

ATTACHMENT A

Count One
(Conspiracy to Distribute Controlled Substances)

From at least on or about May 11, 2021 to on or about October 3, 2023, in Passaic County, in the District of New Jersey and elsewhere, the defendant,

JHENELLE LEWIS,

did knowingly and intentionally conspire and agree with a physician licensed in the State of New Jersey to distribute and dispense, outside the usual course of professional practice and not for a legitimate medical purpose, mixtures and substances containing detectable amounts of oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a) and (b)(1)(C).

In violation of Title 21, United States Code, Section 846.

ATTACHMENT B

I, Christopher Martinelli, am a Special Agent of the Federal Bureau of Investigation (“FBI”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and audio and video recordings. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where the actions, communications, and statements of others are reported herein, they are reported in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

The Controlled Substances Act

1. The Controlled Substances Act (“CSA”), codified in Title 21 of the United States Code, and its promulgating regulations, classify drugs into five schedules depending on a drug’s acceptable medical use and its abuse and dependency potential.

2. Schedule I controlled substances, such as heroin, have a high potential for abuse and no acceptable medical use in the United States. Schedule II through Schedule V controlled substances have acceptable medical uses.

3. The medical use of Schedule II controlled substances are severely restricted because such drugs have a high potential for abuse and severe psychological and physical dependence. Schedule II controlled substances included prescription medicines, such as oxycodone (commonly known by the brand names OxyContin and Percocet) and hydrocodone (commonly known as Vicodin).

4. Physicians must obtain and maintain a registration with the Drug Enforcement Administration (“DEA”) authorizing them to prescribe controlled substances for Schedules that they are registered for. 21 C.F.R. § 1306.03.

5. Title 21, C.F.R. § 1306.04(a) sets forth the purpose of the issuance of a prescription. It says, in pertinent part, in order for “[a] prescription for a controlled substance to be effective, [it] must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.”

Oxycodone

6. Oxycodone is a Schedule II controlled substance and an opioid pain mediation with a high potential for abuse.

7. Oxycodone is generally formulated in strengths of 15 milligrams (“mg”), 20 mg, 30 mg, 40 mg, 60 mg, and 80 mg. The most abused strength of oxycodone is 30 mg.

8. Drug abusers crush the protective time-release coating on the tablet and then snort, ingest, or inject it, thereby obtaining the effects of the drug all at one time. Oxycodone used in this fashion produces a heroin-like euphoria. It is a highly addictive drug.

Relevant Individuals, Entities, and Background

9. At all times relevant to this Complaint,

a. Defendant Jhenelle Lewis (“LEWIS”) was a resident of New Jersey, was not a licensed physician or trained medical professional, or even registered with the DEA as an individual authorized to prescribe controlled substances. The records and facts reviewed during the course of the investigation indicate that LEWIS was not an employee or patient of Lisa Ferraro (“Ferraro”).

b. Ferraro was a resident of New Jersey and a licensed physician in the State of New Jersey, practicing internal medicine at a location in Paterson, New Jersey (“Ferraro’s Office”).

c. Ferraro was a registered practitioner with the DEA. As a registered practitioner with the DEA, Ferraro was authorized to prescribe, and distribute and dispense, Schedule II controlled substances in the usual course of professional practice and for a legitimate medical purpose.

d. The New Jersey Division of Consumer Affairs maintains the New Jersey Prescription Monitoring Program (“PMP”), an electronic database of controlled substances dispensed in New Jersey. PMP records include the name, date of birth, and address of the patient, the description and quantity of the medication dispensed, and the dispensing pharmacy.

e. Individual-1 was a resident of West Orange, New Jersey.

f. Individual-2 was a resident of Hackensack, New Jersey, and was not a patient of Ferraro.

g. Pharmacy-1 was a pharmacy in Hackensack, New Jersey (“Pharmacy-1”).

h. Pharmacy-2 was a pharmacy in Lodi, New Jersey (“Pharmacy-2”).

- i. Pharmacy-3 was a pharmacy in Fair Lawn, New Jersey (“Pharmacy-3”).
- j. Hospital-1 was a hospital in Englewood, New Jersey.
- k. During the relevant time-period, Ferraro was affiliated with Hospital-1.

10. On or about September 27, 2023, Ferraro was charged by complaint with conspiracy to distribute oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a) and (b)(1)(C), in violation of Title 21, United States Code, Section 846. *See* Mag. No. 23-12185 (JBC). The unsealed complaint against Ferraro alleges that Ferraro conspired and agreed with others to distribute and dispense, outside the usual course of professional practice and not for a legitimate medical purpose, mixtures and substances containing detectable amounts of oxycodone.

11. On or about October 3, 2023, law enforcement officers arrested Ferraro and lawfully seized patient records from Ferraro’s Office and Ferraro’s cellphone.

12. On or about December 4, 2023, law enforcement officers obtained Ferraro’s electronic medical records from Hospital-1.

