

PAC

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

**FILED IN OPEN COURT**  
U.S.D.C ATLANTA

MAY 29 2008

NEWNAN DIVISION

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

UNITED STATES OF AMERICA : CRIMINAL INDICTMENT  
: :  
: : NO. 3:07-CR-008-JTC  
v. : (FIRST SUPERSEDING)  
: :  
: :  
PHIL ASTIN, III. :

THE GRAND JURY CHARGES THAT:

**INTRODUCTION**

At all times relevant to this Indictment:

1. The Controlled Substances Act governed the manufacture, distribution, and dispensing of controlled substances in the United States. The Controlled Substances Act defined a "controlled substance" as a drug or other substance that was included within one of five "schedules" – Schedule I, II, III, IV, or V – of Subchapter I, Part B of the Act. 21 U.S.C. § 802(6).
2. Various prescription drugs were defined as controlled substances under the Act. Drugs were placed into these schedules based on their potential for abuse, among other things. Schedule II drugs have a high potential for abuse that can lead to severe psychological or physical dependence. Schedule III drugs have a high potential for abuse, but a lower potential for abuse than Schedule II drugs, and abuse of Schedule III drugs could lead to moderate or low physical dependence or high psychological dependence. Schedule IV drugs have a lower potential for abuse than Schedule III drugs, and abuse of Schedule IV drugs could lead to more limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III. 21 U.S.C. §§ 812(b)(2), (3), and (4).

3. Title 21, United States Code, Section 822(b), and Title 21, Code of Federal Regulations, Section 290.1, provided that controlled substances listed in Schedule II, III, or IV could be dispensed or distributed only by prescription by a licensed practitioner. The Drug Enforcement Administration, as authorized by the Act, issued registration numbers to qualifying doctors and pharmacists that allowed them to dispense or distribute Schedule II, III, and IV controlled substances. Accordingly, the controlled substances could be dispensed only pursuant to a valid prescription from a physician authorized by the DEA to distribute controlled substances.

4. Title 21, Code of Federal Regulations, Section 1306.04, provided that in order for a prescription for a controlled substance to be valid, it "must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice." This section further provided that:

The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner.... 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 section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

5. Title 21, Code of Federal Regulations, Section 1306.05, provided that all prescriptions for controlled substances must be dated and signed on the date that they are issued.

6. An order purporting to be a prescription that was issued outside the usual course of professional treatment or in legitimate and authorized research was not a prescription within the meaning of the Controlled Substances Act, and the person who issued the prescription violated Section 841(a)(1).

7. Methadone was a Schedule II controlled substance. 21 C.F.R. § 1308.12(c)(15).
8. Morphine was a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1). M.S. Contin was a brand name of a prescription drug that contained morphine, and therefore was classified as a Schedule II controlled substance.
9. Oxycodone, an opiate, was a Schedule II controlled substance. 21 C.F.R. § 1308.12(b)(1). Percocet, Percodan, and Oxycontin were brand names of prescription drugs that contained oxycodone, and therefore were classified as Schedule II controlled substances.
10. Amphetamine, its salts, optical isomers, and salts of its optical isomers, were Schedule II controlled substances. 21 C.F.R. § 1308.12(d)(1). Adderall was a brand name of a prescription drug that contained amphetamine, and therefore was classified as a Schedule II controlled substance. Dexedrine was a brand name of a prescription drug that contained an isomer of amphetamine, and therefore was classified as a Schedule II controlled substance.
11. Meperidine, an opiate, was a Schedule II controlled substance. 21 C.F.R. § 1308.12. Demerol and Mepergan Fortis were brand names of prescription drugs that contained meperidine, and therefore were classified as Schedule II controlled substances.
12. Methylphenidate, a stimulant, was a Schedule II controlled substance. 21 C.F.R. § 1308.12(d)(4). Ritalin was a brand name of a prescription drug that contained methylphenidate, and therefore was classified as a Schedule II controlled substance.
13. Hydrocodone, a semi-synthetic opioid derived from two of the naturally occurring opiates, codeine and thebaine, was a Schedule III controlled substance. 21 C.F.R. § 1308.13(e). Lorcet, Lortab, Vicoprofen, Vicodin, Histussen-HC, and Norco were brand names of prescription drugs that contained hydrocodone, and therefore were classified as Schedule III controlled substances.

14. Alprazolam, a short acting drug in the class of central nervous system agents Benzodiazepines, was a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(1). Xanax was a brand name of a prescription drug that contained alprazolam, and therefore was classified as a Schedule IV controlled substance.

15. Flurazepam was a Benzodiazepine, and was a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(1). Dalmane was a brand name of a prescription drug that contained flurazepam, and therefore was classified as a Schedule IV controlled substance.

