

United States Court
Southern District of Texas
FILED

JUL 06 2017

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

JAMES DARIAN PIERRE,
RHONDA RENEE WALKER,
CHARLES WENDELL THOMPSON,

Defendants.

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Criminal No. 17-414

UNDER SEAL

INDICTMENT

The Acting United States Attorney for the Southern District of Texas charges:

General Allegations

At all times material to this Indictment, unless otherwise specified:

1. The Controlled Substances Act (CSA) governed the manufacture, distribution, and dispensing of controlled substances in the United States. With limited exceptions for medical professionals, the CSA made it “unlawful for any person knowingly or intentionally . . . to manufacture, distribute, or dispense . . . a controlled substance” or conspire to do so.

2. The CSA and its implementing regulations set forth which drugs and other substances are defined by law as “controlled substances,” and assigned those controlled substances to one of five schedules (Schedule I, II, III, IV, or V) depending on their potential for abuse, likelihood of physical or psychological dependency, accepted medical use, and accepted safety for use under medical supervision.

3. “Schedule II” means that the drug has a high potential for abuse, the drug has a currently accepted medical use in treatment in the United States or a currently accepted medical

use with severe restrictions, and abuse of the drug may lead to severe psychological or physical dependence. 21 U.S.C. § 812(b)(2).

4. Pursuant to the CSA and its implementing regulations: Hydrocodone was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b). Hydrocodone is found in medications known by the brand names Vicodin, Norco, and Lortab.

5. Medical practitioners, such as physicians, who are authorized to prescribe controlled substances by the jurisdiction in which they are licensed to practice medicine are authorized under the CSA to prescribe, or otherwise distribute, controlled substances, if they are registered with the Attorney General of the United States. 21 U.S.C. § 822(b); 21 C.F.R. § 1306.03. A prescription for a controlled substance may only be dispensed, or filled, “by a pharmacist, acting in the usual course of his professional practice, and either registered individually or employed in a registered pharmacy” 21 C.F.R. § 1306.06. Upon application by the practitioner, the Drug Enforcement Administration (DEA) assigns a unique registration number to each qualifying physician, pharmacist, or pharmacy.

6. Under Chapter 21 of the Code of Federal Regulations, Section 1306.04(a), a prescription for a controlled substance “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research [is] not a prescription within the meaning and intent of [the

CSA] and the person knowingly filling such a purported prescription, as well as the person issuing it, [is] subject to the penalties provided for violations of the provisions of law relating to controlled substances.”

7. All prescriptions for controlled substances “shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name address and registration number of the practitioner.” 21 C.F.R. § 1306.05(a). “The refilling of a prescription for a controlled substance listed in Schedule II is prohibited.” 21 C.F.R. § 1306.12(a); 21 U.S.C. § 829(a).

8. A pain management clinic may not operate in Texas without obtaining a certificate from the Texas Medical Board. The Texas Medical Board defines a pain management clinic as a publicly or privately owned facility for which a majority of patients are issued, on a monthly basis, a prescription for opioids, benzodiazepines, barbiturates, or carisoprodol, but not including suboxone. A person was exempt from the certification requirement if the clinic was owned or operated by a physician who treats patients within the physician’s area of specialty and who personally uses other forms of treatment, including surgery, with the issuance of a prescription for the majority of the patients.

Clinic

9. ODOF Medical P.A., d/b/a First Parker Medical Clinic, a/k/a West Parker Medical Clinic (“WPM”) was a pain management clinic, located in Houston, Texas in the Southern District of Texas, which was not certified with the Texas Medical Board as a pain management clinic.

Defendants

10. Defendant **JAMES DARION PIERRE**, a Medical Doctor, licensed by the State of Texas to practice medicine and maintained a Drug Enforcement Administration Registration Number. **JAMES DARION PIERRE** was listed as the owner of WPM and purported to treat patients for pain but, in fact, issued prescriptions for controlled substances outside the scope of professional practice and without a legitimate medical purpose. **JAMES DARION PIERRE** was also the Medical Director at WPM and the sole physician at WPM.