The Conspiracy

13. From at least as early as in or around May 11, 2021 through on or about October 3, 2023, LEWIS and Ferraro conspired and agreed with each other for Ferraro to prescribe controlled substances, including oxycodone, outside the usual course of professional practice and not for a legitimate medical purpose.

14. The goal of the conspiracy was for LEWIS and Ferraro to obtain oxycodone without a valid prescription for their own personal use and for the use of others.

15. As set forth more fully below, without examining Individuals -1 or -2, or determining whether there was a legitimate medical purpose for doing so, Ferraro wrote prescriptions, typically on a monthly basis and typically for 90 pills of 30 mg oxycodone to Individuals -1 and -2. As set forth in the communications between LEWIS and Ferraro summarized below, Ferraro gave the prescriptions to LEWIS who filled, and attempted to fill, these prescriptions at pharmacies, including Pharmacies -1 through -3, for further distribution.

Individual-1

16. The investigation has revealed that LEWIS and Individual-1 were in a romantic relationship. The investigation further revealed that, in June of 2019, LEWIS and Individual-1 were charged by complaint, in the Southern District of Florida, with Importation of a Controlled Substance, Cocaine, in violation of Title 21 U.S.C. § 952(a). On November 7, 2019, LEWIS and Individual-1, both pleaded guilty to a four-count indictment charging one count of Conspiracy to Import Five Kilograms or More of Cocaine, 21 U.S.C. § 963; one count of Importation of Five Kilograms or More of Cocaine, 21 U.S.C. § 952(a); one count of Conspiracy to Possess with Intent to Distribute Five Kilograms or More of Cocaine, 21 U.S.C. § 846; and one count of Possession with Intent to Distribute Five Kilograms or More of Cocaine, 21 U.S.C. § 841(a)(1).

17. On January 28, 2020, LEWIS was sentenced to time served and five years of supervised release. LEWIS's term of supervised release is set to expire on January 28, 2025.

18. On or about the same date, Individual-1 was sentenced to 30 months' imprisonment on Counts One through Four, to be served concurrently, and three years of supervised release. On August 16, 2021, Individual-1 surrendered to the custody of the Bureau of Prisons ("BOP") and remained in BOP custody through on or about March 17, 2023. Specifically, from on or about August 16, 2021 through on or about December 6, 2022, Individual-1 was incarcerated in Federal Prison Camp ("FCP") Montgomery, located in Montgomery, Alabama. Then, from on or about December 6, 2022 through on or about March 17, 2023, Individual-1 was placed in a halfway house in Newark, New Jersey. On numerous occasions, Individual-1 was drug tested at the halfway house. Each test yielded a negative result of oxycodone.¹

19. PMP records reveal that, in total, Ferraro prescribed 3,420 pills of oxycodone to Individual-1 from November 18, 2019 through on or about September 12, 2023. This includes:

a. Approximately 720 pills of oxycodone prescriptions for Individual-1 from November 18, 2019 through July 2020, before Individual-1 was listed as a patient in Ferraro's files (as set forth below);

¹ Individual-1 is now on supervised release. Individual-1's term of supervised release is scheduled to expire on March 16, 2026.

b. Approximately 1,080 pills of oxycodone prescriptions for Individual-1 from August 16, 2021 through December 6, 2022, when Individual-1 was incarcerated at FCP Montgomery;

c. Approximately 270 pills of oxycodone prescriptions for Individual-1 from December 6, 2022 through March 17, 2023, when Individual-1 was in the halfway house; and

d. Approximately 450 pills of oxycodone prescriptions for Individual-1 from March 17, 2023 through September 12, 2023, the time-period covered in the communications between LEWIS and Ferraro summarized below.

20. Despite these prescriptions, Ferraro's office records indicate that Individual-1 only became a patient of Ferraro in July 2020. Additionally, Individual-1's patient file from Ferraro's office includes only minimal medical records, consisting of approximately 39 pages, the majority of which are duplicates. The records do not indicate that Ferraro ever examined Individual-1, or that Individual-1 received any diagnosis to justify the prescription of a scheduled II controlled substance.

21. Patient records obtained from Hospital-1 for Individual-1 also fail to support the prescription of oxycodone to Individual-1. The records from Hospital-1 consist of approximately 60 pages, and the entire patient file, with the exception of the first three pages of intake information, are dated November 29, 2018. On that date, Individual-1 was admitted into Hospital-1 for an outpatient procedure, specifically, sinus surgery. Individual-1 was discharged on the same day. There is no mention of Ferraro in these records. The file lists LEWIS as Individual-1's emergency contact and "significant other" as the relationship.

22. Individual-1's PMP records also show that, during that same time period, from at least on or about August 16, 2021 through on or about September 12, 2023, (i) Ferraro was the only prescriber of controlled substances to Individual-1 in the State of New Jersey and (ii) oxycodone was the only controlled substance prescribed to Individual-1.

Individual-2

23. Between on or about May 11, 2021 and on or about July 27, 2023, Ferraro wrote approximately 12 prescriptions for Individual-2. These prescriptions included 11 prescriptions for 90 pills of 30 mg oxycodone; and one prescription for 30 pills of 20 mg oxycodone.