16. Clonazepam was a Benzodiazepine, and was a Schedule IV controlled substance. 21 C.F.R. § 1308.14(c)(1). Klonopin was a brand name of a prescription drug that contained clonazepam, and therefore was classified as a Schedule IV controlled substance.

17. Carisoprodal was a muscle relaxer that required a physician's prescription. Soma was a brand name of Carisoprodal. This drug was not scheduled under the Controlled Substances Act, but the drug was known to be abused, especially when combined with other prescription drugs.

18. PHIL ASTIN, III was registered with the Drug Enforcement Administration under the provisions of the Controlled Substances Act as a Practitioner and was assigned a DEA registration number that authorized him to write prescriptions for Schedule II through V controlled substances.

19. *In addition to prescribing drugs to patients for treatment of a medical condition, physicians properly could dispense prescription drugs to individuals as part of a drug maintenance and detoxification program. However, in order to dispense prescription drugs as part of a drug maintenance and detoxification program, a physician was required to be registered separately with DEA as part of a narcotic treatment program and was required to comply with DEA regulations regarding treatment qualifications, security, records, and unsupervised use of the drugs. In a narcotic*

treatment program, the physician could not write prescriptions for drugs, but rather could only administer or dispense the drugs directly to the patient. Outside of a narcotics treatment program, a physician could not distribute or dispense prescription drugs, including methadone, to a patient as part of a drug maintenance or detoxification program, unless he did so for a maximum of three days to relieve acute withdrawal symptoms while arrangements are being made for referral for treatment in a narcotic treatment program. 21 C.F.R. § 1306.07. PHIL ASTIN, III, and his physician's office in Carrollton, Georgia, were not registered with DEA as a narcotic treatment program, and PHIL ASTIN, III therefore was not authorized to write prescriptions, or to directly dispense, any Schedule II controlled substances for the purpose of maintenance or detoxification treatment.

**COUNT ONE: CONSPIRACY**

20. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Count One of this Superseding Indictment.

21. Beginning in on or about May 2002 and continuing until on or about June 27, 2007, within the Northern District of Georgia, the defendant,

PHIL ASTIN, III

did knowingly combine, conspire, confederate, agree and have a tacit understanding with others known and unknown to the Grand Jury to violate Title 21, United States Code, Section 841(a)(1), that is, to knowingly and intentionally distribute and dispense controlled substances in violation of Title 21, United States Code, Sections 846, 841(b)(1)(C), 841(b)(1)(D), 841(b)(2). Said conspiracy involved, but was not limited to, prescription drugs designated as Schedule II, III, and IV controlled substances as listed in Paragraphs 7-16 of this Superseding Indictment, which were distributed and

dispensed for other than a legitimate medical purpose and not in the usual course of professional practice.

#### WAYS, MANNERS AND MEANS OF THE CONSPIRACY

22. The purpose of the conspiracy was to distribute and dispense certain prescription drugs so that the recipient of the prescription could misuse, abuse, and sometimes further distribute the prescription drugs. As part of that conspiracy, PHIL ASTIN, III would and did prescribe controlled substances for other than a legitimate medical purpose and not in the usual course of professional practice, thus causing, aiding, abetting, and facilitating the misuse, abuse, and further distribution of the controlled substances.

23. It was part of the conspiracy that PHIL ASTIN, III would prescribe controlled substances at a patient's first appointment without conducting a physical examination that was appropriate to the patient's complaint, and thus did not result in a legitimate diagnosis justifying the prescriptions of the controlled substances. In many instances, the patient identified the specific drugs and dosages to be prescribed, and PHIL ASTIN, III wrote out the prescriptions as requested by the patient without an appropriate medical diagnosis. At later follow-up visits, PHIL ASTIN, III wrote additional prescriptions without further medical evaluations, or with limited medical evaluation, that was required to continue writing prescriptions at the dosages indicated on the prescriptions. For some patients, PHIL ASTIN, III often increased the dosages of the controlled substances being prescribed without conducting appropriate tests, physical exams, and referrals, and without indicating in the patients' charts the medical reasons underlying the increased dosages.

24. It was further part of the conspiracy that PHIL ASTIN, III wrote prescriptions for controlled substances that included refills that allowed patients to obtain quantities of the controlled substances

that exceeded the dosages indicated on the prescriptions. PHIL ASTIN, III further provided patients with multiple, undated prescriptions for the same controlled substance, which also allowed the patient to obtain quantities of the controlled substances that exceeded the dosages indicated on the prescriptions. For some patients, PHIL ASTIN, III instructed the patients that they must present the refills and undated prescriptions to separate pharmacies, or else the pharmacies would refuse to fill the prescriptions.

