

BART M. DAVIS, IDAHO STATE BAR NO. 2696
UNITED STATES ATTORNEY
DARCI N. WARD, IDAHO STATE BAR NO. 8852
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF IDAHO
WASHINGTON GROUP PLAZA IV
800 EAST PARK BOULEVARD, SUITE 600
BOISE, ID 83712-7788
TELEPHONE: (208) 334-1211
FACSIMILE: (208) 334-1413

U.S. COURTS

JUN 14 2018

Rcvd _____ Filed _____ Time _____
STEPHEN W. KENYON
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN J HURLEY,

Defendant.

Case No. **CR 18-0192-EDCN**

INDICTMENT

21 U.S.C. § 843(a)(3)

21 U.S.C. § 853

The Grand Jury charges:

COUNT ONE

**Obtaining Controlled Substance by Fraud
21 U.S.C. § 843(a)(3)**

From in or about May 2017, and continuing through in or about November 2017, in the District of Idaho, the defendant, BENJAMIN J HURLEY, did knowingly and intentionally acquire and obtain possession of acetaminophen/codeine 300/30mg, also known as Tylenol 3, a Schedule III controlled substance, by misrepresentation, fraud, deception, and subterfuge, to wit:

by altering the inventory management system, all in violation of Title 21, United States Code, Section 843(a)(3).

COUNT TWO

**Obtaining Controlled Substance by Fraud
21 U.S.C. § 843(a)(3)**

From in or about May 2017, and continuing through in or about November 2017, in the District of Idaho, the defendant, BENJAMIN J HURLEY, did knowingly and intentionally acquire and obtain possession of acetaminophen/codeine 300/60mg, also known as Tylenol 4, a Schedule III controlled substance, by misrepresentation, fraud, deception, and subterfuge, to wit: by altering the inventory management system, all in violation of Title 21, United States Code, Section 843(a)(3).

CRIMINAL FORFEITURE ALLEGATION(S)

**Drug Forfeiture
21 U.S.C. § 853**

Upon conviction of the offenses alleged in Counts One and Two of this Indictment, the defendant, BENJAMIN J HURLEY, shall forfeit to the United States any and all property, real and personal, tangible and intangible, consisting of or derived from any proceeds the said defendant obtained directly or indirectly as a result of the foregoing offenses; and any and all property, real and personal, tangible and intangible, used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the foregoing offenses. The property to be forfeited includes, but is not limited to, the following:

1. Unrecovered Cash Proceeds and/or Facilitating Property. The defendant obtained and controlled unrecovered proceeds of the offense of conviction, or property derived from or traceable to such proceeds, and property the defendant used to facilitate

the offense, but based upon actions of the defendant, the property was transferred, diminished, comingled, or is otherwise unavailable.

2. Substitute Assets. Pursuant to 21 U.S.C. § 853(p) and other applicable statutes, the government will seek forfeiture of substitute assets, “or any other property of the defendant” up to the value of the defendant’s assets subject to forfeiture. The government will do so when the property subject to forfeiture cannot be forfeited for one or more of the following reasons:

- 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 comingled with other property which cannot be subdivided without difficulty.

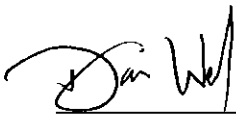
Dated this 13 day of June, 2018.

A TRUE BILL

/s/ [signature on reverse]

FOREPERSON

BART M. DAVIS
UNITED STATES ATTORNEY
By:



DARCIN. WARD
ASSISTANT UNITED STATES ATTORNEY