

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 19-
v.	:	DATE FILED: _____
LAMAR DILLARD	:	VIOLATIONS:
	:	21 U.S.C. § 841(a)(1), (b)(1)(C)
	:	(possession with intent to distribute
	:	oxycodone – 30 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture
	:	

INDICTMENT

COUNTS ONE THROUGH THIRTY

THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

1. Under the Controlled Substances Act (CSA), Title 21, United States Code, Sections 801-971, the United States Drug Enforcement Administration (DEA) regulated certain pharmaceutical drugs that are classified as controlled substances because of their potential for abuse or dependence, their accepted medical use, and their accepted safety for use under medical supervision. The CSA governs the manufacture, distribution, and dispensing of controlled substances in the United States.

2. Title 21, United States Code, Section 821, provided that “[t]he Attorney General [of the United States] is authorized to promulgate rules and regulations ... relating to the registration and control of the manufacture, distribution and dispensing of controlled substances.” All functions vested in the Attorney General by the CSA were delegated to the Administrator of the Drug Enforcement Administration (DEA). 28 C.F.R. § 0.100(b). The

exercise of this rulemaking authority resulted in Section 1306.04 of Title 21 of the Code of Federal Regulations, which governed the issuance of prescriptions for controlled substances and stated that every prescription for a controlled substance “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who filled the prescription.” A prescription not meeting this standard is invalid. Anyone who knowingly issued or filled an invalid prescription is “subject to the penalties provided for violations of the law relating to controlled substances.” 21 C.F.R. § 1306.04.

3. Controlled substances were classified in five schedules; Schedule II controlled substances consists of drugs and other substances that have a high potential for abuse which may lead to severe psychological or physical dependence.

4. Controlled substances could only be lawfully distributed to individuals with a valid prescription issued by a physician or other authorized health practitioner, except when dispensed directly to a patient by the practitioner other than a pharmacist. 21 U.S.C. § 829(c).

5. Every pharmacy that distributed or dispensed any controlled substance also had to obtain a DEA Registration. This DEA Registration also had to be renewed periodically. Prerequisites for a pharmacy to obtain a DEA Registration included a valid state pharmacy license and a state controlled substance license, where applicable. A separate registration was required “at each principal place of business or professional practice where the [pharmacy] ... dispense[d] controlled substances.” 21 U.S.C. § 822(a).

6. Except in emergency situations that are governed by different requirements, a pharmacist could only dispense Schedule II controlled substances pursuant to a valid written prescription signed by a practitioner or a facsimile of a valid written signed prescription transmitted by the practitioner or the practitioner's agent to the pharmacy. 21 C.F.R. § 1306.11(a).

7. Under federal law, a pharmacist who fills a prescription for a controlled substance has a duty to ensure, before filling a prescription, that the prescription was issued by a physician for a legitimate medical purpose, and in the usual course of the physician's professional practice. A prescription that does not meet these requirements is invalid, and shall not be filled by a pharmacist. 21 C.F.R., Part 1306.

8. Oxycodone was an addictive prescription painkiller, the abuse of which could lead to severe psychological or physical dependence, and was sometimes combined with non-narcotic pain relievers such as acetaminophen.

9. Oxycodone was sold generically and under a variety of brand names, including Oxycodone Hydrochloride (HCl), OxyContin, Percocet, and Endocet (the latter two consisting of oxycodone combined with acetaminophen). Oxycodone was sold in various dosages, including but not limited to 5 mg, 10 mg, 30 mg, and 80 mg. When legally prescribed for a legitimate medical purpose, oxycodone was typically used to combat moderate to severe pain.

10. All of the products containing oxycodone were classified by the Drug Enforcement Administration as Schedule II controlled substances, which meant that they could not safely be used except under the supervision of a licensed medical practitioner. 21 U.S.C. § 353(b)(1)(A).

