

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 05 2013

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

UNITED STATES OF AMERICA	:	SECOND SUPERSEDING INDICTMENT
	:	
v.	:	NO. 1:12-CR-00276-SCJ-GGB
	:	
GODFREY ILONZO,	:	
BONA ILONZO,	:	
WILLIAM RICHARDSON, M.D.	:	
NEVORN ASKARI, M.D.,	:	
ROSEMARY OFUME, and,	:	
DONATUS IRIELE	:	

THE GRAND JURY CHARGES THAT:

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

1. Paragraphs Three through Twenty-Three are alleged and incorporated into Count One of this Indictment.

2. Beginning on a date unknown to the Grand Jury, but at least in or about May 2009, and continuing until on or about August 22, 2012, within the Northern District of Georgia, and elsewhere, the defendants,

GODFREY ILONZO
BONA ILONZO
NEVORN ASKARI, M.D.
WILLIAM RICHARDSON, M.D.
ROSEMARY OFUME, and
DONATUS IRIELE,

did knowingly combine, conspire, confederate, agree, and have a tacit understanding with each other and others known and unknown to the Grand Jury, to violate Title 21, United States Code, Section 841(a)(1), that is, to knowingly and willfully distribute and

dispense, and possess with the intent to distribute and dispense (by prescription and otherwise), mixtures and substances containing a detectable amount of controlled substances, said conspiracy involving Oxycodone (Schedule II), Oxycodone with Acetaminophen (Schedule II), Methadone (Schedule II), Hydromorphone (Schedule II), Hydrocodone with Acetaminophen (Schedule III), Alprazolam (Schedule IV), and Carisoprodol (Schedule IV), not for a legitimate medical purpose and not in the usual course of professional practice,

All in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(C), 841(b)(1)(E), and 841(b)(2).

BACKGROUND

At all times relevant to this Indictment, unless otherwise specified:

3. The Controlled Substances Act (CSA) governed the manufacture, distribution, and dispensing of controlled substances in the United States. With limited exceptions for medical professionals, the CSA made it "unlawful for any person knowingly or intentionally . . . to manufacture, distribute, or dispense . . . a controlled substance" or conspire to do so.

4. The CSA and its implementing regulations set forth which drugs and other substances are defined by law as "controlled substances," and assigned those controlled substances to one of five schedules (Schedule I, II, III, IV, or V) depending on their potential for abuse, likelihood of physical or psychological

dependency, accepted medical use, and accepted safety for use under medical supervision.

5. "Schedule II" means that the drug has a high potential for abuse, the drug has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and abuse of the drug may lead to severe psychological or physical dependence. 21 U.S.C. § 812(b)(2). "Schedule III" means that the drug has a potential for abuse less than the drugs listed in Schedules I and II, the drug has a currently accepted medical use, and abuse of the drug can lead to moderate or low physical dependence or high psychological dependence. 21 U.S.C. § 812(b)(3). "Schedule IV" means that the drug has a low potential for abuse relative to the drugs or other substances in Schedule III, has a currently accepted medical use and a abuse of the drug may lead to limited physical dependence or psychological dependence. 21 U.S.C. § 812(b)(4).

6. Pursuant to the CSA and its implementing regulations:

- a. Oxycodone was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1). Oxycodone was sold generically and under a variety of brand names, including Oxycodone, Oxycontin, and Roxicodone.
- b. Oxycodone with Acetaminophen was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1). Oxycodone with Acetaminophen was sold generically and under a variety of brand names, including Percocet.
- c. Hydrocodone with Acetaminophen was classified as a Schedule III controlled substance. 21 C.F.R. § 1308.13(e). Hydrocodone with Acetaminophen was

- sold generically and under the brand names Lortab and Lorcet.
- d. Hydromorphone was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1)(vii). Hydromorphone was sold generically and under the brand name Dilaudid.
 - e. Methadone was classified as a Schedule II controlled substance. 21 C.F.R. § 1308.12(c)(15) &(16).
 - f. Alprazolam was classified as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(1). Alprazolam was sold generically and under the brand name Xanax.
 - g. As of January 11, 2012, Carisoprodol was classified as a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(5). Carisoprodol was sold generically and under the brand name Soma.

7. Medical practitioners (such as physicians) who are authorized to prescribe controlled substances by the jurisdiction in which they are licensed to practice medicine are authorized under the CSA to prescribe, or otherwise distribute, controlled substances, if they are registered with the Attorney General of the United States. 21 U.S.C. § 822(b); 21 C.F.R. § 1306.03. A prescription for a controlled substance may only be dispensed, or filled, "by a pharmacist, acting in the usual course of his professional practice, and either registered individually or employed in a registered pharmacy" 21 C.F.R. § 1306.06. Upon application by the practitioner, the Drug Enforcement Administration (DEA) assigns a unique registration number to each qualifying physician, pharmacist, or pharmacy.

8. Under Chapter 21 of the Code of Federal Regulations,

Section 1306.04(a), a prescription for a controlled substance "must be 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 is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research [is] 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, [is] subject to the penalties provided for violations of the provisions of law relating to controlled substances."

9. All prescriptions for controlled substances "shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name address and registration number of the practitioner." 21 C.F.R. § 1306.05(a). "The refilling of a prescription for a controlled substance listed in Schedule II is prohibited." 21 C.F.R. § 1306.12(a); 21 U.S.C. § 829(a).

