

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN

JUN 13 2018

UNITED STATES OF AMERICA)
)
 v.)
)
 [1] SIMBARASHE KANJANDA)
 a/k/a "Simba")
 [2] WILLIAM AFARI)
)
 [3] ROBERT PRIDE, JR.)
)
 [4] ABDULNASAR NOUR)
)
 [5] KUDAKWASHE MANDISHONA)
 a/k/a "Kuda")

NO. 3:18-00135


DEPUTY CLERK

18 U.S.C. § 2
18 U.S.C. § 1028A
18 U.S.C. § 1343
21 U.S.C. § 843(a)(2)
21 U.S.C. § 843(a)(3)
21 U.S.C. § 846

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

1. Beginning not later than on or about January 26, 2017, the exact date being unknown to the Grand Jury, through on or about September 24, 2017, in the Middle District of Tennessee, [1] **SIMBARASHE KANJANDA**, a/k/a "Simba," [2] **WILLIAM AFARI**, [3] **ROBERT PRIDE, JR.**, [4] **ABDULNASAR NOUR**, and [5] **KUDAKWASHE MANDISHONA**, a/k/a "Kuda," did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly and intentionally use a registration number issued to another person to acquire and obtain Oxycodone, a Schedule II controlled substance, by misrepresentation, fraud, forgery, and deception, in violation of Title 21, United States Code, Sections 843(a)(2) and (a)(3).

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

COUNTS TWO THROUGH SEVEN

THE GRAND JURY FURTHER CHARGES:

At all times relevant to this Indictment:

I. Background

2. The Drug Enforcement Administration (“DEA”) is a federal law enforcement agency that regulates the distribution of controlled substances. As a part of its federal mandate, the DEA provides licensed medical practitioners (“practitioners”) with registration numbers to record and monitor controlled substances prescribed by practitioners. Each registration number is unique and provided to a practitioner after the practitioner has completed certain licensing requirements.

3. Once a practitioner has obtained a DEA registration number, the practitioner can write prescriptions for patients to obtain controlled substances from a licensed pharmaceutical dispensary (*i.e.*, “pharmacies”). Pharmacies are also required to comply with federal regulations and procedures. In addition, pharmacies in the State of Tennessee must abide by regulations established by the Tennessee Board of Pharmacy in order to receive a license and distribute controlled substances.

4. After a pharmacy has obtained licenses from the DEA and the Tennessee Board of Pharmacy, pharmacies are required to comply with Title 21, United States Code, Section 827, and Tennessee Code Annotated Sections 52-10-302, *et seq.*, by recording and documenting the types and amounts of controlled substances that they distribute in a prescription drug monitoring program (“PDMP”). The DEA and Tennessee Board of Pharmacy use the PDMP to monitor controlled substances prescribed by practitioners, distributed by pharmacies, and received by consumers.

5. The Tennessee Board of Pharmacy utilizes Appriss Health, a healthcare company incorporated in the State of Kentucky, to gather and collect information about the distribution of controlled substances by pharmacies in the State of Tennessee. Appriss Health provides pharmacies with PDMP services for healthcare providers and other pharmacies to collaborate and monitor the distribution of controlled substances. Appriss Health maintains computer servers in the State of Kentucky and receives electronic transmissions through interstate wires from agencies and pharmacies that are outside of the State of Kentucky.

II. The Scheme to Defraud

6. Beginning not later than on or about January 26, 2017, the exact date being unknown to the Grand Jury, through on or about September 24, 2017, in the Middle District of Tennessee, [1] **SIMBARASHE KANJANDA, a/k/a “Simba,”** [2] **WILLIAM AFARI,** [3] **ROBERT PRIDE, JR.,** [4] **ABDULNASAR NOUR,** and [5] **KUDAKWASHE MANDISHONA, a/k/a “Kuda,”** devised and intended to devise a scheme to defraud pharmacies, and to obtain property, to wit: controlled substances, by means of materially false and fraudulent pretenses, representations and promises, and in furtherance thereof used interstate wires, which scheme is further described in the following paragraphs.

7. It was the primary purpose and object of the scheme and artifice to defraud to obtain monetary gains through the unlawful possession and distribution of controlled substances, specifically Oxycodone, a Schedule II controlled substance, in the Middle District of Tennessee.

8. It was part of the scheme and artifice to defraud that the defendants combined, conspired, confederated, and agreed with each other to circumvent DEA’s policies and procedures in order to distribute and possess with the intent to distribute Oxycodone.

