

U.S. DIST. COURT CLERK  
EAST. DIST. MICHIGAN  
DETROIT

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
JAN 16 P 4: 35  
FILED

UNITED STATES OF AMERICA,

CRIMINAL NO. 15-cr-20581

Plaintiff,

HON. JUDITH E. LEVY

v.

VIOLATIONS:

21 U.S.C. §§841(a)(1) and 846

D-1 JOSEPH JAMES ROE,  
D-2 DONALD COX,  
D-3 DOROTHY COX,  
D-4 DR. MARK V. BUZZARD,  
D-5 NICHOLAS MALINOWSKI,  
D-6 JOHN THORN,  
D-7 MARY GETTIG,

Defendants.

**FIRST SUPERSEDING INDICTMENT**

**THE GRAND JURY CHARGES:**

**GENERAL ALLEGATIONS**

1. Beginning in or about March, 2012, a scheme and pattern of illegal conduct involving the unlawful distribution of Schedule II and Schedule IV prescription drug controlled substances was formed. The defendants, JOSEPH JAMES ROE, DONALD COX, DOROTHY COX, Dr. MARK BUZZARD, NICHOLAS MALINOWSKI, JOHN THORN, MARY GETTIG, and others, both

known and unknown to the grand jury, joined at different times, played different roles and engaged in different aspects of the overall scheme. The purpose of the scheme was for Dr. MARK BUZZARD to write prescriptions for controlled substances, in exchange for cash payments, that could be filled at various pharmacies. Once filled the controlled substances were sold at a substantial profit on the illegal street market in the Metropolitan Detroit area, Tennessee and Kentucky.

At all times relevant to this First Superseding Indictment:

2. M V Buzzard M.D., P.C. (MVB) is a Michigan Corporation doing business at 7001 Orchard lake, Suite 424, West Bloomfield, Michigan. Dr. MARK BUZZARD listed himself as the resident agent and President of the medical practice. MVB was a psychiatric and addiction treatment clinic.

3. Defendant Dr. MARK BUZZARD is a licensed medical doctor in the State of Michigan (Medical License # 4301059398) and during the time frame of the conspiracy was authorized by the DEA to prescribe controlled substances in Schedules II – V (DEA #BB4187452). His practice was authorized as an Office-Based Opioid Treatment (OBOT) program to dispense certain narcotics for the maintenance and detoxification of opiate addicts. Dr. MARK BUZZARD was the sole practitioner at MV Buzzard, M.D., P.C.

4. A fundamental purpose of the medical practice was to write prescriptions for controlled substances, in exchange for cash payments, that could

be filled at various pharmacies. The purpose of filling the controlled substance prescriptions was not for the legitimate treatment of patients, but rather to obtain controlled substances that could be sold at a substantial profit on the illegal street market.

5. As part of the conspiracy, defendant JOSEPH JAMES ROE, and others who are both known and unknown to members of the grand jury, recruited “patients” to be seen by Dr. MARK BUZZARD. Dr. MARK BUZZARD required all “patients” to pay cash for the office visit; the “patients” were also required to remit additional cash payments for each prescription he issued. After a cursory examination or no examination at all, Dr. BUZZARD would write multiple prescriptions, without medical necessity and outside the scope of professional medical practice, to the “patients” recruited by defendant JOSEPH JAMES ROE and others. Dr. MARK BUZZARD wrote prescriptions for controlled substances, to include Oxycodone HCl, Hydromorphone (Dilaudid), Methadone, Oxycodone/APAP, Alprazolam (Xanax) and Carisoprodol (Soma).

6. Defendant MARY GETTIG worked as the front-office manager at MVB, and MARY GETTIG actively supported the objectives of the conspiracy. To further the conspiracy, defendant MARY GETTIG, among other things, facilitated patient visits, accepted cash payments from “patients” prior to their visits, and provided “patients” with their prescriptions following their visit with defendant

Dr. MARK BUZZARD. On occasion, defendant MARY GETTIG would obtain pre-signed prescriptions from Dr. MARK BUZZARD and distribute them to “patients” when defendant Dr. MARK BUZZARD was out of the office.

