

ALB:LTG
F. # 2013R00506

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

MICHAEL BELFIORE,

Defendant.

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 15-242 (S-2)(JFB)
(T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(C),
853(a) and 853(p); T. 18, U.S.C., §§ 3551
et seq.)

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THE GRAND JURY CHARGES:

COUNTS ONE THROUGH TWENTY-SIX
(Distribution of Oxycodone)

1. On or about the dates set forth below, within the Eastern District of New York, the defendant MICHAEL BELFIORE did knowingly and intentionally distribute a substance containing oxycodone, a Schedule II controlled substance, to the patients listed below, whose identities are known to the Grand Jury, 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	DATE	PATIENT	NUMBER OF 30 MG PILLS
COUNT ONE	09/13/2011	John Ubaghs	150
COUNT TWO	10/10/2011	John Ubaghs	150

COUNT	DATE	PATIENT	NUMBER OF 30 MG PILLS
COUNT THREE	11/14/2011	John Ubaghs	150
COUNT FOUR	12/12/2011	John Ubaghs	150
COUNT FIVE	01/03/2012	John Ubaghs	180
COUNT SIX	02/03/2012	John Ubaghs	180
COUNT SEVEN	03/01/2012	John Ubaghs	150
COUNT EIGHT	04/02/2012	John Ubaghs	150
COUNT NINE	05/31/2012	John Ubaghs	150
COUNT TEN	06/28/2012	John Ubaghs	150
COUNT ELEVEN	07/27/2012	John Ubaghs	150
COUNT TWELVE	08/24/2012	John Ubaghs	150
COUNT THIRTEEN	09/18/2012	John Ubaghs	150
COUNT FOURTEEN	10/16/2012	John Ubaghs	150
COUNT FIFTEEN	11/15/2012	John Ubaghs	150
COUNT SIXTEEN	12/14/2012	John Ubaghs	150
COUNT SEVENTEEN	01/14/2013	John Ubaghs	150
COUNT EIGHTEEN	01/18/2013	Edward Martin	120
COUNT NINETEEN	02/14/2013	John Ubaghs	150
COUNT TWENTY	03/14/2013	John Ubaghs	150
COUNT TWENTY-ONE	03/15/2013	John Doe	90
COUNT TWENTY-TWO	04/08/2013	John Doe	90

COUNT	DATE	PATIENT	NUMBER OF 30 MG PILLS
COUNT TWENTY-THREE	05/06/2013	John Doe	90
COUNT TWENTY-FOUR	06/04/2013	John Doe	90
COUNT TWENTY-FIVE	06/28/2013	John Doe	90
COUNT TWENTY-SIX	08/12/2013	John Doe	90

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

COUNT TWENTY-SEVEN

(Distribution of Oxycodone Causing Death of Edward Martin)

2. On or about and between February 28, 2013 and March 5, 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendant MICHAEL BELFIORE did knowingly and intentionally distribute a substance containing oxycodone, a Schedule II controlled substance, 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 Edward Martin.

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

COUNT TWENTY-EIGHT

(Distribution of Oxycodone Causing Death of John Ubaghs)

3. On or about and between April 12, 2013 and April 13, 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendant MICHAEL BELFIORE did knowingly and intentionally distribute a substance containing oxycodone, a Schedule II controlled substance, 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 John Ubaghs.

(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

4. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One through Twenty-Eight, 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 any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses.

5. 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

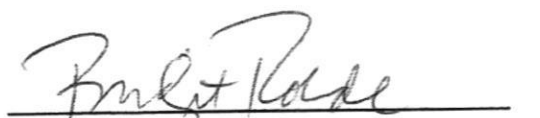
divided without difficulty;

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. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

MICHAEL BELFIORE,

Defendant.

SUPERSEDING INDICTMENT

A true bill.

James Schirmer

Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Lara Treinis Gatz, Assistant U.S. Attorney (631) 715-7913