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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.

JOHN DAMON STEINER,

Defendant.

Case No. **CR 18-0193-1 DCN**

**INDICTMENT**

21 U.S.C. § 843(a)(3)

21 U.S.C. § 853

The Grand Jury charges:

At all times relevant to this Indictment:

1. The defendant JOHN DAMON STEINER was a pharmacist employed at a hospital in Northern Idaho.
2. A Pyxis system automates and monitors the distribution, management, and control of prescription medications, including Schedule II controlled substances.
3. The hospital utilized a Pyxis system, and had two Pyxis stations (or machines) located in the hospital.
4. Access to the Pyxis system was regulated. STEINER had access to the Pyxis system.

5. In general, controlled substances were stored in the pharmacy or individual Pyxis stations.
6. The pharmacy at the hospital kept controlled substance logs documenting the receipt, issuance, and running balance of controlled substances.

**COUNTS ONE THROUGH TWENTY-FIVE**

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

7. The allegations set forth in paragraphs 1 through 6 are incorporated and re-alleged as if fully set forth herein.
8. On or about the following dates in the District of Idaho, the defendant, JOHN DAMON STEINER, did knowingly and intentionally acquire Schedule II controlled substances by misrepresentation, fraud, deception, and subterfuge, to wit, by creating, falsifying, and manipulating controlled substance logs and information in the Pyxis system to obtain controlled substances, as detailed below, each representing a separate count of this

Indictment:

<b>Count</b>	<b>Date</b>	<b>Controlled Substance</b>	<b>Amount</b>
1	2/23/17	OxyContin 20mg	4 tablets
2	2/23/17	Oxycodone 5mg	10 tablets
3	3/10/17	Morphine IR 15mg	30 tablets
4	3/10/17	Hydromorphone (Dilaudid) 2mg	30 tablets
5	3/28/17	Oxycodone/Acetaminophen (Percocet) 10/325mg	10 tablets
6	4/13/17	OxyContin 40mg	5 tablets
7	4/13/17	OxyContin 40mg	1 tablet

8	7/14/17	OxyContin 40mg	10 tablets
9	8/1/17	OxyContin 10mg	10 tablets
10	8/15/17	Morphine ER (MS Contin) 30mg	20 tablets
11	10/11/17	OxyContin 20mg	11 tablets
12	10/13/17	Hydrocodone/Acetaminophen (Norco) 10/325mg	40 tablets
13	10/16/17	Oxycodone/Acetaminophen (Percocet) 10/325mg	50 tablets
14	10/23/17	Oxycodone/Acetaminophen (Percocet) 10/325mg	50 tablets
15	10/26/17	Morphine PCA 30mg/30mL	2 syringes
16	11/2/17	Oxycodone/Acetaminophen (Percocet) 10/325mg	40 tablets
17	11/13/17	Oxycodone/Acetaminophen (Percocet) 10/325mg	40 tablets
18	12/6/17	Oxycodone/Acetaminophen (Percocet) 10/325mg	40 tablets
19	12/11/17	Morphine PCA 30mg/30mL	1 syringe
20	12/12/17	Morphine PCA 30mg/30mL	1 syringe
21	12/16/17	Hydromorphone (Dilaudid) 2mg/mL	3 vials
22	12/17/17	Hydromorphone (Dilaudid) 2mg/mL	2 vials
23	12/17/17	Hydromorphone (Dilaudid) 2mg/mL	2 vials
24	1/6/18	Hydromorphone (Dilaudid) 2mg/mL	3 vials
25	1/7/18	Hydromorphone (Dilaudid) PCA 30mg/mL	1 syringe

All in violation of Title 21, United States Code, Section 843(a)(3).

**CRIMINAL FORFEITURE ALLEGATION**

**Drug Forfeiture**

**21 U.S.C. § 853**

Upon conviction of the offenses alleged in Counts One through Twenty-Five of this Indictment, the defendant, JOHN DAMON STEINER, 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.

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, commingled, 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 commingled with other property which cannot be subdivided without difficulty.

Dated this 13 day of June, 2018.

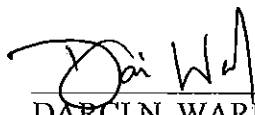
A TRUE BILL

*/s/ [signature on reverse]*

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FOREPERSON

BART M. DAVIS  
UNITED STATES ATTORNEY  
By:



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DARCI N. WARD  
ASSISTANT UNITED STATES ATTORNEY