9. It was further part of the scheme and artifice to defraud that the defendants stole the personal identifying information (“PII”) of certain practitioners, including: “C.A.,” “C.B.,” “D.J.,” and “T.L.,” and their DEA registration numbers, and the PII of patients from a medical/dental clinic in the Middle District of Tennessee, to fraudulently obtain Oxycodone from pharmacies. The defendants used the stolen identities and registration numbers to create fictitious and fraudulent prescriptions for Oxycodone. The defendants prepared fraudulent prescriptions without the practitioners’ authorization or approval.

10. It was further part of the scheme and artifice to defraud that [1] **SIMBARASHE KANJANDA, a/k/a “Simba,”** placed the names of practitioners: “C.A.,” “C.B.,” “D.J.,” and “T.L.” and their registration numbers on fictitious and fraudulent prescriptions and generated physical copies of the fictitious and fraudulent prescriptions for presentment to local pharmacies so that [2] **WILLIAM AFARI,** [3] **ROBERT PRIDE, JR.,** [4] **ABDULNASAR NOUR,** [5] **KUDAKWASHE MANDISHONA, a/k/a “Kuda,”** and others known and unknown to the Grand Jury, could present the fictitious and fraudulent prescriptions to pharmacies and obtain Oxycodone.

11. It was further part of the scheme and artifice to defraud that [1] **SIMBARASHE KANJANDA, a/k/a “Simba,”** [2] **WILLIAM AFARI,** [3] **ROBERT PRIDE, JR.,** [4] **ABDULNASAR NOUR,** and [5] **KUDAKWASHE MANDISHONA, a/k/a “Kuda,”** and other unknown co-conspirators presented, and assisted in the presentation, of fictitious prescriptions to pharmacies for the purpose of deceiving the pharmacies and receiving controlled substances, in violation of Title 21, United States Code, Sections 843(a)(2) and (a)(3).

12. It was further part of the scheme and artifice to defraud that [1] **SIMBARASHE KANJANDA, a/k/a “Simba,”** [2] **WILLIAM AFARI,** [3] **ROBERT PRIDE, JR.,** [4]

ABDULNASAR NOUR, and [5] **KUDAKWASHE MANDISHONA**, a/k/a “**Kuda**,” unlawfully obtained and used the PII of another person in order to possess controlled substances. Specifically, [5] **KUDAKWASHE MANDISHONA**, a/k/a “**Kuda**,” obtained individuals’ names and PII and provided this information to [1] **SIMBARASHE KANJANDA**, a/k/a “**Simba**.”

13. It was further part of the scheme and artifice to defraud that [1] **SIMBARASHE KANJANDA**, a/k/a “**Simba**” used the PII that he obtained from [5] **KUDAKWASHE MANDISHONA** to create fictitious prescriptions for the defendants and their co-conspirators in order to obtain controlled substances, in violation of Title 21, United States Code, Section 843(a)(3). The defendants and their co-conspirators submitted prescriptions containing patients’ and practitioners’ PII to pharmacies to obtain and receive controlled substances.

14. It was further part of the scheme and artifice to defraud that [1] **SIMBARASHE KANJANDA**, a/k/a “**Simba**,” [2] **WILLIAM AFARI**, [3] **ROBERT PRIDE, JR.**, [4] **ABDULNASAR NOUR**, and [5] **KUDAKWASHE MANDISHONA**, a/k/a “**Kuda**,” knowingly caused interstate wire transmissions through the use of cellular telephones in order to discuss the production of fictitious prescriptions and procurement of controlled substances from pharmacies.

15. It was further part of the scheme and artifice to defraud that [1] **SIMBARASHE KANJANDA**, a/k/a “**Simba**,” [2] **WILLIAM AFARI**, [3] **ROBERT PRIDE, JR.**, [4] **ABDULNASAR NOUR**, and [5] **KUDAKWASHE MANDISHONA**, a/k/a “**Kuda**,” knowingly caused pharmacies, in the State of Tennessee, to submit interstate wire transmissions to Appriss Health, in the State of Kentucky, in order to obtain controlled substances, in violation of Title 18, United States Code, Sections 1343 and 2.

III. The Wire

16. On or about each dates listed below, in the Middle District of Tennessee and elsewhere, [1] SIMBARASHE KANJANDA, a/k/a “Simba,” [2] WILLIAM AFARI, [3] ROBERT PRIDE, JR., [4] ABDULNASAR NOUR, and [5] KUDAKWASHE MANDISHONA, a/k/a “Kuda,” for the purpose of executing the aforementioned scheme to defraud and attempting to do so, did knowingly cause to be transmitted by means of wire communication in interstate commerce, writings, signs, and signals, namely identifiers to obtain controlled substances from pharmacies.