DEFENDANTS

10. Defendant GODFREY ILONZO (G. ILONZO) opened and operated medical clinics in the Atlanta, Georgia, area under the name of Atlanta Medical & Research Clinic, Inc. ("AMARC"), beginning on a date unknown to the grand jury but at least as of May 2009, and continuing through on or about August 22, 2012, including at least three clinics that operated at various times as illegal "pain clinics," that is, clinics where physicians who purported to treat pain, in fact, issued prescriptions for controlled substances outside the scope of professional practice and without a legitimate medical purpose. Specifically, G. ILONZO operated:

- a. The AMARC-Lakewood Clinic, located at 1755 Lakewood Avenue, S.E., Atlanta, Georgia ("AMARC-Lakewood");
- b. The AMARC-Tyrone Clinic, located at 1135 Senoia Road, Tyrone, Georgia ("AMARC-Tyrone"); and,
- c. The AMARC-Edgewood Clinic, located at 207 Edgewood Avenue, Atlanta, Georgia ("AMARC-Edgewood").

(collectively, the "AMARC pain clinics").

11. G. ILONZO was an officer of AMARC, a corporation registered in the state of Georgia. G. ILONZO also operated MPM GROUP, LLC ("MPM Group"), a limited liability company organized in the state of Georgia. As the principal owner of MPM Group, G. ILONZO conducted the day-to-day operations of AMARC, including hiring physicians and employees at the AMARC pain clinics, and conducting the financial business of the clinics through MPM Group. G. ILONZO was not a medical professional licensed in any capacity

in Georgia.

12. Defendant BONA ILONZO ("B. ILONZO") was the wife of G. ILONZO. B. ILONZO was the Office Manager for the AMARC-Lakewood clinic. B. ILONZO was not a medical professional licensed in any capacity in Georgia.

13. Defendant NEVORN ASKARI, M.D. ("ASKARI"), was a pediatrician with an active license to practice medicine issued by the State of Georgia and was registered with the DEA to dispense, administer, and prescribe controlled substances in Schedules II through V. ASKARI worked as a prescribing physician at the AMARC pain clinics, including AMARC-Lakewood. ASKARI was also the Corporate Financial Officer (CFO) of AMARC from on or about December 2010 until on or about January 2012.

14. Defendant WILLIAM RICHARDSON, M.D. ("RICHARDSON"), was an internal medicine physician with an active license to practice medicine issued by the State of Georgia and registered with the DEA to dispense, administer, and prescribe controlled substances in Schedules II through V. RICHARDSON worked as a prescribing physician at the AMARC pain clinics.

15. Defendant ROSEMARY OFUME ("OFUME") was a pharmacist with a license to practice pharmacy issued by the State of Georgia. OFUME and her husband, DONATUS IRIELE ("IRIELE") operated Plaza Enterprises, LLC, d/b/a/ Medicine Center Pharmacy ("MEDICINE CENTER PHARMACY"), a limited liability company organized in the state of Georgia. MEDICINE CENTER PHARMACY was located at 1634 Jonesboro

Road, Atlanta, Georgia, across the street from AMARC-Lakewood. MEDICINE CENTER PHARMACY was registered with the DEA to dispense controlled substances in Schedules II through V. OFUME oversaw the day-to-day operations of MEDICINE CENTER PHARMACY, including interactions with customers and purchasing the controlled substances dispensed at the pharmacy.

16. Defendant IRIELE was a former pharmacist and the husband of OFUME. IRIELE operated MEDICINE CENTER PHARMACY with OFUME and handled the financial affairs of MEDICINE CENTER PHARMACY.

PURPOSE OF THE DRUG CONSPIRACY

17. The purposes of the conspiracy included, but were not limited to, the following: to attract large numbers of persons interested in obtaining and filling prescriptions for controlled substances, and to issue and fill prescriptions for controlled substances to such persons, not for a legitimate medical purpose and outside the scope of professional practice, and in order to generate large profits for the defendants.

MANNER AND MEANS OF THE DRUG CONSPIRACY

The manner and means of the conspiracy included the following:

18. It was part of the conspiracy that G. ILONZO and B. ILONZO would and did knowingly open, use, operate, and maintain places of business, including the AMARC-Lakewood clinic and, at various times, the AMARC-Tyrone and AMARC-Edgewood clinics, for the purpose of unlawfully distributing, and causing the unlawful

distribution of, controlled substances, including Oxycodone, Oxycodone with Acetaminophen, Hydromorphone, Methadone, Hydrocodone with Acetaminophen, Alprazolam, and Carisoprodol by way of prescriptions issued without a legitimate medical purpose and outside the usual course of professional practice.

19. It was part of the conspiracy that OFUME and IRIELE, would and did knowingly operate and maintain a place of business, namely MEDICINE CENTER PHARMACY, for the purpose of unlawfully distributing, and causing the unlawful distributing of, controlled substances, including Oxycodone, Oxycodone with Acetaminophen, Hydromorphone, Methadone, Hydrocodone with Acetaminophen, Alprazolam, and Carisoprodol, by way of dispensing controlled substances pursuant to prescriptions issued without a legitimate medical purpose and outside the usual course of professional practice.

