

★ DEC 21 2017 ★

BROOKLYN OFFICE

TJS:JMS
F. #2016R00133

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

MARTIN TESHER,

Defendant.

- - - - - X

SUPERSEDING
INDICTMENT

Cr. No. 17-523 (S-2)(SJ)
(T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(C), 853(a) and 853(p);
T. 18, U.S.C., §§ 2 and 3551
et seq.)

THE GRAND JURY CHARGES:

COUNTS ONE THROUGH NINE
(Distribution of Oxycodone)

1. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant MARTIN TESHER, together with others, did knowingly and intentionally distribute a substance containing oxycodone, a Schedule II controlled substance, to patients whose identities are known to the Grand Jury, as set forth below, without authorization pursuant to Title 21, United States Code, Chapter 13, Subchapter I, to wit: the authorization for an individual practitioner acting in the usual course of his professional practice to issue a prescription for a controlled substance for a legitimate medical purpose and to dispense a Schedule II controlled substance.

COUNT	PATIENT	DATE	NUMBER OF PILLS	OXYCODONE PER PILL
ONE	S.K.	December 10, 2013	510	30 milligrams
TWO	S.K.	January 9, 2014	420	30 milligrams
THREE	P.O.	January 4, 2016	180	30 milligrams
FOUR	P.O.	February 2, 2016	180	30 milligrams
FIVE	P.O.	October 13, 2016	270	30 milligrams
SIX	N.B.	October 19, 2015	68	30 milligrams
SEVEN	T.C.	August 12, 2016	180	30 milligrams
EIGHT	T.C.	September 12, 2016	165	30 milligrams
NINE	J.D.	February 28, 2017	390	30 milligrams

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT TEN

(Distribution of Fentanyl and Oxycodone Causing Death of Nicholas Benedetto)

2. On or about and between January 21, 2016 and March 5, 2016, both dates being approximate and inclusive, within the Eastern District of New York, the defendant MARTIN TESHER did knowingly and intentionally distribute one or more controlled substances, which offense involved (a) a substance containing fentanyl, a

Schedule II controlled substance, and (b) a substance containing oxycodone, a Schedule II controlled substance, to Nicholas Benedetto, without authorization pursuant to Title 21, United States Code, Chapter 13, Subchapter I, to wit: the authorization for an individual practitioner acting in the usual course of his professional practice to issue a prescription for a controlled substance for a legitimate medical purpose and to dispense a Schedule II controlled substance, and the use of which resulted in the death of Nicholas Benedetto.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such offenses, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL

FOREPERSON


BRIDGET M. ROHDE
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. 17-CR-523 (S-2)

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

MARTIN TESHER,

Defendant.

SUPERSEDING INDICTMENT

(T. 21, U.S.C., §§ 841(a)(1), 843(a)(3), 841(b)(1)(C), 853(a) and
853(p); T. 18, U.S.C. §§ 2 and 3551 et seq.)

A true bill.



Foreperson

Filed in open court this _____ day, of _____ A.D. 20 ____

Clerk

Bail, \$ _____

Jennifer Sasso, Assistant U.S. Attorney, 718.254.6402