

Jul 6, 2017

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
17-20463-CR-GAYLES/OTAZO-REYES**

Case No. _____

21 U.S.C. § 331(k)

21 U.S.C. § 333(a)(1)

21 U.S.C. § 334

UNITED STATES OF AMERICA

vs.

MICHAEL SHANE MATTHEWS,

Defendant.

INFORMATION

The Acting United States Attorney charges that:

**MISBRANDING OF A DRUG WHILE HELD FOR SALE
(21 U.S.C. §§ 331(k) and 333(a)(1))**

On or about January 22, 2015, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

MICHAEL SHANE MATTHEWS,

caused to be dispensed the prescription drug Flurbiprofen without the prescription of a practitioner licensed by law to administer the drug, while the drug was held for sale and after the drug had been shipped in interstate commerce, which act resulted in the drug being misbranded within the meaning of Title 21, United States Code, Section 353(b)(1).

In violation of Title 21, United States Code, Sections 331(k) and 333(a)(1), and United States Code, Section 2.

FORFEITURE
(21 U.S.C. §334)

1. The allegations of this Information are re-alleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of certain property in which the defendant, **MICHAEL SHANE MATTHEWS**, has an interest.

2. Upon conviction of a violation of Title 21, United States Code, Section 331, as alleged in this Information, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), among other things, property, real or personal, that constitutes, or is derived, directly or indirectly, from gross proceeds traceable to such violation.

3. Upon conviction of a violation of Title 21, United States Code, Sections 331 or 333, as alleged in this Information, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 334, any quantities of Flurbiprofen which were misbranded when introduced into interstate commerce or while in interstate commerce, or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which were introduced into interstate commerce in violation of Title 21, United States Code, Section 331.

4. The property which is subject to criminal forfeiture includes, but is not limited to, the following: \$439,765 which is a sum of money equal in value to the property that constitutes, or is derived, directly or indirectly, from gross proceeds traceable the violation of Title 21, United States Code, Section 331, as alleged in this Information, and which the United States will seek as a forfeiture money judgment against the defendant as part of his sentence.

All pursuant to Title 18, United States Code, Section 982(a)(7), Title 21, United States Code, Section 334, as made applicable by Title 28, United States Code, Section 2461(c), and the procedures of Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).


BENJAMIN G. GREENBERG
ACTING UNITED STATES ATTORNEY


KEVIN J. LARSEN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

MICHAEL SHANE MATTHEWS,

Defendant.

_____/

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
 FTL WPB FTP

New Defendant(s)

Yes _____ No _____

Number of New Defendants _____

Total number of counts _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) NO
List language and/or dialect _____

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u> X </u>	Petty	<u> </u>
II	6 to 10 days	<u> </u>	Minor	<u> </u>
II	11 to 20 days	<u> </u>	Misdem.	<u> X </u>
IV	21 to 60 days	<u> </u>	Felony	<u> </u>
V:	61 days and over	<u> </u>		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge:

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

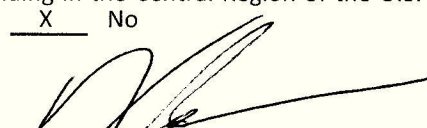
Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No



KEVIN J. LARSEN
ASSISTANT UNITED STATES ATTORNEY
FLORIDA BAR # A5501050

*Penalty Sheet(s) attached

REV 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MICHAEL SHANE MATTHEWS

Case No: _____

Count #: 1

Misbranding Of A Drug While Held For Sale

Title 21, United States Code, Section 331(k)

*** Max. Penalty:** 1 year imprisonment

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

Count #:

***Max. Penalty:** _____

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America

v.

MICHAEL SHANE MATTHEWS,

Defendant

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)
)
)

Case No.

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title