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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 3:19-cr-00111-RRB-MMS
)
JESSICA JOYCE SPAYD,)
)
Defendant.)
)
_____)

**MOTION FOR ALTERNATIVE
VICTIM NOTIFICATION UNDER 18 U.S.C. § 3771(d)(2)**

The United States of America respectfully moves this Court, pursuant to Title 18, United States Code, Section 3771(d)(2), for authorization to employ the victim notification procedures described below, in lieu of those prescribed by section 3771(a), (b) and (c), on

the grounds that the number of crime victims in this case makes it impracticable to accord all of the crime victims the rights described in subsection 3771(a).

The Crimes Victims' Rights Act ("the Act"), codified at 18 U.S.C. § 3771, provides certain rights to victims in federal criminal proceedings. Among these rights is the right to "reasonable, accurate, and timely notice" of public court proceedings. 18 U.S.C. § 3771(a). The Act requires "[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation and prosecution of crime make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection [3771](a)," 18 U.S.C. § 3771(c)(1), and it instructs the Court to "ensure that the crime victim is afforded" those rights. 18 U.S.C. § 3771(b). The Act defines a crime victim as "a person directly and proximately harmed as a result of the commission of a Federal offense . . ." 18 U.S.C. § 3771(e). Importantly, the Act recognizes that for crimes involving multiple victims, the Court has discretion to adopt procedures to accord victim rights without unduly interfering with the criminal proceedings. Thus, 18 U.S.C. §3771(d)(2) provides:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

The Act places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings. *Id.*

Here, the defendant, Jessica Joyce Spayd, has been charged with illegally

distributing and dispensing large amounts of scheduled controlled substances, including dangerous opioids such as oxycodone and methadone. The indictment charges her with three overdose deaths caused by her illegal prescribing, and the government is investigating nearly twenty (20) additional deaths. Since 2014, the defendant has prescribed opioids to over 450 people, many of whom received large, potentially lethal dosages well above the CDC's maximum recommended safe amounts. Although the government has contacted a small percentage of these victims, it has not yet been able to locate a large number of them. Additionally, the defendant has been prescribing these medications for upwards of eighteen (18) years, and the government has developed evidence that defendant's illegal prescribing began well before 2014—the last year for which the government has detailed patient data. The government has been unable to identify the majority of these pre-2014 victims. In short, the government's investigation to date has revealed *at least* hundreds, and potentially thousands of victims—including family members of deceased and addicted patients—directly harmed by defendant's illegal conduct.

Accordingly, this number of victims makes compliance with the notification requirements outlined in section 3771(a), (b) and (c) impracticable. Neither the government nor the Court has the resources to accord all of the victims in this case the notice required by subsection 3771(a).

Therefore, due to the large number of victims in this case, the government intends to direct potential victims to the U.S. Attorney's Office website where all required notices will be posted: <https://www.justice.gov/usao-ak/case-updates>. The government will also

issue a press release within a reasonable amount of time after the Court grants this motion informing individuals who believe they may be victims to access the U.S. Attorney's Office website for more information.

CONCLUSION

Based on the foregoing, the government requests the Court grant the motion for alternative victim notification procedures.

RESPECTFULLY SUBMITTED this 26th day of November, 2019, in Fairbanks, Alaska.

BRYAN SCHRODER
United States Attorney

/s/ Ryan D. Tansey
RYAN D. TANSEY
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served electronically on all counsel of record via the CM/ECF system.

/s/ Ryan Tansey
Office of the U.S. Attorney