

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Criminal No. 22-
	:	
	:	21 U.S.C. § 846
ANTHONY DUNCAN	:	

**INFORMATION**

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

**(Conspiracy to Distribute and to Possess with Intent to  
Distribute Controlled Substances)**

1. Unless otherwise indicated, at all times relevant to this Information:
  - a. Defendant ANTHONY DUNCAN was a resident of Hillside, New Jersey and was a licensed pharmacist in the State of New Jersey.
  - b. DUNCAN was also a pharmacist registered with the United States Drug Enforcement Administration ("DEA"), which allowed him to dispense Schedule II through Schedule V controlled substances with a valid prescription from a licensed physician, provided the prescription was written in the usual course of professional practice and for a legitimate medical purpose.
  - c. Parkway Central was a pharmacy that dispensed pharmaceutical products, including controlled substances, to its customers. DUNCAN owned and operated Parkway Central.
  - d. Malika McNeil, a co-conspirator not charged in this Information,

was an associate of Duncan's and a resident of New Jersey.

### **The Controlled Substances Act**

2. The Controlled Substances Act ("CSA"), codified in Title 21 of the United States Code, and its promulgating regulations, classified drugs into five schedules depending on a drug's acceptable medical use and its potential for abuse and dependency.

3. Schedule I controlled substances, such as heroin, did not have an acceptable medical use in the United States. Schedule II through Schedule V controlled substances had acceptable medical uses.

4. Schedule II controlled substances, such as oxycodone, had acceptable medical uses but were severely restricted. Schedule II drugs had a high potential for abuse, which could lead to severe psychological or physical dependence. Oxycodone was an opioid pain medication and had very high potential for abuse and risk of fatal overdose.

5. Schedule III controlled substances have a lower abuse potential than those in Schedule II but a higher abuse potential than those in Schedule IV. Schedule V controlled substances have the least potential for abuse compared to Schedule I through IV controlled substances and consist primarily of preparations containing limited quantities of certain narcotics.

6. Title 21, United States Code, Section 841(a)(1), provided that "[e]xcept as authorized by this subchapter, it shall be unlawful for any person knowingly or

intentionally . . . to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.”

7. Title 21, United States Code, Section 802(10), provided that the term “dispense” meant “to deliver a controlled substance to an ultimate user . . . 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.” Title 21, United States Code, Section 802(21), provided that “‘practitioner’ means a physician . . . .”

8. The CSA authorized Schedule II through Schedule V controlled substances to be dispensed to individuals by a valid prescription. 21 U.S.C. § 829.

9. For a prescription for a controlled substance to be valid, it must be issued for a legitimate medical purpose by a registered practitioner acting in the usual course of his or her professional practice. 21 C.F.R. § 1306.04 (“An order purporting to be a prescription issued not in the usual course of professional treatment . . . is not a prescription within the meaning and intent of [21 U.S.C. § 829]”).

### **The Conspiracy**

10. From in or about November 2014 through in or about November 2018, in Essex County, in the District of New Jersey, and elsewhere, defendant

**ANTHONY DUNCAN**

knowingly and intentionally conspired and agreed with Malika McNeil and others, to

distribute and possess with intent to distribute a quantity of a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of codeine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

### **Goal of the Conspiracy**

11. It was the goal of the conspiracy for DUNCAN, Malika McNeil, and others to unjustly enrich themselves by selling illicit controlled substances without a legitimate medical purpose and outside the usual course of professional practice.

### **Manner and Means of the Conspiracy**

12. DUNCAN and Malika McNeil agreed that DUNCAN would accept cash from Malika McNeil in exchange for filling fraudulent and counterfeit prescriptions for controlled substances supplied by Malika McNeil and others.

13. Specifically, Malika McNeil and others obtained bogus prescriptions for controlled substances, including oxycodone and codeine. Malika McNeil and others then sent those bogus prescriptions to DUNCAN at Parkway Central. DUNCAN in turn filled those prescriptions, knowing that they were false or counterfeit and that he was prohibited from dispensing controlled substances without a valid prescription.

14. DUNCAN accepted cash payments from Malika McNeil and others in exchange for filling the fraudulent and counterfeit prescriptions and dispensing controlled substances to Malika McNeil and others. DUNCAN was generally paid \$4

for every dosage unit of oxycodone 30mg; \$2 for every dosage unit of oxycodone and acetaminophen combination product; and \$10 for every 8 ounces of cough syrup containing codeine.

15. To fill these false prescriptions, DUNCAN purchased significant quantities of controlled substances from pharmaceutical distributors. To conceal and disguise his illicit drug distribution, DUNCAN ordered controlled substances from multiple pharmaceutical distributors. By spreading out his controlled substance purchases across distributors, DUNCAN sought to avoid scrutiny of any single distributor regarding the total quantity of controlled substances Parkway Central ordered.

16. From in or around November 2014 through in or around November 2018, DUNCAN filled more than 1,100 false or counterfeit prescriptions for controlled substances brought to him by Malika McNeil and others. DUNCAN illegally sold to Malika McNeil at least 47,000 tablets of Oxycodone 30 mg; 46,000 tablets of oxycodone and acetaminophen combination product; and 56,000 milliliters of cough syrup containing codeine.

17. DUNCAN accepted at least \$293,330 in cash in exchange for dispensing controlled substances to Malika McNeil and others.

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

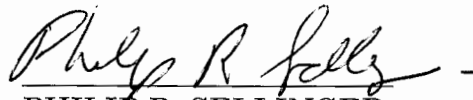
### **FORFEITURE ALLEGATION**

1. As a result of committing the controlled substance offense alleged in this Information, DUNCAN shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds DUNCAN obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation set forth in this Information, including but not limited to \$293,330.00 in United States currency.

2. If any of the property described above, 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 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

  
PHILIP R. SELLINGER  
United States Attorney