20. It was part of the conspiracy that G. ILONZO operated the AMARC-Lakewood clinic as a pain clinic. G. ILONZO later opened other clinics, including the AMARC-Tyrone clinic, and other businesses with the proceeds generated from the unlawful distribution of controlled substances at AMARC-Lakewood. G. ILONZO and B. ILONZO facilitated the issuance of unlawful prescriptions for controlled substances, outside the scope of professional medical practice and for other than a legitimate medical purpose, by employing physicians, such as ASKARI and RICHARDSON, to issue medically inappropriate prescriptions to customers for potentially

lethal dosages and combinations of Schedule II, III, and IV controlled substances.

21. It was part of the conspiracy that OFUME and IRIELE, by and through MEDICINE CENTER PHARMACY, dispensed quantities and combinations of controlled substances pursuant to a large number of prescriptions issued by physicians at the AMARC pain clinics (including ASKARI and RICHARDSON), that were in excess of medically appropriate dosages and combinations, and were likely to produce physical, even lethal, dependence in customers who consumed the controlled substances as prescribed and dispensed.

22. It was part of the conspiracy that ASKARI and RICHARDSON prescribed controlled substances after performing inadequate medical evaluations of the customer and would continue to write additional prescriptions for controlled substances without further medical evaluation, or with limited medical evaluation, that would be necessary in order to write medically appropriate prescriptions in the dosages and combinations indicated on the prescriptions. It was further part of the conspiracy that ASKARI, with the knowledge of G. ILONZO and B. ILONZO, issued repeated prescriptions for controlled substances to customers without seeing those customers in person. It was further part of the conspiracy that DR. ASKARI nevertheless falsely indicated in medical records that she had seen the customer in person (such as by conducting an physical examination of the customer) prior to prescribing the controlled substances when she had not done so.

23. It was part of the conspiracy that ASKARI and RICHARDSON, with the knowledge of G. ILONZO and B. ILONZO, would and did fail to give adequate drug screening tests, or allowed customers who failed the drug screening test to nevertheless receive prescriptions for controlled substances, or return to the AMARC pain clinics and attempt to pass the drug test again.

COUNTS TWO THROUGH FOUR
(Unlawful Drug Distribution)
(21 U.S.C. § 841(a))

24. Paragraphs Three through Twenty-Three are re-alleged and incorporated into each of Counts Two through Four of this Indictment.

25. On or about the dates set forth below, within the Northern District of Georgia, and elsewhere, the defendants,

GODFREY ILONZO,
BONA ILONZO,
NEVORN ASKARI, M.D.,
ROSEMARY OFUME, and,
DONATUS IRIELE

as described below, did knowingly and intentionally distribute and dispense, and aid and abet the distribution and dispensing of, of tablets which were mixtures and substances containing the controlled substances listed below, by causing prescriptions to be issued and filled for the controlled substances, outside the course of professional medical practice and for other than a legitimate medical purpose:

Count	Date	Description of transaction
2	11/13/2010	90 tablets Roxicodone 30mg, Schedule II (issued to C.C.)
3	12/11/2010	90 tablets Roxicodone 30mg, Schedule II (issued to C.C.)
4	1/15/2011	90 tablets Roxicodone 30mg, Schedule II (issued to C.C.)

All in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNTS FIVE THROUGH FIFTEEN
(Unlawful Drug Distribution)
(21 U.S.C. § 841(a))

26. Paragraphs Three through Twenty-Three are re-alleged and incorporated into each of Counts Five through Fifteen of this Indictment.

27. On or about the dates set forth below, within the Northern District of Georgia, and elsewhere, the defendants,

GODFREY ILONZO,
BONA ILONZO, and
DR. WILLIAM RICHARDSON,

as described below, did knowingly and intentionally distribute, and aid and abet the distribution and dispensing of, tablets which were mixtures and substances containing the controlled substances listed below, by causing prescriptions to be issued and filled for the controlled substances, outside the course of professional medical practice and for other than a legitimate medical purpose:

Count	Date	Description of transaction
5	6/28/2011	45 tablets Oxycodone 30mg, Schedule II 30 tablets Alprazolam 2mg, Schedule IV (issued to C.C.)
6	6/28/2011	60 tablets Percocet 10/325mg, Schedule II (issued to C.V.)
7	6/28/2011	50 tablets Percocet 10/325 mg, Schedule II (issued to M.L.)
8	7/19/2011	60 tablets Oxycodone 30mg, Schedule II (issued to C.V.)
9	7/19/2011	30 tablets Lortab 10/500mg, Schedule III (Issued to M.B.)
10	5/2/2012	120 tablets Oxycodone 30mg, Schedule II 90 tablets Oxycodone 15mg, Schedule II 30 tablets Alprazolam 2mg, Schedule IV (issued to C.V.)
11	5/2/2012	120 tablets Oxycodone 30mg, Schedule II 90 tablets Oxycodone 15mg, Schedule II 30 tablets Alprazolam 2mg, Schedule IV (issued to M.F.)
12	6/4/2012	120 tablets Oxycodone 30mg, Schedule II 90 tablets Oxycodone 15mg, Schedule II 30 tablets Alprazolam 2mg, Schedule IV 60 tablets Carisoprodol 350mg, Schedule IV (issued to C.V.)
13	6/4/2012	120 tablets Oxycodone 30mg, Schedule II 30 tablets Alprazolam 2mg, Schedule IV (issued to M.F.)
14	7/6/2012	120 tablets Methadone 10mg, Schedule II 120 tablets Roxicodone 15mg, Schedule II 60 tablets Alprazolam 2mg, Schedule IV 60 tablets Carisoprodol 350mg, Schedule IV (issued to C.V.)
15	7/6/2012	120 tablets Oxycodone 30mg, Schedule II 30 tablets Alprazolam 2mg, Schedule IV (issued to M.F.)

