

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

UNITED STATES OF AMERICA

v.

EDD COLBERT JONES, III  
Defendant.

CRIMINAL NO.

1:16-CR- 9

VIOLATIONS:

21 U.S.C. § 846  
21 U.S.C. § 841(a)(1)  
18 U.S.C. § 2  
21 U.S.C. § 853

THE GRAND JURY CHARGES:

INTRODUCTION

At all times material to this Indictment:

1. The Controlled Substances Act, 21 U.S.C. §§ 841 *et. seq.* (CSA) governs the manufacture, distribution, and dispensing of controlled substances in the United States. With limited exceptions for medical professionals, the CSA makes it "unlawful for any person knowingly or intentionally ... to manufacture, distribute, or dispense ... a controlled substance," or conspire to do so.

2. Medical practitioners authorized to prescribe or dispense controlled substances by the jurisdiction in which they are licensed to practice medicine are authorized under the CSA to write prescriptions for or otherwise dispense controlled substances if they are registered with the Attorney General of the United States. Such medical practitioners are each assigned a unique registration number by the Drug Enforcement Administration (DEA).

3. A controlled substance is prescribed by a medical practitioner (physician) in the usual course of a professional practice and, therefore, lawfully, if the substance is prescribed by the physician in good faith as part of his medical treatment of a patient in accordance with the standard of medical practice generally recognized and accepted in the United States. Under Chapter 21, Code of Federal Regulations, Section 1306.04(a), medical practitioners registered with the DEA cannot issue a prescription unless it is "issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice .... 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 relating to controlled substances."

4. The CSA and its implementing regulations set forth which drugs and other substances are defined by law as "controlled substances," and 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.

5. The term "Schedule II" means that the drug or other substance has a high potential for abuse; the drug has a currently accepted medical use with severe restrictions; and abuse of the drug or other substances may lead to severe psychological or physical dependence.

6. The term "Schedule IV" means that the drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule II; the drug or other substance has a currently accepted medical use in treatment; and abuse of the drug or other substances may lead to limited physical or psychological dependence relative to the drugs or substance in Schedule III.

8. Oxycodone is the generic name for a highly addictive prescription analgesic (pain relieving medication). Pursuant to the CSA and its implementing regulations, oxycodone is classified as a Schedule II Controlled Substance. It is sold generically or under a variety of brand names, including Roxicodone, OxyContin, and Percocet.

9. Alprazolam is the generic name for a drug classified, pursuant to the CSA and its implementing regulations, as a Schedule IV Controlled Substance, and is sold generically or under a brand name, including Xanax.

10. Diazepam is the generic name for a drug classified, pursuant to the CSA and its implementing regulations, as a Schedule IV Controlled Substance, and is sold generically or under a brand name, including Valium.

11. The term "dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for such delivery. The term "dispenser" means a practitioner who so delivers a controlled substance to an ultimate user or research subject. (21 U.S.C. § 802(10)).

12. The term "distribute" means to deliver (other than by administering or dispensing) a controlled substance or a listed chemical. The term "distributor" means a person who so delivers a controlled substance or a listed chemical. (21 U.S.C. § 802(11)).

13. Defendant was at all times during the course of the conspiracy a medical doctor, licensed by the State of Georgia and registered by the United States Drug Enforcement Administration who worked at times during the conspiracy as a physician in Fitzgerald, Ben Hill County, Georgia.

**COUNT ONE**  
**CONSPIRACY**  
**21 U.S.C. § 846**

14. Paragraphs 1 through 13, above, of the Indictment are re-alleged and incorporated fully herein by reference.

15. From an unknown date, but at least as early as about January 1, 2013, up to and including on or about April 23, 2015, in the Albany and Valdosta Divisions of the Middle District of Georgia, and elsewhere within the jurisdiction of this Court, the defendant herein,

**EDD COLBERT JONES, III**

aided and abetted by other persons known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate and agree with **S.B.** whose identity is known to the Grand Jury and with other persons, both known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense, and cause to be distributed and dispensed, quantities of controlled substances, including oxycodone, a Schedule II Controlled Substance, and alprazolam and diazepam, Schedule IV controlled substances, not for a legitimate medical purpose and not in the usual course of professional practice, contrary to Title 21, United States Code, Section 841(a)(1).

**PURPOSE AND OBJECT OF THE CONSPIRACY**

16. It was the purpose and object of the conspiracy for the conspirators to unlawfully distribute and dispense Schedule II and IV controlled substances for monetary gain and in exchange for sexual favors.

**MANNER AND MEANS OF THE CONSPIRACY**

The manner and means of this conspiracy included the following:

17. Defendant would commonly prescribe excessive amounts of controlled substances, primarily some combination of controlled substances including most often oxycodone, thereby causing, aiding, abetting, and facilitating the misuse, abuse, and illicit distribution of these controlled substances.