24. On or about December 6, 2023, law enforcement officers interviewed Individual-2. During the interview, Individual-2 denied being a patient of Ferraro and denied knowledge of any prescriptions written for them by Ferraro.

25. The patient file for Individual-2 recovered from Ferraro's office included only a "Patient Intake Form," listing the patient's name, date of birth, sex, and address and a "Treatment Sheet" listing dates that correspond approximately with dates of the written prescriptions for Individual-2. The records do not indicate that Ferraro ever examined Individual-2, or that Individual-2 received any diagnosis to justify the prescription of oxycodone.

26. A review of the records obtained from Hospital-1 reveal no patient file for Individual-2 whatsoever.

LEWIS's and Ferraro's Communications
Regarding Individuals -1 and -2

27. In furtherance of the conspiracy, on or about May 31, 2023, LEWIS sent a text message to Ferraro listing four individuals and dates next to their names, including "[Individual-2] 5/31 Oxy [and] [Individual-1] 6/2."² Based on my training and experience and what the investigation has revealed, I believe that LEWIS was advising Ferraro of the date that the prescription was eligible to be refilled.³

28. On the same date, on or about May 31, 2023, a couple of hours later, LEWIS sent a text message to Ferraro stating, in pertinent part, "[y]ou can scratch [Individual-2]. I can see it'll be an issue." A review of Ferraro's text messaging communication with LEWIS revealed that some pharmacies in New Jersey, including but not limited to, Pharmacies -2 and -3, were not filling Ferraro's prescriptions.

29. On or about July 24, 2023, LEWIS sent a text message to Ferraro stating, in pertinent part, "[h]ey I just went to 2 [pharmacies] in Bergenfield, they said they don't take any scripts from you. Not going to [pharmacy] is bad, but idk who causing bad relationships with these pharmacies cuz it's making it hard for me to fill." Ferraro responded, in pertinent part, "I have never had a problem with [a major retail pharmacy]?! Only once a few months ago in Elmwood Park, but that's because the guy was just being a dick?! Maybe it's the same guy? They move them

² Statements attributed to LEWIS were sent from a phone number listing Individual-1 as the subscriber and LEWIS as the "customer". Additionally, Ferraro's personal cell phone listed the name "Jhenelle" in the phone seized from Ferraro on October 3, 2023.

³ Indeed, PMP records show that Individual-1's prescription for 90 pills of 30 mg oxycodone was written on June 2, 2023, shortly after the May 31, 2023 text message.

around a lot. I don't even have patients that know where Bergenfield is!?! WTF?! This is bullshit!"

30. On or about July 28, 2023, LEWIS sent Ferraro a text message listing herself and six other individuals with dates next to their names, including Individuals -1 and -2. LEWIS stated "[Individual-2] 7/27; [Individual-1] 7/29" among herself and four other individuals. LEWIS then asked "[c]an I come now?" Ferraro responded, in pertinent part, "Noooo give me a little time that's a lot and I need to document them all in the charts." Approximately five minutes later, LEWIS replied, "OK can I come before 3? I have work at 3:30." Approximately an hour later, Ferraro stated "[c]an you come now? I have everything ready." LEWIS stated, "Ok on my way, 2min." Three minutes later, LEWIS stated, "here." PMP records show that FERRARO wrote a prescription for Individual-1 on July 29, 2023, a day after the July 28, 2023 text exchange, for 90 pills of 30 mg oxycodone. PMP records further show that Ferraro wrote a prescription for Individual-2 on July 27, 2023 for 30 pills of 30 mg oxycodone. Moreover, PMP records show that Ferraro prescribed oxycodone for five of the seven individuals listed in LEWIS' July 28, 2023 text message. The PMP records also show that the prescriptions, for the five listed individuals were dated with the dates that LEWIS provided in the text messages.

31. On or about September 12, 2023, LEWIS sent a text message to Ferraro stating, in pertinent part, "[Individual-1] today's date as well." Ferraro responded in pertinent part, "[g]ive me a few because [staff member] is on vacation and I got here a little but later. LEWIS stated, "No worries, I'll come when u want me too. Jus [sic] to confirm, [Individual-1] 9/12" along with three other individual names with corresponding dates. Ferraro responded, "I may want to wait on her a little." LEWIS stated in pertinent part, "Ok give me a sec then, I'll prob just only need [Individual-1] then. I was trying to see if I can hit the pharmacy because the pharmacist just told me they got some in stock. Is that ok?" Ferraro responded, "Okay, I'm going to need a little more time. Sorry I'm working alone. [Staff member] is on vacation." Based on my training and experience and what the investigation has revealed, I believe that LEWIS was advising Ferraro of the individuals, including Individual-1, and the date that should be written on prescription script. Indeed, PMP records show that, on or about September 12, 2023, FERRARO prescribed Individual-1 90 pills of 30 mg oxycodone.