All in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), (b)(1)(E), and (b)(2), and Title 18, United States Code, Section 2.

COUNT SIXTEEN
(Maintaining a Place for Drug Distribution)
(21 U.S.C. § 856)

28. Paragraphs Three through Twenty-Three are re-alleged and incorporated into Count Sixteen of this Indictment.

29. Beginning on a date unknown to the Grand Jury, but at least in or about May 2009, and continuing up to and including on or about August 22, 2012, in the Northern District of Georgia, the defendants,

GODFREY ILONZO, and,
BONA ILONZO,

with each other and with others known and unknown to the grand jury, did knowingly, intentionally, and without legal authorization, open, lease, rent, use, and maintain, and aided and abetted the opening, leasing, renting, using, and maintenance of, a place, namely, the AMARC-Lakewood clinic located at 1755 Lakewood Avenue, S.E., Atlanta, Georgia, for the purpose of distributing a controlled substance, for other than a legitimate medical purpose and outside the usual course of professional medical practice, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), b(1)(E), and (b)(2),

All in violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.

COUNT SEVENTEEN
(Money Laundering Conspiracy - G. ILONZO and B. ILONZO)
(18 U.S.C. §1956(h))

30. Paragraphs Three through Twenty-Three are re-alleged and

incorporated into Count Seventeen of this Indictment.

31. Beginning on a date unknown to the grand jury, but at least in or about May 2009, and continuing up to a date unknown to the grand jury but at least on or about August 22, 2012, in the Northern District of Georgia, and elsewhere, the defendants,

GODFREY ILONZO, and,
BONA ILONZO,

together with each other, and with others known and unknown to the grand jury, did knowingly combine, conspire, confederate, agree and have a tacit understanding to commit violations of the law of the United States of America under Title 18, United States Code, Sections 1956 and 1957, as follows:

a. To knowingly conduct and attempt to conduct a financial transaction in and affecting interstate and foreign commerce, which involved the proceeds of specified unlawful activity, that is, the felonious distributing and dispensing of a controlled substance without a legitimate medical purpose and outside the usual course of professional practice, punishable under a law of the United States, with the intent to promote the carrying on of said specified unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in such financial transaction represented the proceeds of some form of unlawful activity, in

violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and,

b. To knowingly conduct and attempt to conduct a financial transaction in and affecting interstate commerce, which involved the proceeds of specified unlawful activity, that is, the felonious distributing and dispensing of a controlled substance without a legitimate medical purpose and outside the usual course of professional practice, punishable under a law of the United States, and that while conducting and attempting to conduct such financial transaction, knew the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing the transaction was designed in whole and in part,

(1) to conceal and disguise the nature, location, source, ownership, and control of proceeds of said unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and,

(2) to avoid a transaction reporting requirement under Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii);

c. To knowingly engage and attempt to engage in monetary transactions, by, through, or to a financial institution, affecting interstate and foreign commerce,

in criminally derived property of a value greater than \$10,000.00, such property having been derived from a specified unlawful activity, that is the felonious distributing and dispensing of a controlled substance without a legitimate medical purpose and outside the usual course of professional practice, in violation of Title 18, United States Code, Section 1957,

PURPOSE, MANNER, AND MEANS OF MONEY LAUNDERING SCHEME

32. G. ILONZO and B. ILONZO devised and engaged in a scheme to acquire substantial monies from causing prescriptions to be issued for Oxycodone, Oxycodone with Acetaminophen, Hydromorphone, Methadone, Hydrocodone with Acetaminophen, Alprazolam, Carisoprodol, and other controlled substances from the AMARC pain clinics, which monies were used, among other things, to purchase and lease additional clinic locations and employ additional physicians who would either issue unlawful prescriptions for controlled substances themselves, and refer new customers back to the AMARC pain clinics for additional prescriptions of controlled substances. The purpose of said scheme was to promote the continued operation of defendants' drug conspiracy, to avoid state and federal transaction reporting requirements, to conceal the nature, location, source, ownership, and control of the proceeds generated from the defendants' drug conspiracy, and to engage in financial transactions in excess of \$10,000.

33. It was part of the conspiracy that G. ILONZO, B. ILONZO, and others would and did collect significant amounts of cash generated from the business at the AMARC pain clinics on a daily basis. It was further part of the conspiracy that G. ILONZO, B. ILONZO, and others would deposit cash proceeds of the AMARC pain clinics at various banks in the metro Atlanta area, often in bank accounts in the name of MPM Group or in B. ILONZO's personal bank accounts.

