

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

FILED

APR 26 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

UNITED STATES OF AMERICA)
)
v.)
)
YOGESHWAR GILL, also known as)
Garry Gill)

No. 4:22-cr- 11

JUDGES McDonagh/Lee

INDICTMENT

THE GRAND JURY CHARGES:

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this indictment:

1. The defendant, YOGESHWAR GILL, also known as Garry Gill, was a physician who owned and operated a medical practice in Manchester, Coffee County, Tennessee, in the Eastern District of Tennessee. The defendant held Drug Enforcement Administration (“DEA”) registration numbers FG1060603 and XG1060603 that allowed him to write prescriptions for controlled substances, including Schedule II and Schedule III controlled substances.

2. The Controlled Substances Act (“CSA”) governed the manufacture, distribution, and dispensing of controlled substances in the United States. Under the CSA, there were five schedules of controlled substances – Schedules I, II, III, IV, and V. Controlled substances were scheduled based upon their potential for abuse, among other things.

3. Schedule II substances, as defined in Title 21, United States Code, Section 812(b)(2), were drugs or other substances with “a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions,” and that had “a high potential for abuse,” the abuse of which “may lead to severe psychological or physical

dependence.” Hydrocodone and oxycodone were opioid pain medications and Schedule II controlled substances.

4. Schedule III substances, as defined in Title 21, United States Code, Section 812(b)(3), were drugs or other substances with “a currently accepted medical use in treatment in the United States,” that had a lesser potential for abuse than Schedule I or II controlled substances. Abuse of a Schedule III drug or substance may have led to moderate or low physical dependence, or high psychological dependence. Buprenorphine (sold under the brand name Suboxone when combined with naloxone) was a Schedule III controlled substance.

5. Under the CSA, Title 21, United States Code, Section 841(a), et seq., and Title 21, Code of Federal Regulations, Section 1306.04, a prescription for a controlled substance was not legal or effective unless issued for a legitimate medical purpose by a practitioner acting in the usual course of professional practice.

6. Defendant YOGESHWAR GILL routinely prescribed various Schedule II and Schedule III substances, including hydrocodone, oxycodone, and buprenorphine, outside the usual course of professional practice and without a legitimate medical purpose.

B. VIOLATIONS

COUNT ONE **(Conspiracy to Distribute Controlled Substances)**

7. From in or around September 4, 2019, and continuing through in or around April 2022, at or near Manchester, Coffee County, Tennessee, and elsewhere within the Eastern District of Tennessee, the defendant, YOGESHWAR GILL, also known as Garry Gill, knowingly conspired and agreed with other persons, whose identities are known and unknown to the Grand Jury, to commit an offense in violation of 21 U.S.C. §841(a)(1), that is, to knowingly and intentionally distribute quantities of mixtures and substances containing detectable amounts of

hydrocodone and oxycodone, Schedule II controlled substances, and Buprenorphine, a Schedule III controlled substance, outside the usual course of professional practice and without a legitimate medical purpose.

All in violation of Title 21, United States Code, Sections 846 and 841(a)(1)

COUNTS TWO THROUGH FIVE
(Unlawfully Distributing and Dispensing Controlled Substances)

8. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 5, as set forth above in the Indictment, as if fully set forth herein.

9. The Grand Jury charges that on or about the dates listed below, in or near Manchester, Coffee County, Tennessee, in the Eastern District of Tennessee, and elsewhere, the defendant, YOGESHWAR GILL, also known as Garry Gill, aiding and abetting and aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and cause to be distributed and dispensed, quantities of a mixture and substance containing a detectable amount of the controlled substances listed below, to the individuals listed by initials below, outside the usual course of professional practice and without a legitimate medical purpose; each such instance forming a separate count:

Count	Approximate Date of Distribution	Individual	Controlled Substance
2	9/23/2019	M.J.	Buprenorphine
3	7/17/2020	J.D.	Oxycodone
4	11/15/2021	J.D.	Hydrocodone
5	12/13/2021	M.J.	Buprenorphine

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

COUNT SIX
(Maintaining a Drug-Involved Premises)

10. The Grand Jury realleges and incorporates by reference Paragraphs 1 through 5, as set forth above in the Indictment, as if fully set forth herein.

11. The Grand Jury further charges that from in or around October 2020, and continuing through in or around April 2022, in Manchester, Coffee County, Tennessee, in the Eastern District of Tennessee, the defendant, YOGESHWAR GILL, also known as Garry Gill, did knowingly and intentionally open, lease, rent, use, and permanently and temporarily maintain a place, that is, his medical practice located at 1034 McArthur Street, in Manchester, Tennessee, for the purpose of distributing Schedule II and Schedule III controlled substances, outside the usual course of professional practice and not for a legitimate medical purpose.

In violation of Title 21, United States Code, Section 856(a)(1).

FORFEITURE ALLEGATIONS

12. The allegations in Counts One through Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

13. Pursuant to Title 21, United States Code, Section 853, upon conviction of any of Counts One through Six, the defendant, YOGESHWAR GILL, also known as Garry Gill, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, the offense. The property to be forfeited includes, but is not limited to, the following:

MONEY JUDGMENT

A personal money judgment against the defendant, YOGESHWAR GILL, also known as "Garry Gill," and in favor of the United States, which represents the proceeds the defendant personally obtained as a result of the violation of Title 21, United States Code, Section 846 or 841, 846, and/or 856.

3. 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:

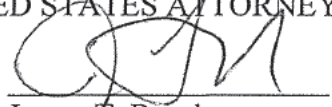


FOREPERSON

APPROVED:


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