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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.

JENNIFER L. FANOPOULOS,

Defendant.

Case No. **CR 18-0191-SEJL**

INDICTMENT

18 U.S.C. § 929(a)(2)
18 U.S.C. § 982
18 U.S.C. § 1028
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 JENNIFER L. FANOPOULOS was employed as a registered nurse at a hospital in Boise, Idaho.
2. A Pyxis system automates and monitors the distribution, management, and control of prescription medications, including Schedule II controlled substances.
3. The hospital where FANOPOLOUS worked utilized a Pyxis system.

4. Access to the Pyxis system was regulated. FANOPOULOS had access to the Pyxis system.

COUNTS ONE THROUGH TWENTY-EIGHT

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

5. The allegations set forth in paragraphs 1 through 4 are incorporated and re-alleged as if fully set forth herein.
6. On or about the following dates, in the District of Idaho, the defendant, JENNIFER L. FANOPOULOS, knowingly and intentionally acquired Schedule II controlled substances by misrepresentation, fraud, deception, and subterfuge, to wit, by entering patient information into a Pyxis machine and removing controlled substances thereby creating, falsifying, and manipulating information in the Pyxis system to obtain controlled substances, as detailed below, each representing a separate count of this Indictment:

Count	Date	Approx. Time	Controlled Substance	Amount
1	9/29/17	16:37	Fentanyl 100mcg/2mL	1 vial
2	10/3/17	16:20	Fentanyl 100mcg/2mL	2 vials
3	10/4/17	08:46	Fentanyl 100mcg/2mL	1 vial
4	10/4/17	11:28	Fentanyl 100mcg/2mL	1 vial
5	10/4/17	15:07	Fentanyl 100mcg/2mL	1 vial
6	10/27/17	20:53	Fentanyl 100mcg/2mL	2 vials
7	10/29/17	10:41	Fentanyl 100mcg/2mL	2 vials

8	10/29/17	16:42	Fentanyl 100mcg/2mL	2 vials
9	10/30/17	06:31	Fentanyl 100mcg/2mL	2 vials
10	10/31/17	08:26	Fentanyl 100mcg/2mL	2 vials
11	10/31/17	09:05	Fentanyl 100mcg/2mL	2 vials
12	10/31/17	16:08	Fentanyl 100mcg/2mL	2 vials
13	11/8/17	08:57	Fentanyl 100mcg/2mL	1 vial
14	11/9/17	08:09	Fentanyl 100mcg/2mL	2 vials
15	11/9/17	11:50	Fentanyl 100mcg/2mL	2 vials
16	11/9/17	15:21	Fentanyl 100mcg/2mL	2 vials
17	11/9/17	17:52	Fentanyl 100mcg/2mL	3 vials
18	11/10/17	08:58	Fentanyl 100mcg/2mL	2 vials
19	11/10/17	10:28	Fentanyl 100mcg/2mL	3 vials
20	11/10/17	12:18	Fentanyl 100mcg/2mL	3 vials
21	11/11/17	12:37	Fentanyl 100mcg/2mL	3 vials
22	11/11/17	12:40	Fentanyl 100mcg/2mL	3 vials
23	11/11/17	16:52	Fentanyl 100mcg/2mL	3 vials
24	11/12/17	12:32	Fentanyl 100mcg/2mL	6 vials
25	11/12/17	12:33	Fentanyl 100mcg/2mL	3 vials
26	11/14/17	08:05	Fentanyl 100mcg/2mL	4 vials

27	11/14/17	08:08	Fentanyl 100mcg/2mL	4 vials
28	11/14/17	08:13	Fentanyl 100mcg/2mL	4 vials

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

COUNTS TWENTY-NINE THROUGH THIRTY-TWO

**Identity Theft
18 U.S.C. § 1028(a)(7) and 1028(b)(3)(A)**

7. The allegations set forth in paragraphs 1 through 4 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, JENNIFER L. FANOPOULOS, did knowingly transfer, possess, and use in and affecting interstate and foreign commerce, without lawful authority, a means of identification of another person, to wit: the name and patient identification number, with intent to commit and in connection with, a violation of Federal law; to wit, obtaining controlled substances by fraud in violation of 21 U.S.C. § 843(a)(3), as detailed below, each representing a separate count of this Indictment:

Count	Corresponding Count	Date	Name	Financial Identification No.
29	1	9/29/17	K.W.	xxxxxxxx7271
30	7	10/29/17	V.A.	xxxxxxxx7300
31	8	10/29/17	V.A.	xxxxxxxx7300
32	28	11/14/17	K.H.	xxxxxxxx7317

It is further alleged that the offense charged herein was committed to facilitate a drug trafficking crime, as defined in 18 U.S.C. § 929(a)(2). All in violation of Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(3)(A).

CRIMINAL FORFEITURE ALLEGATION(S)
Forfeiture for Drug / Identity Theft
21 U.S.C. § 853 / 18 U.S.C. § 982(a) and 18 U.S.C. § 1028(b)

Upon conviction of the offenses alleged in Counts One through Thirty-Two of this Indictment, the defendant, JENNIFER L. FANOPOULOS, 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. 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]

FOREPERSON

BART M. DAVIS
UNITED STATES ATTORNEY
By:



DARCIN. WARD
ASSISTANT UNITED STATES ATTORNEY