

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED 10-22-2018
WILLIAM W. BLEVINS
CLERK
(RJS)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

* CRIMINAL NO. 18-138

v.

* SECTION: I

JESSE J. WILDENFELS

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* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the government in Count 1 of the indictment now pending against the defendant, JESSE J. WILDENFELS, charging him with a violation of Title 21, United States Code, Sections 846, 843(a)(3), 841(a)(1), 841(b)(1)(C), namely, conspiracy to acquire or obtain possession of oxycodone by fraud and to possess with the intent to distribute, and to distribute oxycodone.

1. The Controlled Substances Act (“CSA”), Title 21, United States Code, Section 801, *et seq.*, and its implementing regulations set forth which drugs and other substances are defined by law as “controlled substances.” Those controlled substances are then assigned 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. A substance listed on Schedule I has a higher abuse potential than a substance on Schedule II. The abuse potential decreases as the Schedule numbers increase.

DOJ Trial Attorney *glt*
Defendant *tp*
Defense Counsel *sw*

Schedule II drugs or substances have some accepted medical use, but with severe restrictions, and have a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous, and abuse can lead to addiction, overdose, and sometimes death.

2. Oxycodone is classified as a Schedule II controlled substance. Oxycodone is the generic name for a highly addictive prescription analgesic. The use of oxycodone in any form can lead to physical and/or psychological dependence, and abuse of the drug may result in addiction. Oxycodone is sold generically or under a variety of brand names, including OxyContin and Roxicodone.

3. In or around February 2017, the defendant, a resident of Jefferson Parish, Louisiana, was introduced to Danielle Lesslie, who was known to the defendant to create fictitious prescriptions for oxycodone using a prescription template that had been stolen from an area physician ("Physician 1"). The defendant was not a patient of Physician 1 and had never been examined by Physician 1.

4. The defendant supplied his personal identifying information (name, date of birth, telephone number) ("PII") to Lesslie for the purpose of having Lesslie create a fictitious prescription in the defendant's name for oxycodone. After the defendant supplied Lesslie with his PII, Lesslie created and returned the fictitious prescription to him. The defendant then filled the prescription at a pharmacy located in the Eastern District of Louisiana. After the defendant filled the prescription, the defendant delivered a portion of the pills to Lesslie and kept the remainder of the pills.

5. In addition to filling the fictitious prescriptions himself, the defendant had access

to the PII of another individual. The defendant, unbeknownst to that individual, provided Lesslie with the PII of that individual so that Lesslie could create fictitious prescriptions for oxycodone in that individual's name. Lesslie created and returned the fictitious prescriptions for that individual to the defendant, who then filled the prescriptions at pharmacies located in the Eastern District of Louisiana. After the defendant filled the prescriptions, he would provide a portion of the pills to Lesslie, and keep the remainder for himself. The defendant then sold a portion of the oxycodone pills that he obtained by filling these fictitious prescriptions on the black market. That individual did not know that the defendant had provided that individual's PII to the defendant and that the defendant had filled fictitious prescriptions for oxycodone in that individual's name.

6. Beginning in or around February 2017 and continuing through in or around July 2017, in the Eastern District of Louisiana, the defendant filled at least eight fictitious prescriptions for oxycodone that Lesslie created and sold a portion of the oxycodone pills that he obtained with the fictitious prescriptions on the black market.

7. Specifically, on or about March 10, 2017, the defendant filled a fictitious prescription that Lesslie had created for the defendant using his PII. Additionally, on or about February 17, 2017, March 3, 2017, March 31, 2017, April 17, 2017, May 26, 2017, June 26, 2017, and July 21, 2017, the defendant filled fictitious prescriptions that Lesslie had created for another individual whose PII the defendant had provided to Lesslie. After filling these fictitious prescriptions that Lesslie created for the defendant, the defendant provided a portion of the oxycodone pills to Lesslie. The defendant kept the remainder for himself and sold a portion of the pills that he kept on the black market.

8. Additionally, the defendant referred other individuals to Lesslie for the purpose of

having Lesslie use those individuals' PII to create fictitious prescriptions for oxycodone (collectively, "Co-conspirators"). The defendant referred Co-conspirator Ti. E. and Co-conspirator Ta. E. to Lesslie. The defendant knew that Co-conspirator Ti. E. and Co-conspirator Ta. E. sold oxycodone pills on the black market. Lesslie used Co-conspirator Ti. E. and Ta. E.'s PII to create fictitious prescriptions for oxycodone. Co-conspirator Ti. E. and Co-conspirator Ta. E. filled the fictitious prescriptions for oxycodone that Lesslie created for them.

9. On or about April 25, 2017, Co-conspirator Ti. E. filled a fictitious prescription for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator Ti. E. provided a portion of the oxycodone pills that Co-conspirator Ti. E. obtained using this prescription to the defendant.

10. Additionally, during the same time period that the defendant obtained oxycodone pills using the fictitious prescriptions created by Lesslie, in the Eastern District of Louisiana, the defendant also obtained prescriptions for, *inter alia*, oxycodone from a physician ("Physician 2") outside Physician 2's scope of professional practice and not for a legitimate medical purpose. The defendant also sold a portion of the oxycodone pills that he obtained with the prescriptions from Physician 2 on the black market in the Eastern District of Louisiana.

11. In total, between February 2017 and July 2017, the defendant conspired and was aided and abetted Co-conspirators in acquiring and obtaining possession of approximately 7,750 milligrams of oxycodone by fraud and distributing and reselling the same on the back market.

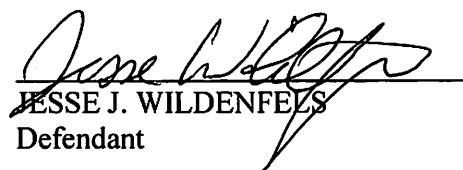
12. In sum, the Government's evidence would prove the defendant, **JESSE J. WILDENFELS**, conspired to acquire and obtain possession of oxycodone by fraud, and to possess with the intent to distribute, and distribute oxycodone, a Schedule II controlled substance.

Limited Nature of Factual Basis

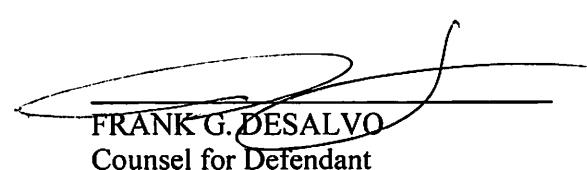
This proffer of evidence is not intended to constitute a complete statement of all facts known by **WILDENFELS**, and/or the government, and it is not a complete statement of all facts described by **WILDENFELS** to the Government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the pleas of guilty to the charged offenses by **WILDENFELS**.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, *inter alia*, Special Agents and forensic examiners from the Federal Bureau of Investigation and the United States Department of Health and Human Services – Office of the Inspector General, Drug Enforcement Administration, and admissible tangible exhibits in the custody of the FBI, HHS, and DEA.

READ AND APPROVED:



JESSE J. WILDENFELS
Defendant



FRANK G. DESALVO
Counsel for Defendant



JARED L. HASTEN
Trial Attorney