Count	Date of Offenses	Wire Communication
TWO	July 5-29, 2017	Text messages from [3] ROBERT PRIDE, JR. to [1] SIMBARASHE KANJANDA, a/k/a “Simba” requesting fictitious prescriptions.
THREE	July 5-29, 2017	Text messages from [1] SIMBARASHE KANJANDA, a/k/a “Simba” to [3] ROBERT PRIDE, JR. agreeing to create fictitious prescriptions.
FOUR	July 19, 2017	Text messages from [5] KUDAKWASHE MANDISHONA, a/k/a “Kuda,” to [1] SIMBARASHE KANJANDA, a/k/a “Simba” requesting fictitious prescriptions.
FIVE	July 28, 2017	[4] ABDULNASAR NOUR’s and [5] KUDAKWASHE MANDISHONA’s, a/k/a “Kuda” submission of a fictitious Oxycodone prescription which caused interstate wire transmissions
SIX	August 7, 2017	[2] WILLIAM AFARI submission of a fictitious Oxycodone prescription which caused interstate wire transmissions
SEVEN	August 7, 2017	[5] KUDAKWASHE MANDISHONA, a/k/a “Kuda,” submission of a fictitious Oxycodone prescription which caused interstate wire transmissions

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES:

17. On or about July 11, 2017, in the Middle District of Tennessee and elsewhere, [3] **ROBERT PRIDE, JR.**, did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person (“D.J.”) during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A.

COUNT NINE

THE GRAND JURY FURTHER CHARGES:

18. On or about July 19, 2017, in the Middle District of Tennessee and elsewhere, [1] **SIMBARASHE KANJANDA**, a/k/a “**Simba**,” and [5] **KUDAKWASHE MANDISHONA**, a/k/a “**Kuda**,” did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person (“S.C.,” “R.M.,” “A.W.,” “G.T.,” “T.B.,” “D.S.,” “M.F.,” and “A.B.”), during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A.

COUNT TEN

THE GRAND JURY FURTHER CHARGES:

19. On or about July 28, 2017, in the Middle District of Tennessee and elsewhere, [4] **ABDULNASAR NOUR**, did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person (“C.A.”) during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES:

On or about August 7, 2017, in the Middle District of Tennessee and elsewhere, [2] **WILLIAM AFARI**, did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person (“M.C.” and “C.B.”) during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit: wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A.

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES:

On or about August 7, 2017, in the Middle District of Tennessee and elsewhere, [5] **KUDAKWASHE MANDISHONA, a/k/a “Kuda,”** did knowingly transfer, possess, or use, without lawful authority, a means of identification of another person (“C.R.” and “C.B.”) during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit: wire fraud, in

violation of Title 18, United States Code, Section 1343, knowing that the means of identification belonged to another actual person.

In violation of Title 18, United States Code, Section 1028A.

FORFEITURE ALLEGATION

1. The allegations contained in this Indictment are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.

2. Upon conviction of any of the offenses charged in Counts One through Eight, **[1] SIMBARASHE KANJANDA, a/k/a "Simba," [2] WILLIAM AFARI, [3] ROBERT PRIDE, JR., [4] ABDULNASAR NOUR, and [5] KUDAKWASHE MANDISHONA** shall forfeit to the United States of America, pursuant to Title 21, United States Code, Sections 853(a)(1) and (2) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation, including but not limited to a Money Judgment representing the amount of gross proceeds obtained as a result of such offense(s) and the value of the property used, in any manner or part, to commit, or to facilitate the commission of such offense(s).

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

- 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 subdivided without difficulty;

the United States shall be entitled to forfeiture of substitute property and it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c) to seek forfeiture of any other property of defendants [1] SIMBARASHE KANJANDA, a/k/a "Simba," [2] WILLIAM AFARI, [3] ROBERT PRIDE, JR., [4] ABDULNASAR NOUR, and [5] KUDAKWASHE MANDISHONA up to the value of said property listed above as being subject to forfeiture.

A TRUE BILL:


GRAND JURY FOREPERSON

DONALD Q. COCHRAN
UNITED STATES ATTORNEY



AHMED A. SAFEEULLAH
ASSISTANT UNITED STATES ATTORNEY