25. PHIL ASTIN, III continued prescribing controlled substances after ignoring obvious indications that people were abusing, misusing, and distributing the prescribed drugs.

26. It was further part of the conspiracy that PHIL ASTIN, III would collect a fee from patients for each prescription that he wrote, sometimes collecting money directly from the patients and sometimes billing the patients' insurance companies.

### **COUNTS TWO THROUGH SEVEN**

#### **Patient C.L.**

27. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts Two through Seven of this Superseding Indictment.

28. On or about the dates listed below, in the Northern District of Georgia, the defendant

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient C.L., a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
2	2/1/2006	120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 120 tablets of Soma, 350 mg.	3 3 3
3	5/3/2006	120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 120 tablets of Soma, 350 mg.	3 3 3
4	10/13/2006	120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 120 tablets of Soma, 350 mg.	3 3 3
5	12/19/2006	120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 120 tablets of Soma, 350 mg.	3 3 3
6	4/26/2007	120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 120 tablets of Soma, 350 mg.	3 3 3
7	4/30/2007	120 tablets of Lorcet, 10 mg. 120 tablets of Soma, 350 mg.	3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

The Grand Jury further alleges that patient C.L. suffered death and serious bodily injury as a result of using the controlled substances distributed and dispensed in Counts Six and Seven of this Superseding Indictment. .

**COUNTS EIGHT THROUGH TWELVE**

**Patient W.B.L.**

29. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts Eight through 12 of this Superseding Indictment.



30. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient W.B.L., a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
8	3/16/2006	120 tablets of Lorcet, 7.5 mg. 120 tablets of Xanax, .5 mg. 120 tablets of Soma, 350 mg.	3 3 3
9	9/7/2006	120 tablets of Lorcet, 7.5 mg. 120 tablets of Xanax, .5 mg. 120 tablets of Soma, 350 mg.	3 3 3
10	11/13/2006	120 tablets of Lorcet, 7.5 mg. 120 tablets of Xanax, .5 mg. 120 tablets of Soma, 350 mg.	3 3 3
11	2/12/2007	120 tablets of Lorcet, 7.5 mg. 120 tablets of Xanax, .5 mg. 120 tablets of Soma, 350 mg.	3 3 3
12	5/15/2007	120 tablets of Lorcet, 7.5 mg. 120 tablets of Xanax, .5 mg. 120 tablets of Soma, 350 mg.	3 3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D) and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS THIRTEEN THROUGH TWENTY-FOUR**

**Patient K.A.J.**

31. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 13 through 24 of this Superseding Indictment.

32. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient K.A.J. a quantity of morphine, oxycodone, meperidine, Schedule II controlled substances, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
13	10/27/2004	100 tablets of Demerol, 50 mg. 120 tablets of Demerol, 50 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription)	
14	1/13/2005	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 100 tablets of Demerol, 100 mg. 120 tablets of Xanax, 1 mg.	3

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
15	4/12/2005	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 100 tablets of Demerol, 100 mg. 100 tablets of Demerol, 100 mg. (undated prescription). 100 tablets of Demerol, 100 mg. (undated prescription) 100 tablets of Demerol, 100 mg. (undated prescription) 120 tablets of Xanax, 1 mg.	3
16	7/12/2005	90 tablets of M.S. Contin, 100 mg. 100 tablets of Demerol, 100 mg. 120 tablets of Demerol, 100 mg. (undated prescription). 120 tablets of Demerol, 100 mg. (undated prescription) 120 tablets of Xanax, 1 mg.	3
17	10/12/2005	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 90 tablets of M.S. Contin, 100 mg. 120 tablets of Xanax, 1 mg.	3
18	1/10/2006	120 tablets of Oxycontin, 40 mg. 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 90 tablets of M.S. Contin, 100 mg. (undated prescription) 90 tablets of M.S. Contin, 100 mg. (undated prescription) 90 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Xanax, 1 mg.	3
19	4/10/2006	120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Xanax, 1 mg. (undated prescription)	3

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
20	7/18/2006	120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Xanax, 1 mg. (undated prescription)	3
21	10/11/2006	120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Demerol, 100 mg. (undated prescription) 120 tablets of Xanax, 1 mg. (undated prescription)	3
22	12/29/2006	120 tablets of M.S. Contin, 100 mg. 120 tablets of M.S. Contin, 100 mg. 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Demerol, 100 mg. 120 tablets of Demerol, 100 mg. (undated prescription)	
23	1/11/2007	120 tablets of Oxycontin, 40 mg. 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Demerol, 100 mg. (undated prescription)	

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
24	4/12/2007	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of M.S. Contin, 100 mg. (undated prescription) 120 tablets of Demerol, 50 mg. (undated prescription) 120 tablets of Demerol, 50 mg. (undated prescription) 120 tablets of Xanax, 2mg	3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS TWENTY-FIVE THROUGH THIRTY**  
**Patient C.M.G.**

33. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 25 through 30 of this Superseding Indictment.

34. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient C.M.G. a quantity of oxycodone and methylphenidate, Schedule II controlled substances, a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
25	1/23/2006	120 tablets of Percocet, 10 mg. 100 tablets of Ritalin, 20 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. (incomplete date) 240 ml of Histussen-HC 120 tablets of Xanax, 1 mg. 150 tablets of Soma, 350 mg.	3 3 3 3
26	4/10/2006	120 tablets of Percocet, 10 mg. 100 tablets of Ritalin, 20 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. 240 ml of Histussen-HC 120 tablets of Xanax, 1 mg. 150 tablets of Soma, 350 mg.	3 3 3 3
27	7/13/2006	120 tablets of Percocet, 10 mg. 100 tablets of Ritalin, 20 mg. 150 tablets of Lorcet, 10 mg. 240 ml of Histussen-HC 120 tablets of Xanax, 1 mg. 150 tablets of Soma, 350 mg.	3 3 3 3
28	10/12/2006	150 tablets of Percocet, 10 mg. 100 tablets of Ritalin, 20 mg. 150 tablets of Norco, 10 mg. 240 ml of Histussen-HC 120 tablets of Xanax, 1 mg. 150 tablets of Soma, 350 mg.	3 3 3 3
29	1/15/2007	150 tablets of Percocet, 10 mg. 100 tablets of Ritalin, 20 mg. (undated prescription) 120 tablets of Norco, 10 mg. 240 ml of Histussen-HC 120 tablets of Xanax, 1 mg. 150 tablets of Soma, 350 mg.	3 3 3 3

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
30	4/13/2007	150 tablets of Percocet, 10 mg. 100 tablets of Ritalin, 20 mg. 120 tablets of Norco, 10 mg. 240 ml of Histussen-HC 120 tablets of Xanax, 1 mg. 150 tablets of Soma, 350 mg.	3 3 3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), (b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS THIRTY-ONE THROUGH THIRTY-SIX**  
**Patient R.O.L.**

35. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 31 through 36 of this Superseding Indictment.

36. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient R.O.L. a quantity of oxycodone, a Schedule II controlled substance, and a quantity of hydrocodone, a Schedule III controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
31	8/24/2005	60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 180 tablets of Vicodin, 10 mg.	5
32	9/2005	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription)	
33	5/2006	120 tablets of Oxycodone, 40 mg. (undated prescription) 120 tablets of Oxycodone, 40 mg. (undated prescription) 120 tablets of Oxycodone, 40 mg. (undated prescription) 120 tablets of Soma, 350 mg (undated prescription)	3
34	9/2006	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 180 tablets of Vicodin, 10 mg. (undated prescription)	3
35	12/27/2006	120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Oxycontin, 40 mg. (undated prescription) 180 tablets of Vicodin, 10 mg.	3
36	3/14/2007	180 tablets of Oxycontin, 40 mg. (undated prescription) 180 tablets of Oxycontin, 40 mg. (undated prescription) 180 tablets of Oxycontin, 40 mg. (undated prescription) 180 tablets of Vicodin, 10 mg. (undated prescription)	4

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and 841(b)(1)(D), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.



**COUNTS THIRTY-SEVEN THROUGH FORTY-FOUR**

**Patient P.R.P.**

37. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 37 through 44 of this Superseding Indictment.

38. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient P.R.P. a quantity of oxycodone, a Schedule II controlled substance, a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam and clonazepam, Schedule IV controlled substances, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
37	6/15/2005	60 tablets of Oxycontin, 40 mg. 60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 3 3
38	9/12/2005	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 5

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
39	12/12/2005	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 3 5
40	3/13/2006	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 3 4
41	6/13/2006	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 3 4
42	9/12/2006	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 3 3
43	12/8/2006	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 1 mg. 30 tablets of Klonopin, 1 mg.	3 3 3

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
44	5/22/2007	120 tablets of Oxycontin, 20 mg. 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Oxycontin, 20 mg. (undated prescription) 120 tablets of Lorcet, 10 mg. 30 tablets of Klonopin, 1 mg. 120 tablets of Xanax, 1 mg.	3 3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and 841(b)(1)(D), and 841(b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS FORTY-FIVE THROUGH SIXTY-EIGHT**

**Patient J.W.**

39. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 45 through 68 of this Superseding Indictment.

40. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient J.W. a quantity of methadone, a Schedule II controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
45	2/8/2006	120 tablets of methadone, 40 mg.	

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
46	2/27/2006	40 tablets of methadone, 40 mg.	
47	3/8/2006	120 tablets of methadone, 40 mg.	
48	4/5/2006	120 tablets of methadone, 40 mg.	
49	4/19/2006	60 tablets of methadone, 40 mg.	
50	5/4/2006	120 tablets of methadone, 40 mg.	
51	5/31/2005	120 tablets of methadone, 40 mg.	
52	6/5/2006	120 tablets of methadone, 40 mg.	
53	6/20/2006	120 tablets of methadone, 40 mg.	
54	7/13/2006	120 tablets of methadone, 40 mg.	
55	8/8/2006	120 tablets of methadone, 40 mg.	
56	8/31/2006	120 tablets of methadone, 40 mg.	
57	9/5/2006	120 tablets of methadone, 40 mg.	
58	10/13/2006	120 tablets of methadone, 40 mg.	
59	11/3/2006	120 tablets of methadone, 40 mg. 120 tablets of methadone, 40 mg.	
60	11/27/2006	120 tablets of methadone, 40 mg.	
61	12/12/2006	120 tablets of methadone, 40 mg.	
62	1/12/2007	120 tablets of methadone, 40 mg.	
63	2/8/2007	120 tablets of methadone, 40 mg.	
64	3/1/2007	120 tablets of methadone, 40 mg.	
65	3/26/2007	120 tablets of methadone, 40 mg.	

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
66	4/26/2007	120 tablets of methadone, 40 mg.	
67	6/1/2007	120 tablets of methadone, 40 mg.	
68	6/27/2007	120 tablets of methadone, 40 mg.	

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Sections 1306.04 and 1306.07.

**COUNTS SIXTY-NINE THROUGH SEVENTY-SEVEN**  
**Patient M.C.**

41. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 69 through 77 of this Superseding Indictment.

42. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient M.C. a quantity of methadone, a Schedule II controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
69	6/27/2005	300 tablets of methadone, 10 mg.	
70	7/22/2005	300 tablets of methadone, 10 mg.	

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
71	8/23/2005	300 tablets of methadone, 10 mg.	
72	9/15/2005	300 tablets of methadone, 10 mg.	
73	10/28/2005	300 tablets of methadone, 10 mg.	
74	12/13/2005	300 tablets of methadone, 10 mg.	
75	1/17/2006	300 tablets of methadone, 10 mg.	
76	2/14/2006	300 tablets of methadone, 10 mg.	
77	3/17/2006	300 tablets of methadone, 10 mg.	

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04 and 1306.07.

**COUNTS SEVENTY-EIGHT THROUGH NINETY-THREE**

**Patient G.M.**

43. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 78 through 93 of this Superseding Indictment.

44. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient G.M. a quantity of methadone, a Schedule II controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
78	2/7/2006	120 tablets of methadone, 40 mg.	
79	2/22/2006	120 tablets of methadone, 40 mg.	
80	3/28/2006	120 tablets of methadone, 40 mg.	
81	4/24/2006	120 tablets of methadone, 40 mg.	
82	5/24/2006	120 tablets of methadone, 40 mg.	
83	6/13/2006	120 tablets of methadone, 40 mg.	
84	7/17/2006	120 tablets of methadone, 40 mg.	
85	8/16/2006	120 tablets of methadone, 40 mg.	
86	9/7/2006	100 tablets of methadone, 40 mg.	
87	9/22/2006	60 tablets of methadone, 40 mg.	
88	10/10/2006	120 tablets of methadone, 40 mg.	
89	10/26/2006	90 tablets of methadone, 40 mg.	
90	11/6/2006	120 tablets of methadone, 40 mg.	
91	11/22/2006	300 tablets of methadone, 10 mg.	
92	12/1/2006	120 tablets of methadone, 40 mg.	
93	12/20/2006	120 tablets of methadone, 40 mg.	

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04 and 1306.07.

**COUNTS NINETY-FOUR THROUGH 105**

**✱ Patient C.M.B.**

45. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 94 through 105 of this Superseding Indictment.

46. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient C.M.B. a quantity of hydrocodone, a Schedule III controlled substance, and alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
94	12/13/2004	150 tablets of Lorcet, 10 mg. 150 tablets of Soma, 350 mg.	3 3
95	3/24/2005	150 tablets of Lorcet, 10 mg. 150 tablets of Soma, 350 mg.	3 3
96	7/22/2005	150 tablets of Lorcet, 10 mg.	1
97	8/8/2005	150 tablets of Lorcet, 10 mg.	1
98	9/16/2005	150 tablets of Lorcet, 10 mg. 150 tablets of Soma, 350 mg. 150 tablets of Xanax, 2 mg.	3 3 3
99	3/24/2006	150 tablets of Lorcet, 10 mg.	1
100	4/13/2006	150 tablets of Lorcet, 10 mg.	1



CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
101	5/3/2006	150 tablets of Lorcet, 10 mg. 150 tablets of Xanax, 2 mg.	3 3
102	5/31/2006	150 tablets of Lorcet, 10 mg. 150 tablets of Xanax, 2 mg.	3 3
103	11/3/2006	150 tablets of Lorcet, 10 mg. 150 tablets of Xanax, 2 mg.	3 3
104	2/22/2007	100 tablets of Lorcet, 10 mg. 100 tablets of Soma, 350 mg.	2 2
105	6/22/2007	120 tablets of Lorcet, 10 mg. 120 tablets of Soma, 350 mg.	3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 106 THROUGH 121**

~~X~~ Patient N.E.B.

47. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 106 through 121 of this Superseding Indictment.

48. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient N.E.B. a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the

Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
106	6/6/2005	75 tablets of Lorcet, 10 mg.	1
107	6/17/2005	75 tablets of Lorcet, 10 mg.	1
108	6/30/2005	75 tablets of Lorcet, 10 mg.	1
109	7/15/2005	75 tablets of Lorcet, 10 mg.	1
110	8/8/2005	75 tablets of Lorcet, 10 mg.	1
111	9/2/2005	75 tablets of Lorcet, 10 mg.	1
112	1/10/2006	75 tablets of Lorcet, 10 mg.	1
113	3/17/2006	75 tablets of Lorcet, 10 mg.	1
114	4/13/2006	75 tablets of Lorcet, 10 mg.	1
115	4/28/2006	40 tablets of Lorcet, 10 mg.	1
116	8/11/2006	150 tablets of Lorcet, 10 mg. (undated prescription) 150 tablets of Xanax, 2 mg. (undated prescription)	3 3
117	10/2/2006	150 tablets of Lorcet, 10 mg.	1
118	11/2/2006	120 tablets of Lorcet, 10 mg. 60 tablets of Soma, 350 mg.	3 3
119	2/22/2007	120 tablets of Lorcet, 10 mg.	1
120	3/12/2007	120 tablets of Lorcet, 10 mg.	2
121	5/30/2007	120 tablets of Lorcet, 10 mg.	2

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 122 THROUGH 127**  
**Patient E.B.Z.**

49. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 122 through 127 of this Superseding Indictment.

50. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient E.B.Z. a quantity of oxycodone, a Schedule II controlled substance, a quantity of hydrocodone, a Schedule III controlled substance, and alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
<b>122</b>	2/18/2005	120 tablets of Percocet, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3
<b>123</b>	3/28/2005	120 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
<b>124</b>	5/16/2005	100 tablets of Percocet, 10 mg. 120 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
<b>125</b>	6/23/2005	120 tablets of Percocet, 10 mg. 150 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 150 tablets of Soma, 350 mg.	3 3 3

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
126	7/25/2005	150 tablets of Percocet, 10 mg. 150 tablets of Lortab, 10 mg. 150 tablets of Soma, 350 mg.	3 3
127	11/9/2005	150 tablets of Percocet, 10 mg. (undated prescription) 150 tablets of Lortab, 10 mg. (undated prescription) 120 tablets of Xanax, 2 mg. 150 tablets of Soma (undated prescription)	3 3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), (b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 128 THROUGH 138**

**Patient M.R.J.**

51. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 128 through 138 of this Superseding Indictment.

52. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient M.R.J. a quantity of oxycodone, a Schedule II controlled substance, a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
128	4/29/2004	100 tablets of Percocet, 7.5 mg. 100 tablets of Percocet, 10 mg. (undated prescription) 100 tablets of Percocet, 7.5 mg. (undated prescription) 120 tablets of Vicoprofen, no dosage indicated 120 tablets of Xanax, 1 mg.	
129	7/2/2004	100 tablets of Percocet, 7.5 mg. 100 tablets of Percocet, 10 mg. 100 tablets of Percocet, 7.5 mg. (undated prescription) 100 tablets of Percocet, 10 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 2 mg.	3 3
130	10/28/2004	100 tablets of Percocet, 10 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Vicoprofen, no dosage indicated 120 tablets of Xanax, 2 mg.	3 3 3
131	3/14/2005	120 tablets of Percocet, 10 mg. 120 tablets of Percocet, 10 mg. (undated prescription) 120 tablets of Percocet, 10 mg. 120 tablets of Lorcet, 10 mg.	3
132	7/22/2005	60 tablets of Adderall, 30 mg. (undated prescription) 60 tablets of Adderall, 30 mg. (undated prescription) 60 tablets of Adderall, 30 mg. (undated prescription) 60 tablets of Adderall, 30 mg. (undated prescription) 120 tablets of Percocet, 10 mg. (undated prescription) 120 tablets of Percocet, 10 mg. (undated prescription) 120 tablets of Percocet, 10 mg. (undated prescription) 120 tablets of Lorcet, 10 mg.	3
133	4/11/2006	120 tablets of Percocet, 10 mg. 120 tablets of Percocet, 10 mg. (undated prescription) 60 tablets of Adderall, 30 mg. 60 tablets of Adderall, 30 mg. (undated prescription)	