34. It was part of the conspiracy that G. ILONZO caused MPM GROUP to take certain cash derived from the illegal drug conspiracy and purchase and rent personal residences and property for the AMARC pain clinics, to recruit additional physicians to work at the AMARC pain clinics, to recruit additional customers to frequent the AMARC pain clinics and other AMARC clinics, to make payments for the continued operation of the AMARC pain clinics and other AMARC clinics, to open up additional clinics, and to purchase and convert property nearby the AMARC-Lakewood clinic into a parking lot to promote the clinic's illegal prescribing,

All in violation of Title 18, United States Code, Section 1956(h) and 2.

COUNTS EIGHTEEN THROUGH TWENTY
(Money Laundering by G. ILONZO)
(18 U.S.C. § 1956(a)(1)(A)(i))

35. The facts set forth in Paragraphs Three through Twenty-Three, and Paragraphs Thirty-Two through Thirty-Four, are

incorporated herein by reference.

36. On or about dates set forth below, in the Northern District of Georgia and elsewhere, defendant G. ILONZO, aided and abetted by others known and unknown to the grand jury, knowingly conducted and attempted to conduct the following financial transactions affecting interstate commerce, which involved the proceeds of specified unlawful activity, that is the proceeds of the conspiracy to unlawfully distribute and dispense controlled substances described in this Indictment, with the intent to promote the carrying on of said specified unlawful activity, and that, while conducting and attempting to conduct such financial transactions, defendant G. ILONZO knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity:

18	10/17/11	Defendant G. ILONZO used drug proceeds from the account of MPM Group at Wells Fargo to make a check #2991, payable to Keller Williams Realty Atlanta Midtown, in the amount of \$5,000.00 as earnest money to purchase the 0.86 acre parking lot property on Lakewood Avenue.
19	11/30/11	Defendant G. ILONZO used drug proceeds in the account of MPM Group at Bank of Upson to wire \$70,000.00 to the Wells Fargo account of Kham Henderson, LLC to purchase the 0.86 acre parking lot property on Lakewood Avenue.

20	11/30/11	Defendant G. ILONZO used drug proceeds in the account of MPM Group at Wells Fargo to purchase cashier's check #XXXXX3063, payable to Law Office of Kham Henderson in the amount of \$21,118.63, to purchase the 0.86 acre parking lot property on Lakewood Avenue.
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All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), and 2.

COUNT TWENTY-ONE
(Bankruptcy Fraud)

37. On or about May 16, 2012, in the Northern District of Georgia, the defendant, GODFREY ILONZO, with the intent to impede, obstruct, and influence the proper administration of a case filed under Title 11 of the United States Code, specifically, the case of In re Godfrey Ilonzo, Case No. 12-61421-CRM, in the United States Bankruptcy Court for the Northern District of Georgia, did knowingly conceal, cover up, falsify, and make a false entry, in a document and record as follows:

In answer to Question 18 of his Statement of Financial Affairs, which required ILONZO to list the names, addresses, taxpayer-identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, ILONZO knowingly stated "NONE" when, in fact, ILONZO was an officer in the following corporations:

- 1) Amarc Medical & Research Clinic, Inc.;
- 2) Clinical Trial Providers, Inc.;
- 3) Global Trans Telecom, Inc.; and,

4) Health Cord of Georgia, Inc.,

all in violation of Title 18, United States Code, Section 1519.

COUNT TWENTY-TWO
(Bankruptcy Fraud)

38. On or about May 16, 2012, in the Northern District of Georgia, the defendant, GODFREY ILONZO, with the intent to impede, obstruct, and influence the proper administration of a case filed under Title 11 of the United States Code, specifically, the case of In re Godfrey Ilonzo, Case No. 12-61421-CRM, in the United States Bankruptcy Court for the Northern District of Georgia, did knowingly conceal, cover up, falsify, and make a false entry in a document and record as follows:

In answer to the Voluntary Petition, and elsewhere, that required ILONZO to provide his address, ILONZO knowingly stated "4055 Demooney Road, College Park, Georgia 30349," and, in answer to Question 15 of the Statement of Financial Affairs, that required ILONZO, to list all premises which he had occupied and vacated if he had moved within three years immediately preceding the commencement of the case, ILONZO knowingly stated "NONE" when, in fact, ILONZO had resided at 60 Gladwyne Ridge Drive, Alpharetta, Georgia, 30004, since on or about September 9, 2010,

all in violation of Title 18, United States Code, Section 1519.

COUNT TWENTY-THREE
(Money Laundering Conspiracy - IRIELE and OFUME)
(18 U.S.C. § 1956(h))

39. The facts set forth in Paragraphs Three through Twenty-Three, are incorporated herein by reference.

40. Beginning on a date unknown to the Grand Jury, but at least in or about May 2009, and continuing through on or about August 22, 2012, in the Northern District of Georgia, and elsewhere, the defendants,