11. Defendant **RHONDA RENEE WALKER** was the manager and operator of WPM who also owned the management company RRW Management Company (“RRW”). RRW sub-leased the clinic space to WPM and paid in cash all of WPM’s employees, including **JAMES DARION PIERRE** and **CHARLES WENDELL THOMPSON**, paid the utilities and other bills, and kept all of the profits from WPM. **RHONDA RENEE WALKER** was not a medical professional licensed in any capacity in the State of Texas.

12. Defendant **CHARLES WENDELL THOMPSON**, was a physician assistant working at WPM, who collaborated with **JAMES DARION PIERRE** and worked under the supervision of **JAMES DARION PIERRE**, and purported to treat pain but, in fact, issued prescriptions for controlled substances outside the scope of professional practice and without a legitimate medical purpose.

COUNT 1
Conspiracy to Distribute and Dispense Controlled Substances
(21 U.S.C. § 846)

13. Paragraphs 1 through 12 of this Indictment are realleged and incorporated by reference as if fully set forth herein.

14. From in or around June 2015, through in or around July 2016, in the Houston Division of the Southern District of Texas, and elsewhere, the defendants,

JAMES DARION PIERRE,
RHONDA RENEE RHONDA, and
CHARLES WENDELL THOMPSON

did knowingly and intentionally combine, conspire, confederate, and agree with each other and with others known and unknown, to violate Title 21, United States Code, Section 841(a)(1), that is, to unlawfully distribute and dispense, mixtures and substances containing a detectable amount of Schedule II controlled substances, including hydrocodone, not for a legitimate medical purpose and outside the scope of professional practice.

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

Purpose of the Drug Conspiracy

15. The purposes of the conspiracy included, but were not limited to, attracting large numbers of persons interested in obtaining and filling prescriptions for controlled substances; issuing prescriptions for controlled substances to such persons, not for a legitimate medical purpose and outside the scope of professional practice; and generating large profits for the personal enrichment of the defendants.

Manner and Means of the Conspiracy

The manner and means by which the defendants sought to accomplish the purpose and object of the conspiracy included, among other things:

16. It was a part of the conspiracy that defendant **JAMES DARION PIERRE** purported to be the owner of WPM in order to comply with Texas law, but in fact **RHONDA RENEE WALKER** was the true owner of the clinic. **RHONDA RENEE WALKER** received the profits from WPM, paid the bills for WPM, and paid **JAMES DARION PIERRE** and **CHARLES WENDELL THOMPSON** a cash salary in exchange for them prescribing controlled substances to patients of WPM.

17. It was further part of the conspiracy that a majority of WPM patients received a prescription for hydrocodone and carisoprodol—which constituted a pain management clinic as defined by Texas law—even though WPM had not been certified as a pain management clinic by the Texas Medical Board, as required by Texas law.

18. It was further part of the conspiracy that **JAMES DARION PIERRE** would and did use his status as a licensed physician, his DEA Registration Number, and his medical practice WPM, to knowingly prescribe hydrocodone, a Schedule II controlled substance, outside the course of professional practice and not for a legitimate medical purpose.

19. It was further part of the conspiracy that **CHARLES WENDELL THOMPSON** would and did use his status as a licensed physician assistant, and his DEA Registration Number, to purport to treat patients of **JAMES DARION PIERRE** and WPM knowing that this purported treatment would be used by **JAMES DARION PIERRE** and **RHONDA RENEE WALKER** to justify the prescription of controlled substances outside the course of professional practice and not for a legitimate medical purpose.

20. It was further part of the conspiracy that **CHARLES WENDELL THOMPSON** would and did use his status as a licensed physician assistant, and his DEA Registration Number, to knowingly prescribe the controlled substance carisoprodol, a Schedule IV controlled substance, to WPM customers, knowing that **JAMES DARION PIERRE** would prescribe hydrocodone to the same customers, and thereby form a drug cocktail, outside the course of professional practice and not for a legitimate medical purpose.

