused to be filled, fraudulent and invalid prescriptions from Joseph L. Borkson for 200 tablets of Lorcet for Stephen Anderson in the names “Rodney Walker” and “Lewis Jenkins.”

8. On or about August 24, 2006, defendant LAWRENCE YOUNG filled, and caused to be filled for Stephen Anderson, fraudulent and invalid prescriptions from Joseph L. Borkson for 200 tablets of Lorcet in the names of “Tia Robinson” and “Dwayne Chaplin,” 16 ounces of Tussionex in the name of “Damon Green,” and 12 ounces of Phenergan with Codeine in the name of “Lisa Jones.”

9. On or about August 29, 2006, defendant LAWRENCE YOUNG filled, and caused to be filled for Stephen Anderson, fraudulent and invalid prescriptions from Joseph L. Borkson for 200 tablets of Lorcet in the names “Steven Jones” and “Steven Penney,” 120 tablets of Xanax in the name “Tanya Bryant,” and 12 ounces of Phenergan with Codeine in the name “Tyrone Davis.”

10. On or about September 1, 2006, defendant LAWRENCE YOUNG filled, and caused to be filled for Stephen Anderson, a fraudulent and invalid prescription from Joseph L. Borkson for 120 tablets of Percocet in the name “William Long.”

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY CHARGES FURTHER:

On or about July 24, 2006, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

LAWRENCE YOUNG

knowingly and intentionally distributed and dispensed, and aided, abetted, and willfully caused the distribution and dispensing of, not for a legitimate medical purpose and outside the course of professional practice, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, that is, a prescription for 100 Percocet tablets, issued to Stephen Anderson, a/k/a "Stephen McKibben," in the name "Juan Rodriquez."

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

COUNT THREE

THE GRAND JURY CHARGES FURTHER:

On or about July 25, 2006, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

LAWRENCE YOUNG

knowingly and intentionally distributed and dispensed, and aided, abetted, and willfully caused the distribution and dispensing of, not for a legitimate medical purpose and outside the course of professional practice, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, that is, a prescription for 100 Percocet tablets, issued to Stephen Anderson, a/k/a "Stephen McKibben," in the name "Dwight Gibson."

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

COUNT FOUR

THE GRAND JURY CHARGES FURTHER:

On or about September 1, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

LAWRENCE YOUNG

knowingly and intentionally distributed and dispensed, and aided, abetted, and willfully caused the distribution and dispensing of, not for a legitimate medical purpose and outside the course of professional practice, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, that is, a prescription for 120 Percocet tablets, issued to Stephen Anderson, a/k/a "Stephen McKibben," in the name "William Long."

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendant

LAWRENCE YOUNG,

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to:

- 1) Young's Pharmacy, Inc.; and
- 2) 1306-08 South Street, Philadelphia, PA

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of \$1,053,908.72, and:

- 1) 1306-08 South Street, Philadelphia, PA and rents received therefrom; and
- 2) 4750 S. Ocean Boulevard, #301, Highland Beach, FL.

2. If any of the property subject to forfeiture, 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 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 divided 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 defendant's up to the value of the property subject to forfeiture, including but not limited to:

- 1) 816 Society Hill Boulevard, Cherry Hill, NJ; and
- 2) 605 S. 9th Street, Philadelphia, PA.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

LAURIE MAGID
United States Attorney