DONATUS IRIELE; and,
ROSEMARY OFUME,

did knowingly combine, conspire, confederate, agree and have a tacit understanding with each other and others known and unknown to the Grand Jury, to commit certain offenses under Title 18, United States Code, Section 1956 and 1957, as follows:

a. To knowingly conduct and attempt to conduct a financial transaction in and affecting interstate and foreign commerce, which involved the proceeds of specified unlawful activity, that is, the felonious distributing and dispensing of a controlled substance without a legitimate medical purpose and outside the usual course of professional practice, punishable under a law of the United States, with the intent to promote the carrying on of said specified unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in such financial transaction represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and,

b. To knowingly conduct and attempt to conduct a financial transaction in and affecting interstate commerce, which involved the proceeds of specified unlawful activity, that is, the felonious distributing and dispensing of a controlled substance without a legitimate medical purpose and outside the usual course of professional practice, punishable under a law of the United States, and that while conducting and attempting

to conduct such financial transaction, knew the property involved in the financial transaction represented the proceeds of some form of unlawful activity, and knowing the transaction was designed in whole and in part,

(1) to conceal and disguise the nature, location, source, ownership, and control of proceeds of said unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and,

(2) to avoid a transaction reporting requirement under Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii);

c. To knowingly engage and attempt to engage in monetary transactions, by, through, or to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000.00, such property having been derived from a specified unlawful activity, that is, the felonious distributing and dispensing of a controlled substance without a legitimate medical purpose and outside the usual course of professional practice, in violation of Title 18, United States Code, Section 1957,

**PURPOSE, MANNER, AND MEANS OF
IRIELE/OFUME MONEY LAUNDERING SCHEME**

41. IRIELE and OFUME and their co-conspirators, acting through MEDICINE CENTER PHARMACY, devised and engaged in a scheme to promote their drug trafficking business by purchasing large quantities of controlled substances, and dispensing those controlled substances without a legitimate medical purpose and outside the usual course of professional practice, in the Northern District of Georgia, thus generating substantial proceeds, and using these proceeds to purchase additional quantities of controlled substances, which, in turn, were sold, thereby generating additional proceeds. IRIELE and OFUME also

used the aforementioned proceeds to purchase multiple vehicles through monetary transactions in excess of \$10,000. IRIELE and OFUME also used the proceeds to deposit cash and checks into the bank accounts of a U.S.-based vehicle exporter on behalf of third party vehicle purchasers in Nigeria. The Nigerian vehicle purchasers deposited equivalent amounts of local Nigerian currency in Nigeria-based bank accounts controlled by IRIELE. The purposes of said scheme were to promote the continued operation of OFUME and IRIELE's drug trafficking business (the illegal distributing and dispensing of controlled substances), conceal the nature, location, source, ownership, and control of proceeds generated from the drug trafficking business, to avoid state and federal transaction reporting requirements, and to engage in monetary transactions (for personal expenditures and otherwise) in excess of \$10,000,

all in violation of Title 18, United States Code, Section 1956(h).

COUNT TWENTY-FOUR
(Money Laundering in Excess of \$10,000)
(18 U.S.C. § 1957)

42. The facts set forth in Paragraphs Three through Twenty-Three, and Paragraph Forty-One, are incorporated herein by reference.

43. On or about February 16, 2010, in the Northern District of Georgia, defendant, DONATUS IRIELE, did knowingly engage and attempt to engage in a monetary transaction affecting interstate

and foreign commerce in criminally derived property that was of a value greater than \$10,000 to wit: a wire transfer of \$40,010.00 in U.S. funds to purchase a 2007 BMW X5, from HAD Motors Inc./Continental Honda, said funds having been derived from a specified unlawful activity, that is, the felonious distribution and dispensing of a controlled substance,

All in violation of Title 18, United States Code, Section 1957.

COUNT TWENTY-FIVE
(Money Laundering in Excess of \$10,000)
(18 U.S.C. § 1957)

44. The facts set forth in Paragraphs Three through Twenty-Three, and Paragraph Forty-One, are incorporated herein by reference.

45. On or about February 16, 2010, in the Northern District of Georgia, defendant, DONATUS IRIELE, did knowingly engage and attempt to engage in a monetary transaction affecting interstate and foreign commerce in criminally derived property that was of a value greater than \$10,000 to wit: a wire transfer of \$39,000.00 in U.S. funds to purchase a 2008 Mercedes Benz ML550, from Exotic Motors, said funds having been derived from a specified unlawful activity, that is, the felonious distribution and dispensing of a controlled substance,

All in violation of Title 18, United States Code, Section 1957.

COUNT TWENTY-SIX
(Money Laundering in Excess of \$10,000)
(18 U.S.C. § 1957)

46. The facts set forth in Paragraphs Three through Twenty-Three, and Paragraph Forty-One, are incorporated herein by reference.

47. On or about November 1, 2010, in the Northern District of Georgia, defendant, DONATUS IRIELE, did knowingly engage and attempt to engage in a monetary transaction affecting interstate and foreign commerce in criminally derived property that was of a value greater than \$10,000 to wit: a wire transfer of \$53,261.46 in U.S. funds to purchase a 2009 BMW X5, from Crave Luxury Auto Export, said funds having been derived from a specified unlawful activity, that is, the felonious distribution and dispensing of a controlled substance,

All in violation of Title 18, United States Code, Section 1957.

COUNT TWENTY-SEVEN
(Concealment Money Laundering)
(18 U.S.C. § 1956(a)(1)(B)(I))

48. The facts set forth in Paragraphs Three through Twenty-Three, and Paragraph Forty-One, are incorporated herein by reference.

