

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

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED:
MUDASSAR SHARIF	:	VIOLATIONS:
	:	18 U.S.C. § 844(i) (attempted malicious
	:	damage by means of fire of a building
	:	used in interstate commerce – 1 count)
	:	21 U.S.C. § 841 (distribution of
	:	controlled substances – 2 counts)
	:	Notice of forfeiture
	:	
	:	
	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about February 12, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MUDASSAR SHARIF

attempted to maliciously damage and destroy, by means of fire, a building and equipment contained therein, used in interstate commerce and in activities affecting interstate commerce, that is, the medical offices of Garden State Primary Care, P.A., located at 711 Kearny Avenue in Kearny, New Jersey.

In violation of Title 18, United States Code, Section 844(i).

COUNTS TWO AND THREE

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Defendant MUDASSAR SHARIF was a physician licensed in the State of New Jersey.

2. The Controlled Substances Act governs the manufacture, distribution, and dispensing of controlled substances in the United States. Under the Controlled Substances Act, there are five schedules of controlled substances – Schedules I, II, III, IV, and V. Controlled substances are scheduled into these levels based upon their potential for abuse, among other things. For example, abuse of a Schedule II controlled substance may lead to severe psychological or physical dependence.

3. Oxycodone is a narcotic analgesic that is similar to morphine and is classified as a Schedule II controlled substance. Oxycodone is manufactured by multiple pharmaceutical companies under various brand names, including Roxicodone and OxyContin. Oxycodone is used to treat moderate to severe pain.

4. Title 21, United States Code, Section 841(a)(1) provides that “[e]xcept as authorized by this subchapter, it shall be unlawful for any person to knowingly or intentionally . . . manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense, a controlled substance.”

5. Title 21, United States Code, Section 802(10), provides that the term “dispense” means to deliver a controlled substance to an ultimate user by, or pursuant to the lawful order of, a practitioner, including the prescribing or administering of a controlled substance.

6. Title 21, United States Code, Section 802(11) provides that the term “distribute” means to deliver (other than by administering or dispensing) a controlled substance.

7. Title 21, United States Code, Section 821 provides that the 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.

8. The Attorney General of the United States has exercised this rulemaking authority regarding the dispensing of controlled substances through the promulgation of 21 Code of Federal Regulations § 1306.04 governing the issuance of prescriptions, which provides, among other things, that a prescription for a controlled substance to be valid must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. Moreover, 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 section 309 of the Act [21 U.S.C. § 829] and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

9. Thus, licensed doctors may dispense controlled substances to patients but may do so only for legitimate medical purposes and in the usual course of professional practice.

10. On or about each of the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MUDASSAR SHARIF

knowingly and intentionally distributed and dispensed, outside the usual course of professional practice and for no legitimate medical purpose, a mixture and substance containing a detectable

amount of oxycodone, a Schedule II controlled substance, in the quantities and doses listed below (each date constituting a separate count of this indictment):

Count	Date	Controlled Substances
Two	February 10, 2015	49 oxycodone 30 milligram pills; 10 prescriptions in various names, each prescription for 120 oxycodone 30 milligram pills.
Three	February 12, 2015	113 oxycodone 30 milligram pills; 19 prescriptions in various names, each prescription for 120 oxycodone 30 milligram pills.

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

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

MUDASSAR SHARIF

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

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

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

A TRUE BILL:

FOREPERSON

ZANE DAVID MEMEGER
United States Attorney