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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	Case No. <u>3:19-cr-68</u>
vs.)	Judge Walter H. Rice
)	INDICTMENT
)	
MORRIS L. BROWN)	21 U.S.C. § 841
ISMAIL ABUHANIEH)	21 U.S.C. § 843(a)(3)
MAHMOUD RIFAI)	21 U.S.C. § 846
MAHMOUD ELMIARI)	21 U.S.C. § 856
YOHANNES TINSAE)	
)	FORFEITURE

The GRAND JURY charges:

At times material to this Indictment:

DEFENDANTS

1. Defendant MORRIS BROWN was a resident of Montgomery County, Ohio.
2. Defendant ISMAIL ABUHANIEH was a resident of Maricopa County, Arizona. ABUHANIEH was a licensed pharmacist.
3. Defendant MAHMOUD RIFAI was a resident of Wayne County, Michigan. RIFAI was a licensed pharmacist.
4. Defendant YOHANNES TINSAE was a resident of Greene County, Ohio. Beginning on or around July 2010, TINSAE was a licensed pharmacist.
5. Defendant MAHMOUD ELMIARI was a resident of Greene County, Ohio.

GENERAL ALLEGATIONS AND TERMINOLOGY

6. The Controlled Substances Act (“CSA”) governs the manufacture, distribution, and dispensation of controlled substances in the United States. The CSA and the Code of Federal Regulations (“CFR”) contain definitions relevant to this Indictment, some of which are set forth below.

7. The term “controlled substance” means a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV and V, as designated by Title 21, United States Code, Section 802(c)(6), and the CFR.

8. The term “Schedule II” means the drug or other substance has a high potential for abuse; the drug has a currently accepted medical use with severe restrictions; and abuse of the drug or other substance may lead to severe psychological or physical dependence.

9. The term “dispense” means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance.

10. The term “distribute” means to deliver (other than by administering or dispensing) a controlled substance.

11. The term “practitioner” means a medical doctor, physician, or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which she or he practices, to dispense a controlled substance in the course of profit.

12. The term “pharmacist” means any pharmacist licensed by a State to dispense controlled substances, and shall include any person authorized by a State to dispense controlled substances under the supervision of a pharmacist licensed by such state.

13. The Drug Enforcement Administration (“DEA”) issues registration numbers to qualifying doctors and pharmacies, who become authorized to dispense Schedule II, II, IV, and V controlled substances. To issue a prescription for a controlled substance, a doctor or pharmacy must have a DEA registration number for each location in which they are dispensing medicine per state where dispensing controlled substances.

14. A prescription for a controlled substance violates the CSA and CFR if it is issued beyond the bounds of medical practice or is not for a legitimate medical purpose in the usual course of a professional practice.

15. The term “dosage” is the amount, frequency, and number of doses of medication authorized by a practitioner, who has been issued a DEA registration number.

16. The term “prescription” means an order for medication which is dispensed to or for an ultimate user but does not include an order for medication which is dispensed for immediate administration to the ultimate user.

17. The purpose of a urine test is to determine if the prescribed medications and/or illicit drugs (e.g., cocaine) is in the patient’s urine.

CONTROLLED SUBSTANCES RELEVANT TO THE INDICTMENT

18. Endocet is a brand name pill that contains oxycodone, a Schedule II controlled substance.
19. Oxycodone is a Schedule II controlled substance.
20. Methadone is a Schedule II controlled substance.
21. Hydrocodone is a Schedule II controlled substance.
22. Morphine is a Schedule II controlled substance.
23. Fentanyl is a Schedule II controlled substance.
24. Xanax is a brand name pill that contains alprazolam, a Schedule IV controlled substance.
25. Soma is a brand name pill that contains carisoprodol. As of January 11, 2012, Carisoprodol is a Schedule IV controlled substance.

MORRIS BROWN'S ILLEGAL DISTRIBUTION OF CONTROLLED SUBSTANCES

26. Defendant MORRIS BROWN obtained his medical license in the State of Ohio on or around 1975, specializing in family medicine.
27. Beginning on or around 1986 and continuing up to on or around November 2017, defendant MORRIS BROWN, owned, operated, and provided medical services through his company DAYTON PRIMARY & URGENT CARE CENTER, INC. ("DAYTON PRIMARY"), located at 301 West First Street, Suite 100, in Dayton Ohio, in the Southern District of Ohio.
28. On or about 2006, DAYTON PRIMARY became a Domestic Limited Liability Company in the State of Ohio.

29. MORRIS BROWN was registered with federal and state authorities to prescribe schedule II-V controlled substances.

30. During patient visits, MORRIS BROWN often provided only a cursory medical examination of patients before agreeing to provide them Schedule II controlled substance prescriptions.

31. In many instances, MORRIS BROWN provided large amounts of controlled substance prescription medications to patients that BROWN knew or had a reasonable cause to believe were drug addicts or diverting/selling the medication.

32. MORRIS BROWN rarely, if ever, counseled patients regarding alternative treatments for pain, such as physical therapy, psychological or addiction counseling, or surgery.

33. As part of the patient "visit," MORRIS BROWN, or others in his office, administered urine tests for the purpose of disguising the lack of any legitimate medical purpose for the prescription, dispensing, or distribution of controlled substances. MORRIS BROWN ignored the results of the urine tests and continued to provide controlled substances to patients.

34. MORRIS BROWN also ignored information provided to him by other medical professionals about other patients exhibiting drug-seeking behavior, and continued to provide controlled substances to patients.

35. MORRIS BROWN distributed and dispensed, and caused to be distributed and dispensed, controlled substances to many of his patients not for a

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