

2024R00334/NKP/PJK

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon.  
 :  
 :  
 v. :  
 :  
 :  
 ELIZABETH BUTTERWORTH : 21 U.S.C. § 846  
 :

Crim. No. 24- 385

**INFORMATION**

The Defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

**(Conspiracy to Unlawfully Distribute Controlled Substances)**

1. Unless otherwise indicated, at all times relevant to this Information:

**The Defendant**

a. Defendant Elizabeth A. Butterworth (“BUTTERWORTH”) was a resident of New Jersey and was a licensed advanced practice nurse by the State of New Jersey. BUTTERWORTH worked at a medical practice (the “Practice”) in New Jersey.

b. BUTTERWORTH maintained a Drug Enforcement Administration (“DEA”) registration number in New Jersey. BUTTERWORTH was authorized to issue prescriptions for Schedule II through Schedule V controlled substances for a legitimate medical purpose in the usual course of professional practice.

c. Individual 1, a co-conspirator not charged in this Information, received prescriptions from, and delivered controlled substances to, BUTTERWORTH in New Jersey.

d. Individual 2, a co-conspirator not charged in this Information, received prescriptions from, and delivered controlled substances to, BUTTERWORTH in New Jersey.

### **The Controlled Substances Act**

e. The Controlled Substances Act (“CSA”), codified in Title 21 of the United States Code, and its promulgating regulations, classified drugs into five schedules depending on a drug’s acceptable medical use and its potential for abuse and dependency.

f. Schedule I controlled substances, such as heroin, did not have an acceptable medical use, while Schedule II through Schedule V controlled substances did.

g. Schedule II controlled substances, such as oxycodone and drugs containing oxycodone (such as OxyContin®, Percocet®, and Endocet®), had a high potential for abuse, and abuse of such a drug or other substance could lead to severe psychological or physical dependence.

h. The CSA authorized Schedule II through Schedule V controlled substances to be dispensed to individuals by a valid prescription.

i. Chapter 21, Code of Federal Regulations, Section 1306.04 governed the issuance of prescriptions and provided, among other things, that a prescription for a controlled substance “must be issued for a legitimate medical

purpose by an individual practitioner acting in the usual course of his professional practice.”

j. Chapter 21, Code of Federal Regulations, Section 1306.04 further provided that “[a]n order purporting to be a prescription issued not in the usual course of professional treatment . . . is not a prescription within the meaning and intent of [the CSA] 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 provisions of law relating to controlled substances.”

### **The Conspiracy**

2. From in or around 2016, and continuing through in or around November 2023, in the District of New Jersey, and elsewhere, the defendant,

**ELIZABETH A. BUTTERWORTH,**

did knowingly and intentionally conspire and agree with others, known and unknown, to distribute and dispense, not for a legitimate medical purpose in the usual course of professional practice, mixtures and substances containing detectable amounts of Schedule II controlled substances, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

### **Goal of the Conspiracy**

3. The goal of the conspiracy was for BUTTERWORTH, Individual 1, Individual 2, and others to unlawfully obtain oxycodone by BUTTERWORTH issuing prescriptions for oxycodone not for a legitimate medical purpose in the usual course of professional medical practice.

**Manner and Means of the Conspiracy**

4. The manner and means by which BUTTERWORTH and others sought to accomplish the goal of the conspiracy included, among other things, the following:

a. BUTTERWORTH issued prescriptions for oxycodone to co-conspirators, including Individual 1 and Individual 2, and asked them to return a portion of the pills to BUTTERWORTH after the prescriptions were filled. In exchange, BUTTERWORTH agreed to increase the dosage of their prescriptions for oxycodone beyond what was for a legitimate medical purpose in the usual course of professional medical practice.

b. BUTTERWORTH's co-conspirators filled the prescriptions for oxycodone and returned a portion of the pills to BUTTERWORTH.

c. BUTTERWORTH met the co-conspirators in the parking lot of the Practice and other locations in New Jersey to receive her agreed-upon portion of the pills from her co-conspirators.

d. BUTTERWORTH maintained the co-conspirators on higher dosages of oxycodone while she continued to receive a portion of their pills.

e. BUTTERWORTH stopped providing legitimate pain management treatment to the co-conspirators while she continued to receive a portion of their pills and instead used follow-up appointments with the co-conspirators to further the conspiracy.

f. From in or around 2016, continuing through in or around November 2023, BUTTERWORTH issued the co-conspirators at least 40

prescriptions that were not for a legitimate medical purpose in the usual course of professional medical practice. These prescriptions resulted in at least 5,340 pills being dispensed by New Jersey pharmacies to the co-conspirators.

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

**FORFEITURE ALLEGATION**

1. The allegations contained in this Information are realleged here for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. As a result of committing the controlled substance offense as charged in this Information, the defendant,

**ELIZABETH A. BUTTERWORTH,**

shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in this Information.

3. 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,

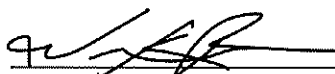
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).



---

PHILIP R. SELLINGER  
United States Attorney

GLENN S. LEON  
Chief  
Criminal Division, Fraud Section



---

NICHOLAS K. PEONE  
PAUL J. KOOB  
Trial Attorneys  
Criminal Division, Fraud Section

CASE NUMBER: \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA**

**v.**

**ELIZABETH BUTTERWORTH**

**INFORMATION FOR**

**21 U.S.C. § 846**

**PHILIP R. SELLINGER  
UNITED STATES ATTORNEY  
FOR THE DISTRICT OF NEW JERSEY**

**NICHOLAS K. PEONE  
PAUL J. KOOB  
TRIAL ATTORNEYS  
(202) 923-7818**