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Jun 12, 2018

STEVEN M. LARIMORE
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S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
18-60164-CR-DIMITROULEAS/SNOW
Case No. _____

21 U.S.C. § 331(k)
21 U.S.C. § 333(a)(1)
18 U.S.C. § 2
21 U.S.C. § 334

UNITED STATES OF AMERICA

vs.

BILLY BURTON,

Defendant.

_____ /

INFORMATION

The Attorney for the United States charges that:

**MISBRANDING OF A DRUG WHILE HELD FOR SALE
(21 U.S.C. §§ 331(k) and 333(a)(1))**

On or about October 2, 2014, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

BILLY BURTON,

caused to be dispensed the prescription drug gabapentin without the prescription of a practitioner licensed by law to administer the drug, while the drug was held for sale and after the drug had been shipped in interstate commerce, which act resulted in the drug being misbranded while held for sale within the meaning of Title 21, United States Code, Section 353(b)(1).

In violation of Title 21, United States Code, Sections 331(k) and 333(a)(1), and Title 18, United States Code, Section 2.

FORFEITURE
(21 U.S.C. §334)

1. The allegations of this Information are re-alleged and incorporated by reference as though fully set forth herein for alleging forfeiture to the United States of certain property in which the defendant, **BILLY BURTON**, has an interest.

2. Upon conviction of a violation of Title 21, United States Code, Section 331, as alleged in this Information, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), property, real or personal, that constitutes, or is derived, directly or indirectly, from gross proceeds traceable to such violation.

3. Upon conviction of a violation of Title 21, United States Code, Section 331 or 333, as alleged in this Information, the defendant shall forfeit to the United States, pursuant to Title 21, United States Code, Section 334, any article of food, drug, or cosmetic that was adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of Title 21, United States Code, Sections 331(*II*), 344, or 355, be introduced into interstate commerce.


4. The property which is subject to forfeiture includes, but is not limited to, the following:

(a) \$113,627 (US), which is a sum of money equal in value to the property that constitutes, or is derived, directly or indirectly, from gross proceeds traceable to the violation of Title 21, United States Code, Section 331, as alleged in this Information, and which the United States will seek a forfeiture money judgment against the defendant as part of his sentence.

(b) Any quantities of gabapentin which were misbranded when introduced into

or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of Title 21, United States Code, Sections 331(*II*), 344, or 355, be introduced into interstate commerce.

All pursuant to Title 18, United States Code, Section 982(a)(7), Title 21, United States Code, Section 334, as made applicable by Title 28, United States Code, Section 2461(c), and the procedures of Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).



RANDY HUMMEL
ATTORNEY FOR THE UNITED STATES
ACTING UNDER AUTHORITY CONFERRED
BY 28 U.S.C. § 515



KEVIN J. LARSEN
ASSISTANT UNITED STATES ATTORNEY