11. Defendant LAMAR DILLARD and others known and unknown to the grand jury, obtained false, fraudulent, and forged prescriptions for oxycodone and other prescription drugs, which prescriptions purported to be issued by various licensed physicians in the Eastern District of Pennsylvania, while in fact, as the Defendant well knew, those prescriptions were not legally issued by those physicians.

12. Defendant LAMAR DILLARD and others known and unknown to the grand jury, traveled together from Philadelphia to various pharmacies, including: Pharmacy A, a complicit pharmacy in Mount Laurel, New Jersey; Pharmacy B in Marcus Hook, Pennsylvania; Pharmacy C in Drexel Hill, Pennsylvania; and Pharmacy D in Kennett Square, Pennsylvania, to fill these false, fraudulent, and forged prescriptions.

13. Defendant LAMAR DILLARD presented these prescriptions to a complicit pharmacist at Pharmacy A and a pharmacist at Pharmacy B, while paying the pharmacist at Pharmacy A a premium fee for filling such illegitimate prescriptions, all in order to obtain oxycodone, which the Defendant then possessed with intent to distribute.

14. After obtaining the oxycodone from the pharmacies, by using illegitimate prescriptions, Defendant LAMAR DILLARD then distributed the oxycodone to others known and unknown to the grand jury.

15. From on or about September 16, 2016, through on or about June 6, 2019, Defendant LAMAR DILLARD presented approximately 30 illegitimate prescriptions for oxycodone, illegally obtaining and possessing with intent to distribute approximately 3,600 oxycodone pills totaling approximately 105,000 milligrams of oxycodone.

16. On or about the dates set forth below, in the Eastern District of Pennsylvania and elsewhere, defendant

LAMAR DILLARD

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with the intent to distribute of, a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, in the amounts provided below, by presenting false and fraudulent prescriptions:

COUNT	DATE	DRUG AMOUNT AND DOSAGE	CUSTOMER NAME	PHARMACY
1	9/16/2016	120 Oxycodone 30 mg.	Lamar Dillard	A
2	10/22/2016	120 Oxycodone 30 mg.	Lamar Dillard	A
3	11/23/2016	120 Oxycodone 30 mg.	Lamar Dillard	A
4	12/27/2016	120 Oxycodone 30 mg.	Lamar Dillard	A
5	1/28/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
6	4/24/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
7	6/21/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
8	7/20/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
9	9/7/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
10	10/9/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
11	11/11/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
12	12/9/2017	120 Oxycodone 30 mg.	Lamar Dillard	A
13	1/9/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
14	2/10/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
15	3/9/2018	120 Oxycodone 30 mg.	Lamar Dillard	A

COUNT	DATE	DRUG AMOUNT AND DOSAGE	CUSTOMER NAME	PHARMACY
16	4/10/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
17	5/8/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
18	6/8/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
19	7/9/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
20	8/13/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
21	9/8/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
22	10/8/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
23	11/7/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
24	12/7/2018	120 Oxycodone 30 mg.	Lamar Dillard	A
25	1/4/2019	120 Oxycodone 30 mg.	Lamar Dillard	B
26	2/4/2019	120 Oxycodone 30 mg.	Lamar Dillard	A
27	3/6/2019	120 Oxycodone 30 mg.	Lamar Dillard	A
28	4/8/2019	120 Oxycodone 30 mg.	Lamar Dillard	A
29	5/8/2019	120 Oxycodone 30 mg.	Lamar Dillard	A
30	6/6/2019	120 Oxycodone 30 mg.	Lamar Dillard	A

All in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), set forth in this indictment, defendant

LAMAR DILLARD

shall forfeit to the United States of America:

a. any property constituting, or derived from, proceeds obtained, directly or indirectly, from the commission of such violations, including, but not limited to, the sum of \$105,000.00; and

b. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

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

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 defendants up to the value of the property subject to forfeiture.

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

A TRUE BILL:

GRAND JURY FOREPERSON

for WILLIAM M. McSWAIN
United States Attorney