49. On or about July 27, 2011, in the Northern District of Georgia, the defendant, DONATUS IRIELE, knowingly conducted and attempted to conduct a financial transaction in and affecting interstate and foreign commerce, that is, the issuance of a

\$23,000 (U.S.) check #4548 by Plaza Enterprises, LLC, d/b/a Medicine Center, to Lanco Trading & Investments, which involved the proceeds of a specified unlawful activity, namely the distribution and dispensing of controlled substances in violation of Title 21, United States Code Sections 841 and 846, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity and that while conducting and attempting to conduct such financial transaction knew that the funds involved in the financial transaction represented the proceeds of some form of unlawful activity in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT TWENTY-EIGHT
(Concealment Money Laundering)
(18 U.S.C. § 1956(a)(1)(B)(I))

50. The facts set forth in Paragraphs Three through Twenty-Three, and Paragraph Forty-One, are incorporated herein by reference.

51. On or about December 29, 2011, in the Northern District of Georgia, the defendant, DONATUS IRIELE, knowingly conducted and attempted to conduct a financial transaction in and affecting interstate and foreign commerce, that is, the issuance of a \$25,000 (U.S.) check #4715 by Plaza Enterprises, LLC, d/b/a Medicine Center, to Lanco Trading & Investments, which involved the proceeds of a specified unlawful activity, namely the

distribution and dispensing of controlled substances in violation of Title 21, United States Code Sections 841 and 846, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity and that while conducting and attempting to conduct such financial transaction knew that the funds involved in the financial transaction represented the proceeds of some form of unlawful activity in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

FORFEITURE PROVISION

5. Upon conviction of one or more of the controlled substance offenses alleged in Counts One through Sixteen of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, all property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and all property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to the following:

a. MONEY JUDGMENT: A sum of money in United States currency representing the amount of proceeds obtained as a result of each offense, or conspiracy to commit such offense, for which the defendant is convicted. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable.

b. REAL PROPERTY:

1. 1755 Lakewood Avenue, S.E., Atlanta, Fulton County, Georgia, and all buildings and appurtenances thereon, more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 57 of the 14th District of Fulton County, Georgia, being part of Lot 21 of Adair property and more particularly described as follows:

Beginning at a point at the northwest corner of the intersection of Lakewood Avenue and Adair Avenue; thence northerly with Lakewood Avenue 59.1 feet to property now or formerly of Watkins or Rush; thence westerly with Watkins/ Rush 117 feet more or less to property now or formerly of H.L. Watts or Rush; thence southerly with Watts/ Rush 59 feet to Adair Avenue; thence easterly with Adair Avenue 114 feet to the point of beginning, being property known as 1755 Lakewood Avenue according to the present system of numbering properties in Fulton County, Georgia, and having a parcel ID number of 14-0057-0025-017-8, and being that same property conveyed by Deutsche Bank National Trust Company to Highland Financial Capital Group, LLC, on March 18, 2008, at Deed Book 46517, Page 354, Fulton County, Georgia, the legal description to said deed being incorporated herein.

[Parcel ID No. 14-005700250178; titled in the name of MPM Group, LLC].

2. 0.86 Acre Parking Lot on Lakewood Avenue, S.E., Atlanta, Fulton County, Georgia, and all buildings and appurtenances thereon, more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 57 of the 14th District, Fulton County, Georgia, City of Atlanta, and being more particularly described as follows:

Beginning at an iron pin found-crimp top at the intersection of the westerly right of way line of Lakewood Avenue (a 50 foot right of way) and the southerly right of way line of Adair Avenue (a 50

foot right of way), which said iron pin found is the POINT OF BEGINNING; run thence along the westerly right of way line of Lakewood Avenue, and following the curvature thereof, South 02 degrees 55 minutes 54 seconds West 179.05 feet to a railroad spike found on the westerly right of way line of Lakewood Avenue; run thence North 89 degrees 57 minutes 24 seconds West 210.04 feet to an iron pin set; run thence North 00 degrees 32 minutes 16 seconds West 178.60 feet to an iron pin found on the southerly right of way line of Adair Avenue; run thence along the southerly right of way line of Adair Avenue, and following the curvature thereof, North 89 degrees 59 minutes 00 seconds East 220.87 feet to an iron pin found-crimp top at the intersection of the southerly right of way line of Adair Avenue and the westerly right of way line of Lakewood Avenue, which said iron pin found is the POINT OF BEGINNING, as shown on that certain Survey for 7 Sisters, Inc., and Bank of North Georgia dated April 2, 2004 by Fred Wilson Long, R.L.S. No. 1685, which said survey is expressly incorporated herein and made a part hereof.

[Parcel ID Nos. 14-005700250327, 14-005700250343, and 14-005700250335; titled in the name of MPM Group, LLC].