21. It was further part of the conspiracy that **JAMES DARION PIERRE** and **CHARLES WENDELL THOMPSON** would and did allow persons to visit WPM under the guise and pretext of treating them as “patients,” solely for the purpose of prescribing hydrocodone, and other drugs.

22. It was further part of the conspiracy that **JAMES DARION PIERRE, RHONDA RENEE WALKER,** and **CHARLES WENDELL THOMPSON,** knew that these patients had no legitimate reason to see the doctor or to obtain prescriptions for controlled substances, and that the controlled substances the patients would obtain would likely not be used for a legitimate medical purpose.

23. It was further a part of the conspiracy that **RHONDA RENEE WALKER,** would and did normally collect cash payments from persons who visited WPM seeking hydrocodone, carisoprodol, and other drugs. These payments were required before coconspirators **JAMES DARION PIERRE** and **CHARLES WENDELL THOMPSON** would prescribe hydrocodone, carisoprodol, and other drugs, outside the course of professional practice and not for a legitimate medical purpose.

24. It was further part of the conspiracy that **JAMES DARION PIERRE** and **CHARLES WENDELL THOMPSON** purported to treat dozens of pain patients per day at WPM

and that a large majority of their patients would receive prescriptions for the combination of hydrocodone and carisprodol. **JAMES DARION PIERRE** would purportedly conduct visits with the new patients and **CHARLES WENDELL THOMPSON** would purportedly conduct visits with repeat patients.

25. It was further part of the conspiracy that coconspirators **JAMES DARION PIERRE** and **CHARLES WENDELL THOMPSON**, would knowingly prescribe hydrocodone and carisoprodol, without consulting the patient's primary care physician or other doctors treating the patient, without conducting an adequate evaluation of the patient, without exhausting evidence-based treatments, and without reviewing the appropriate medical records, outside the usual course of professional practice and without a legitimate medical purpose.

26. It was further part of the conspiracy that, from in or around June 2015, through in or around July 2016, **JAMES DARION PIERRE**, **RHONDA RENEE WALKER**, and **CHARLES WENDELL THOMPSON**, and others, would receive approximately \$2.4 million dollars in cash as a result of the prescriptions of hydrocodone outside the course of professional practice and not for a legitimate medical purpose coming from WPM.

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

NOTICE OF CRIMINAL FORFEITURE
(21 U.S.C. § 853)

27. The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

28. Pursuant to Title 21, United States Code, Section 853, the United States gives notice to the defendants **JAMES DARION PIERRE**, **RHONDA RENEE WALKER**, and **CHARLES**

WENDELL THOMPSON, that upon conviction of an offense in violation of Title 21, United States Code, Section 846, the following property shall be subject to forfeiture:

- a. All property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense; and
- b. All property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

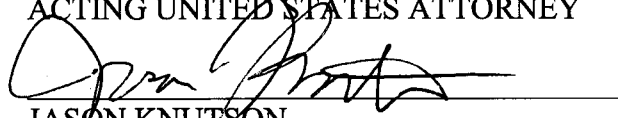
29. The property subject to forfeiture includes, but is not limited to, the real property, including all improvements and appurtenances, located at 13305 Bayonne Circle, Tomball, TX 77377, and legally described as:

Lt 102 Boudreaux Estates Sec 3 U/R Abst 722 A Senechal

30. The defendants **JAMES DARION PIERRE, RHONDA RENEE WALKER, and CHARLES WENDELL THOMPSON**, are notified that upon conviction, a money judgment may be imposed equal to the total value of the property subject to forfeiture, which is at least \$2.4 million in United States currency.

31. In the event that one or more conditions listed in Title 21, United States Code, Section 853(p) exists, the United States will seek to forfeit any other property of the defendants up to the total value of the property subject to forfeiture.

ABE MARTINEZ
ACTING UNITED STATES ATTORNEY



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A TRUE BILL ^

ORIGINAL SIGNATURE ON FILE

FOREPERSON