

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

2019 SEP 24 PM 3:41  
CLERK, US DISTRICT COURT  
MIDDLE DISTRICT FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:19 cr 426 T33 TOW  
21 U.S.C. § 841(a)(1)  
21 U.S.C. § 846  
21 U.S.C. § 856

HONG TRUONG

INDICTMENT

SEALED

The Grand Jury charges:

**A. Introduction**

At all times material to this Indictment:

1. The Controlled Substances Act, 21 U.S.C. § 801 *et seq.* (the “CSA”), governed the manufacture, distribution, and dispensing of controlled substances in the United States, including narcotics that were prescribed by physicians. The CSA established certain drugs and substances as “controlled substances,” which were assigned to one of five schedules, Schedules I, II, III, IV, or V, depending on their potential for abuse, likelihood of physical or psychological dependency, and accepted medical use.

2. The term “Schedule II” denoted controlled substances with a currently accepted medical use in treatment in the United States and which had a high potential for abuse—abuse that may lead to severe physical or psychological dependence. Oxycodone, hydromorphone and methadone were

SEALED

Schedule II controlled substances. Oxycodone, hydromorphone and methadone were the generic names for highly addictive prescription opioid medications, the abuse of which could lead to severe psychological or physical dependence, or overdose.

3. Medical practitioners, including pharmacies, authorized to distribute or dispense controlled substances by the jurisdiction in which that practitioner or pharmacy was licensed, were authorized under the CSA to dispense controlled substances if they were registered with the Attorney General of the United States, through the Drug Enforcement Administration (“DEA”), and were assigned a DEA registration number.

4. Under federal regulations, medical practitioners registered with the DEA could not issue a prescription for a Schedule II controlled substance unless the prescription was 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 was upon the prescribing practitioner, with a corresponding responsibility upon the pharmacist who filled the prescription. An order purporting to be a prescription that was not issued in the usual course of professional treatment, or for legitimate medical purpose, was not a prescription within the meaning and intent of the CSA and the person

knowingly filling such a purported prescription, as well as the person issuing it, was subject to penalties provided for under the CSA.

5. In that regard, a prescription for a controlled substance could be filled only by a pharmacist acting in the usual course of the pharmacist's professional practice who was either registered individually or employed in a registered pharmacy, a registered central fill pharmacy, or registered institutional practitioner.

6. The CSA also prohibited any person from knowingly and intentionally acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

7. Defendant, HONG TRUONG was a pharmacist with an active license issued by the State of Florida. Defendant TRUONG owned and operated HP Pharmacy d/b/a/PHMN, Inc. ("HP Pharmacy") in Pinellas Park, Florida. Defendant TRUONG applied for and obtained a DEA registration number for HP Pharmacy to dispense and administer controlled substances in Schedules II through V. TRUONG was the full-time pharmacist at HP Pharmacy, and she dispensed and filled prescriptions at HP Pharmacy, including Schedule II controlled substances.

8. Jessica Evans was employed by defendant TRUONG as a pharmacy technician at HP Pharmacy. Evans' duties included accepting and processing HP Pharmacy customers' prescriptions and related payments.

**COUNT ONE**  
**(21 U.S.C. § 846—Conspiracy)**

Beginning on an unknown date, but not later than in or around May 2015, and continuing through in or around August 2016, in the Middle District of Florida, the defendant,

HONG TRUONG,

did knowingly, willfully, and intentionally conspire with Jessica Evans and with other persons, known and unknown to the Grand Jury, to distribute and dispense, and cause the distribution and dispensing of oxycodone, hydromorphone, and methadone, Schedule II controlled substances, not in the usual course of professional practice and not for a legitimate medical purpose.

All in violation of 21 U.S.C. §§ 846 and 841(b)(1)(C).

**COUNTS TWO through FIFTEEN**  
**(21 U.S.C. § 841(a)(1)—Unlawful Distribution of Controlled Substances)**

On or about each of the dates set forth below, in the Middle  
District of Florida, the defendant,  
  
HONG TRUONG,  
  
did knowingly and intentionally distribute and dispense, and cause the  
distribution and dispensing of, the Schedule II controlled substances  
identified in each count below, outside the scope of usual professional  
practice and for no legitimate medical purpose, to the individuals identified  
(by initials or name):