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
134	6/1/2006	120 tablets of Percocet, 10 mg. 60 tablets of Adderall, 30 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
135	9/8/2006	120 tablets of Percocet, 10 mg. 60 tablets of Adderall, 30 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
136	12/8/2006	120 tablets of Percocet, 10 mg. 90 tablets of Adderall, 30 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
137	1/19/2007	120 tablets of Percocet, 10 mg. 60 tablets of Adderall, 30 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
138	4/16/2007	120 tablets of Percocet, 10 mg. 60 tablets of Adderall, 30 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), 841(b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 139 THROUGH 143**  
**Patient O.G.**

53. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into

Counts 139 through 143 of this Superseding Indictment.

54. On or about the dates listed below, in the Northern District of Georgia, the defendant,

**PHIL ASTIN, III,**

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient O.G. a quantity of oxycodone, a Schedule II controlled substance, and a quantity of hydrocodone, a Schedule III controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
<b>139</b>	3/14/2005	120 tablets of Percocet, 10 mg. 120 tablets of Percocet, 10 mg. (undated prescription)	
<b>140</b>	9/7/2005	120 tablets of Percocet, 10 mg. 120 tablets of Percocet, 10 mg. (undated prescription) 120 tablets of Percocet, 10 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. 120 tablets of Soma, 350 mg.	3 3
<b>141</b>	2/7/2006	120 tablets of Percocet, 10 mg. 150 tablets of Lorcet, 10 mg. 120 tablets of Soma, 350 mg.	3 3
<b>142</b>	6/28/2006	120 tablets of Percocet, 10 mg. (post-dated prescription) 150 tablets of Lorcet, 10 mg. (post-dated prescription)	3
<b>143</b>	7/20/2006	120 tablets of Percocet, 10 mg. (post-dated prescription) 150 tablets of Lorcet, 10 mg. (post-dated prescription)	3

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

841(b)(1)(D), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 144 THROUGH 152**  
**Patient R.W.H.**

55. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 144 through 152 of this Superseding Indictment.

56. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient R.W.H. a quantity of oxycodone, a Schedule II controlled substance, and a quantity of hydrocodone, a Schedule III controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
144	2/1/2006	120 tablets of Percocet, 10 mg.	
145	4/3/2006	120 tablets of Percocet, 10 mg.	
146	5/4/2006	150 tablets of Lorcet, 10 mg.	2
147	6/22/2006	150 tablets of Lorcet, 10 mg.	3



CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
148	9/19/2006	150 tablets of Lorcet, 10 mg. 150 tablets of Lorcet, 10 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. (undated prescription) 150 tablets of Lorcet, 10 mg. (undated prescription)	3 3 3 3 3
149	11/17/2006	150 tablets of Lorcet, 10 mg. 120 tablets of Soma, 350 mg.	
150	12/15/2006	150 tablets of Lorcet, 10 mg.	1
151	3/23/2007	150 tablets of Lorcet, 10 mg.	3
152	5/22/2007	150 tablets of Lorcet, 10 mg.	2

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and (b)(1)(D), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 153 THROUGH 156**  
**Patient M.A.B.**

57. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 153 through 156 of this Superseding Indictment.

58. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient M.A.B. a quantity of oxycodone, a Schedule II controlled substance, a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the

chart below, each such instance being a separate count of the Indictment:

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
153	12/7/2006	120 tablets of Percocet, 10 mg. 150 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
154	2/12/2007	120 tablets of Percocet, 10 mg. 150 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
155	4/12/2007	60 tablets of Oxycontin, 40 mg. 150 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3
156	6/14/2007	120 tablets of Percocet, 10 mg. 60 tablets of Oxycontin, 40 mg. 120 tablets of Lortab, 10 mg. 120 tablets of Xanax, 2 mg. 120 tablets of Soma, 350 mg.	3 3 3

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), (b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 157 THROUGH 159**  
**Patient W.L.B.**

59. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 157 through 159 of this Superseding Indictment.

