

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Action No. 16-cr-67-RM

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROCKY ALLEN,

Defendant.

**INDICTMENT
18 U.S.C. § 1365(a)
Tampering with a Consumer Product
21 U.S.C. § 843(a)(3) and (d)(1)
Obtaining a Controlled Substance by Deceit or Subterfuge**

The Grand Jury Charges:

**COUNT ONE
Tampering with a Consumer Product
18 U.S.C. § 1365(a)**

On or about January 22, 2016 in the State and District of Colorado, the defendant,

ROCKY ALLEN,

with reckless disregard for the risk that another person will be placed in danger of bodily injury, and under circumstances manifesting extreme indifference to such risk, tampered and attempted to tamper with a consumer product, to wit: a syringe containing Fentanyl Citrate, that affected interstate commerce, by removing the syringe containing Fentanyl Citrate and replacing it with a similar syringe containing other substance(s).

All in violation of Title 18, United States Code, Sections 1365(a).

COUNT TWO
Obtaining a Controlled Substance by Deceit or Subterfuge
21 U.S.C. § 843(a)(3) and (d)(1)

On or about January 22, 2016 in the State and District of Colorado, the defendant,

ROCKY ALLEN,

did knowingly and intentionally acquire and obtain, and attempt to acquire and obtain, a
Controlled Substance, to wit: Fentanyl Citrate, by deception and subterfuge.

All in violation of Title 21, United States Code, Section 843(a)(3) and (d)(1).

A TRUE BILL

s/Ink signature on file in Clerk's Office
FOREPERSON

JOHN F. WALSH
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DEFENDANT: ROCKY ALLEN

YOB: 1987

ADDRESS: Denver, Colorado

COMPLAINT FILED? _____ YES X NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES X NO

OFFENSE(S): COUNT 1: 18 U.S.C. § 1365(a), Tampering with a Consumer Product.
COUNT 2: 21 U.S.C. § 843(a)(3) and (d)(1), Obtaining a Controlled
Substance by Deceit and Subterfuge.

LOCATION OF OFFENSE (COUNTY/STATE): Arapahoe County, Colorado

PENALTY: **COUNT 1:** 18 U.S.C. § 1365(a), Tampering with a Consumer Product: NMT 10 years imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, \$100 Special assessment fee; if serious bodily injury occurred, NMT 20 years imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, \$100 Special assessment fee; if death of an individual results, NMT life imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, \$100 Special assessment fee.

COUNT 2: 21 U.S.C. § 843(a)(3) and (d)(1), Obtaining a Controlled Substance by Deceit and Subterfuge: NMT 4 years imprisonment, NMT \$250,000 fine, or both; NMT 3 years supervised release; \$100 Special assessment fee.

AGENT: Christy Berg, Special Agent
U.S. Food and Drug Administration
Office of Criminal Investigations

AUTHORIZED BY: Jaime Peña
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

_____ five days or less X over five days _____ other

THE GOVERNMENT

X **will** seek detention in this case _____ will not seek detention in this case

The statutory presumption of detention **is** applicable to this defendant. **(Circle one)**

OCDETF CASE: _____ Yes X No