<b>Count</b>	<b>Prescription Issue Date</b>	<b>Prescription Fill Date</b>	<b>Prescription Written to:</b>	<b>Schedule II Controlled Substance</b>	<b>Dosage Units</b>
<b>Two</b>	8/14/15	8/14/15	B.M.	Oxycodone 30 mg	120
<b>Three</b>	8/14/15	8/14/15	B.M.	Methadone 10 mg	45
<b>Four</b>	8/14/15	8/20/15	D.J.	Oxycodone 30 mg	120
<b>Five</b>	1/6/16	1/6/16	D.J.	Oxycodone 30 mg	120
<b>Six</b>	1/6/16	1/6/16	A.J.	Oxycodone 30 Mg	112
<b>Seven</b>	1/15/16	1/15/16	A.J.	Methadone 10 mg	56
<b>Eight</b>	5/4/16	5/4/16	Jamayne Brown	Hydromorphone 8 mg	84
<b>Nine</b>	6/13/16	6/14/16	B.M.	Oxycodone 30 mg	120

<b>Count</b>	<b>Prescription Issue Date</b>	<b>Prescription Fill Date</b>	<b>Prescription Written to:</b>	<b>Schedule II Controlled Substance</b>	<b>Dosage Units</b>
<b>Ten</b>	6/15/16	6/15/16	S.D.	Oxycodone 30 Mg	120
<b>Ten</b>	6/15/16	6/15/16	S.D.	Methadone 10 Mg	40
<b>Eleven</b>	6/20/16	6/22/16	L.J.	Oxycodone 30 mg	120
<b>Twelve</b>	6/20/16	6/22/16	L.J.	Methadone 10 mg	40
<b>Thirteen</b>	6/22/16	6/22/16	S.H.	Oxycodone 30 mg	120
<b>Fourteen</b>	7/18/16	7/19/16	D.G.	Oxycodone 30 mg	120
<b>Fifteen</b>	8/5/16	8/5/16	D.J.	Oxycodone 30mg	120

All in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 18 U.S.C. § 2.

**COUNT SIXTEEN**

**(21 U.S.C. § 856—Use of Place for Unlawful Drug Distribution)**

Beginning on an unknown date, but not later than in or around June 2015, through on or about July 2, 2018, in the Middle District of Florida, the defendant,

HONG TRUONG,

knowingly opened, leased, rented, used and maintained a place for the purpose of distributing Schedule II controlled substances, namely oxycodone (30 mg) and hydromorphone (8mg) in return for cash payments, which controlled substances were distributed not in the usual course of professional

practice and not for a legitimate medical purpose.

In violation of 21 U.S.C. § 856(a)(1) and 18 U.S.C. § 2.

**FORFEITURE**

1. The allegations contained in Counts One through Sixteen of this Indictment are incorporated by reference for the purpose of alleging forfeitures pursuant to 21 U.S.C. § 853.

2. Upon conviction of a violation of 21 U.S.C. §§ 841, 846, and/or 856, the defendant, HONG TRUONG, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, all of her interest in:

- a. Property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such violation; and
- b. Property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

3. The property to be forfeited includes, but is not limited to the proceeds the defendant obtained as a result of the offenses charged in Counts One through Sixteen, including a forfeiture money judgment of at least \$1.16 million.

4. 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,

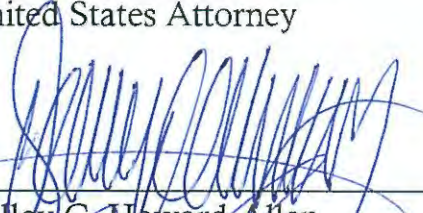
the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

A TRUE BILL,

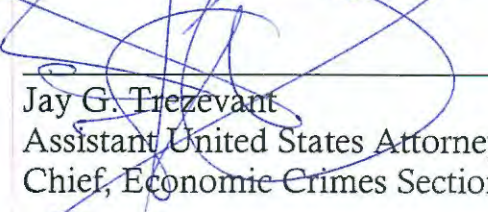
  
\_\_\_\_\_  
Foreperson

MARIA CHAPA LOPEZ  
United States Attorney

By:

  
\_\_\_\_\_  
Kelley C. Howard-Allen  
Assistant United States Attorney

By:

  
\_\_\_\_\_  
Jay G. Trezevant  
Assistant United States Attorney  
Chief, Economic Crimes Section



No.

---

---

**UNITED STATES DISTRICT COURT**  
Middle District of Florida  
Tampa Division

---

---

THE UNITED STATES OF AMERICA

vs.

Hong Truong

---

---

**INDICTMENT**

Violations: 21 U.S.C. §§ 841(a)(1), 846, 856

---

---

A true bill,



\_\_\_\_\_  
Foreperson

---

---

Filed in open court this 24th day  
of September 2019.

\_\_\_\_\_  
Clerk

---

---

Bail \$ \_\_\_\_\_

---

---