60. On or about the dates listed below, in the Northern District of Georgia, the defendant,  
  
PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed to patient W.L.B. a quantity of oxycodone, a Schedule II controlled substance, a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
<b>157</b>	<b>1/25/2007</b>	120 tablets of Percocet, 10 mg. 60 tablets of Oxycontin, 40 mg. 150 tablets of Lorcet, 10 mg. 150 tablets of Xanax, 2 mg. 150 tablets of Soma, 350 mg.	3 3 3
<b>158</b>	<b>4/25/2007</b>	150 tablets of Percocet, 10 mg. 60 tablets of Oxycontin, 40 mg. 150 tablets of Lorcet, 10 mg. 150 tablets of Xanax, 2 mg. 150 tablets of Soma, 350 mg.	3 3 3
<b>159</b>	<b>6/15/2007</b>	100 tablets of Percocet, 10 mg. (undated prescription) 100 tablets of Percocet, 10 mg. (undated prescription) 60 tablets of Oxycontin, 40 mg. 100 tablets of Lorcet, 10 mg. 100 tablets of Xanax, 2 mg. 100 tablets of Soma, 350 mg.	5 5 5

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), (b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS 160 THROUGH 175**  
**(Prescriptions written and filled under the names of patients  
A.T and E.T. without their knowledge)**

61. Paragraphs One through 19 of the Superseding Indictment are realleged and incorporated into Counts 160 through 175 of this Superseding Indictment.

62. On or about the dates listed below, in the Northern District of Georgia, the defendant,

PHIL ASTIN, III,

aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed a quantity of amphetamine, a Schedule II controlled substance, a quantity of hydrocodone, a Schedule III controlled substance, and a quantity of alprazolam, a Schedule IV controlled substance, for other than a legitimate medical purpose and not in the usual course of professional practice, as charged in the chart below, each such instance being a separate count of the Indictment:

<b>CTS</b>	<b>DATE</b>	<b>CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION</b>	<b>REFILLS</b>
160	2/2005	100 tablets of Xanax, 2 mg. (E.T.)	
161	7/2005	120 tablets of Xanax, 2 mg. (E.T.)	
162	11/2005	100 tablets of Xanax, 2 mg. (E.T.)	
163	11/2005	100 tablets of Xanax, 2 mg. (E.T.)	
164	6/2006	60 tablets of Dexedrine, 15 mg. (A.T.)	
165	8/2006	120 tablets of Dexedrine, 15 mg. (A.T.)	
166	8/2006	120 tablets of Dexedrine, 15 mg. (A.T.)	
167	10/2006	120 tablets of Dexedrine, 15 mg. (A.T.)	

CTS	DATE	CONTROLLED SUBSTANCE DISTRIBUTED AND DISPENSED, PER PRESCRIPTION	REFILLS
168	12/2006	120 tablets of Dexedrine, 15 mg. (A.T.)	
169	2/2007	100 tablets of Dexedrine, 15 mg. (A.T.)	
170	4/2007	100 tablets of Xanax, 2 mg. (E.T.)	
171	4/2007	100 tablets of Dexedrine, 15 mg. (A.T.)	
172	4/2007	100 tablets of Dexedrine, 15 mg. (A.T.)	
173	4/2007	100 tablets of Lortab, 10 mg. (E.T.)	
174	4/2007	100 tablets of Xanax, 2 mg. (E.T.)	
175	5/2007	30 tablets of Adderall, 30 mg. (E.T.) 30 tablets of Adderall, 30 mg. (A.T.)	

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), (b)(1)(D), and (b)(2), Title 18, United States Code, Section 2, and Title 21, Code of Federal Regulations, Section 1306.04.

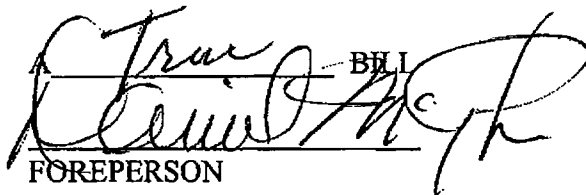
**FORFEITURE PROVISION**

63. Upon conviction of the controlled substance offenses alleged in Counts One through 175 of this Indictment, defendant PHIL ASTIN, III shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, (a) all property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations, and (b) all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violations, pursuant to Title 21, United States Code, Section 853. If any of the property described above as being subject to forfeiture, as a result of any act or omission of a defendant:

- 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

  
BILL  
FOREPERSON

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY



JOHN HORN  
ASSISTANT UNITED STATES ATTORNEY  
Georgia Bar No. 367210



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