18. Defendant distributed and dispensed, and caused to be distributed and dispensed, controlled substances that were not prescribed for a legitimate medical purpose, and not in the usual course of professional practice in one or more of the following manners:

- a) inadequate verification of the patient's medical complaint;
- b) cursory and, at times, no medical examinations by the attending doctors;
- c) inadequate patient medical history and no follow-up verification;
- d) incomplete or inadequate mental or physical examinations;
- e) insufficient dialogue with the patients regarding treatment options and risks and benefits of such treatments;
- f) treating patients with highly addictive controlled substances while failing to consider other treatment options;
- g) failure to refer patients to specialists for treatment;
- h) lack of and inadequate diagnostic testing;
- i) prescribing inappropriate combinations of drugs to patients;
- j) allowing patients to suggest or direct the medications to be prescribed;
- k) prescribing highly addictive controlled substances to patients with vague physical complaints where alternative treatment options would be indicated;
- l) failing to assess the risk of abuse by individual patients; and,
- m) failing to monitor patients' responses to the medication.

19. It was further part of the conspiracy that the defendant and other members of the conspiracy hid and concealed and caused others to hide and conceal the nature of the illegal activity and the acts committed in furtherance thereof.

All in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Section 846, i/c/w Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), and (b)(2).

**COUNTS TWO-THIRTEEN**  
**UNLAWFUL DISPENSATION OF CONTROLLED SUBSTANCES**

On or about the date listed below for each count, within the Middle District of Georgia, defendant,

**EDD COLBERT JONES, III,**

a registrant authorized to dispense controlled substances, did, aided and abetted by persons known and unknown to the Grand Jury, unlawfully, knowingly and intentionally dispense and distribute a Schedule II controlled substance, as set forth in the chart below,

COUNT	DATE OF OFFENSE	Name of Drug Prescribed	Initials of Individual to Whom Prescribed
2	2/24/2015	Oxycodone HCL	S.B
3	3/3/2015	Oxycodone/Acetaminophen	S.B.
4	3/7/2015	Oxycodone/Acetaminophen	S.B.
5	3/10/2015	Oxycodone/HCL	S.B.
6	4/3/2015	Oxycodone Acetaminophen	S.B.
7	4/11/2015	Oxycodone HCL	S.B.
8	4/22/2015	Oxycodone/Acetaminophen	J.T.
9	4/22//2015	Oxycodone HCL	J.P
10	3/4/2015	Oxycodone HCL	D.H.
11	4/1/2015	Oxycodone HCL	D.H.
12	1/15/2015	Oxycodone HCL	A.J.
13	2/11/2015	Oxycodone HCL	A.J.

outside the scope of professional practice and not for legitimate medical purpose in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

**COUNTS FOURTEEN-SEVENTEEN**  
**UNLAWFUL DISPENSATION OF CONTROLLED SUBSTANCES**

On or about the date listed below for each count, within the Middle District of Georgia, defendant,

**EDD COLBERT JONES, III,**

a registrant authorized to dispense controlled substances, did, aided and abetted by persons known and unknown to the Grand Jury, unlawfully, knowingly and intentionally dispense and distribute a Schedule IV controlled substance, as set forth in the chart below,

<b>14</b>	2/19/2015	Diazepam	S.B.
<b>15</b>	4/22/2015	Alprazolam	J.T.
<b>16</b>	4/22/2015	Alprazolam	J.P.
<b>17</b>	4/1/2015	Alprazolam	D.H.

outside the scope of professional practice and not for legitimate medical purpose in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2) and Title 18, United States Code, Section 2.

**FORFEITURE NOTICE**  
(21 U.S.C. § 853– Criminal Forfeiture)

1. The allegations contained in Counts One through Seventeen of this Indictment are hereby re-alleged and incorporated by reference into this Notice for the purpose of alleging forfeitures to the United States of America, pursuant to the provisions of Title 21, United States Code, Section 853.

2. Upon conviction of any of the offense(s) contained in Counts One through Seventeen of this Indictment, including Title 21, United States Code, Section 846, i/c/w Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), and (b)(2) set forth in Count One; Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) set forth in Counts Two through Thirteen;

and/or Title 21, United States Code, Sections 841(a)(1) and 841(b)(2) set forth in Counts Fourteen through Seventeen of the Indictment the defendant,

**EDD COLBERT JONES, III,**

shall forfeit to the United States of America pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly and indirectly, as a result of such offense(s), and any property, real or personal, used, or intended to be used in any manner or part to commit, or to facilitate the commission of, the offense(s); including but not limited to: any and all interest Defendant has in his medical license to practice medicine issued to him by the State of Georgia, Medical License No. 33123, issued in the name of Edd Colbert Jones.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

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

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL

/s/ Foreperson of the Grand Jury  
FOREPERSON OF THE GRAND JURY

G. F. PETERMAN, III  
ACTING UNITED STATES ATTORNEY

Presented by:

Leah E. Mcewen for  
LEAH E. MCEWEN  
ASSISTANT UNITED STATES ATTORNEY

Filed in open court this 12th day of April, 2016.

Chunfong  
Deputy Clerk