3. 4055 Demooney Drive, College Park, Fulton County, Georgia, and all buildings and appurtenances thereon, more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 170, of the 9th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin located on the northwesterly right of way of Demooney Road (60 foot right of way) 1442.2 feet southwesterly as measured along said

right of way from the intersection of the northwesterly right of way of Demooney Road with the east land lot line of said Land Lot 170; running thence south 36 degree, 11 minutes, 46 seconds west, along said right of way a distance of 352.43 feet to an iron pin; running thence north 50 degrees, 31 minutes, 05 seconds west, a distance of 240.59 feet to an iron pin; running thence south 46 degrees, 21 minutes, 57 seconds west, a distance of 166.50 feet to an iron pin; running thence 56 degrees, 23 minutes, 42 seconds west, a distance of 544.05 feet to a wood fence post; running thence north 22 degrees, 50 minutes, 55 seconds east, a distance of 691.08 feet to an iron pin; running thence south 35 degrees, 00 minutes, 25 seconds east, a distance of 429.63 feet to an iron pin; running thence south 53 degrees, 06 minutes, 42 seconds east, a distance of 565.95 feet to an iron pin located on the northwesterly right of way of Demooney Road and the point of beginning.

[Parcel ID No. 09F420001700777; titled in the name of Godfrey Ilonzo and Bona Ilonzo].

4. 3789 Brookside Parkway, Decatur, DeKalb County, Georgia, and all buildings and appurtenances thereon, more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 36, 15th District, DeKalb County, Georgia, being Lot 16, Block A, Unit Five, Brook Glen, as per plat recorded in Plat Book 85, Page 98, DeKalb County Records, which plat is hereby referred to and made a part of this description.

[Parcel IC No. 15-036-09-050; titled in the name of Don A. O. Iriele and Rosemary E. O. Iriele].

c. CURRENCY AND FUNDS:

1. \$6,610.00 in United States currency seized on August 22, 2012 at 1755 Lakewood Avenue,

S.E., Atlanta, Fulton County, Georgia.

2. \$7,819.45 in funds seized on August 22, 2012 from Wells Fargo Bank account number XXXXXXXXXX0796 held in the name of MPM Group LLC, Operating Account.
3. \$6,056.17 in funds seized on August 22, 2012, from Bank of Upson account number XXX6924 held in the name of MPM Group LLC.
4. \$16,767.00 in United States currency seized on August 22, 2012 at 1634 Jonesboro Road, S.E., Atlanta, Fulton County, Georgia.
5. \$133,892.74 in funds seized on August 22, 2012, from Bank of America account number XXXXXXXXXX0111 held in the name of Medicine Center Pharmacy.

d. VEHICLES

1. One 2009 BMW X5, VIN 5UXFE83519L170265.
2. One 2008 Mercedes Benz ML550, VIN 4JGBB72E38A398522
3. One 2007 BMW X5, VIN 4USFE43577LY77517.

e. PROFESSIONAL LICENSES:

1. The medical license, if any, of GODFREY ILONZO.
2. Georgia Medical License No. 026631 held in the name of WILLIAM EARL RICHARDSON, M.D.
3. Georgia Medical License No. 028712 held in the name of NEVORN SEDELLA HALL ASKARI, M.D.
4. The pharmacy license of ROSEMARY OFUME.
5. The pharmacy license, if any, of DONATUS IRIELE.

53. Pursuant to Title 18, United States Code, Section 982(a)(1), each defendant who is convicted of one or more of the money laundering offenses set forth in Counts Seventeen through Twenty, and Twenty-Three through Twenty-Eight, of this Indictment shall forfeit to the United States all right, title, and interest

in any and all property involved in each offense in violation of Title 18, United States Code, Section 1956 and/or 1957, or conspiracy to commit such offense, for which the defendant is convicted, and all property traceable to such property, including the following: 1) all money or other property that was the subject of each transaction, transportation, transmission or transfer in violation of Section 1956 and/or 1957; 2) all commissions, fees and other property constituting proceeds obtained as a result of those violations; and 3) all property used in any manner or part to commit or to facilitate the commission of those violations, including but not limited to the following:

- a. MONEY JUDGMENT: A sum of money in United States currency equal to the total amount of money involved in each offense, or conspiracy to commit such offense. for which the defendant is convicted. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable.
- b. REAL PROPERTY:
 1. 1755 Lakewood Avenue, S.E., Atlanta, Fulton County, Georgia, and all buildings and appurtenances thereon, more particularly described as follows:

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Beginning at a point at the northwest corner of the intersection of Lakewood Avenue and Adair Avenue; thence northerly with Lakewood Avenue 59.1

feet to property now or formerly of Watkins or Rush; thence westerly with Watkins/ Rush 117 feet more or less to property now or formerly of H.L. Watts or Rush; thence southerly with Watts/ Rush 59 feet to Adair Avenue; thence easterly with Adair Avenue 114 feet to the point of beginning, being property known as 1755 Lakewood Avenue according to the present system of numbering properties in Fulton County, Georgia, and having a parcel ID number of 14-0057-0025-017-8, and being that same property conveyed by Deutsche Bank National Trust Company to Highland Financial Capital Group, LLC, on March 18, 2008, at Deed Book 46517, Page 354, Fulton County, Georgia, the legal description to said deed being incorporated herein.

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3. One 2007 BMW X5, VIN 4USFE43577LY77517.

54. If, as a result of any act or omission of the defendants, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- 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 subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b) and Title 28, United States Code,

Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A True BILL
Berty Wood
FOREPERSON

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

Laurel R. Boatright

LAUREL R. BOATRIGHT
ASSISTANT UNITED STATES ATTORNEY
600 U.S. Courthouse
75 Spring St., S.W.
Atlanta, GA 30303
404-581-6000
Georgia Bar No. 426939