6. On some occasions, Dr. MARK BUZZARD would require the patients to undergo a urinalysis drug screen prior to issuing the controlled substance prescriptions; however, Dr. MARK BUZZARD would issue prescriptions for controlled substance even if the patient’s urinalysis drug screen was positive for illicit controlled substances such as heroin or cocaine.

7. To execute the scheme, defendant JOSEPH JAMES ROE provided transportation for the “patients” to MVB, provided cash to the “patients” to cover all costs associated with the office visit and prescriptions, and supplied a “urine sample” that tested positive for the prescribed controlled substance, for the patient to utilize for the urinalysis drug screen. The controlled substance prescriptions would be provided to the patients, who, after filling the prescriptions, would sell all or a portion of the controlled substances to defendant JOSEPH JAMES ROE in exchange for cash or other illicit controlled substances.

8. Defendant JOSEPH JAMES ROE distributed the controlled substances on the illegal street market in the Metropolitan Detroit area, Tennessee and Kentucky. Defendant JOSEPH JAMES ROE transported the pills, or used couriers, to include NICHOLS MALINOWSKI, JOHN THORN, and others, to transport the



pills to Tennessee and Kentucky. Defendants DONALD COX and DOROTHY COX distributed the prescription controlled substances in the Knoxville, Tennessee area which had been transported by a courier or defendant JOSEPH JAMES ROE.

9. During the course of the conspiracy, defendant Dr. MARK BUZZARD prescribed more than 2,006,635 unit dosages of controlled substances. In particular, defendant Dr. MARK BUZZARD prescribed more than 394,000 unit dosages of Oxycodone HCl a Schedule II controlled substance; more than 61,000 unit dosages of Oxycodone-Acetaminophen, a Schedule II controlled substance; more than 192,000 unit dosages of Methadone, a Schedule II controlled substance; more than 100,000 unit dosages of Hydromorphone, a Schedule II controlled substance; more than 187,000 unit dosages of Amphetamines, a Schedule II controlled substance; more than 130,000 unit dosages of Morphine, a Schedule II controlled substance; and more than 250,000 unit dosages of Alprazolam, a Schedule IV controlled substance, carrying a conservative estimated street value of \$13 million. Defendant Dr. MARK BUZZARD knowingly prescribed prescription drug controlled substances outside the course of usual professional practice and for no legitimate medical purpose, in furtherance of the scheme.

These general allegations are adopted and incorporated in each count of this First Superseding Indictment.

**COUNT ONE**

(21 U.S.C. §§ 841(a)(1), 846 - Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances)

D-1 JOSEPH JAMES ROE  
D-2 DONALD COX  
D-3 DOROTHY COX  
D-4 DR. MARK V. BUZZARD,  
D-5 NICHOLAS MALINOWSKI,  
D-6 JOHN THORN,  
D-7 MARY GETTIG,

That beginning in or about March, 2012, and continuing until on or about December 2015, in the Eastern District of Michigan, Southern Division, Tennessee, and elsewhere, the defendants JOSEPH JAMES ROE, DONALD COX, and DOROTHY COX, Dr. MARK BUZZARD, NICHOLAS MALINOWSKI, JOHN THORN, MARY GETTIG, and others, both known and unknown to members of the grand jury, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and other persons not named in this First Superseding Indictment, to commit offenses against the United States, that is, to knowingly, intentionally and unlawfully possess with intent to distribute and to distribute controlled substances, including but not limited to the Schedule II drug Oxycodone HCl; the Schedule II drug Hydromorphone HCl or the generic equivalent (Dilaudid); the Schedule II drug Oxycodone/APAP, the Schedule II drug Methadone, the Schedule IV drug Carisoprodol or the generic equivalent (Soma),

and the Schedule IV drug Alprazolam or the generic equivalent (Xanax).

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

**COUNTS TWO - NINETEEN**

(21 U.S.C. §841(a)(1) - Unlawful Distribution of Controlled Substances  
18 U.S.C. § 2 Aiding and Abetting)

D-1 JOSEPH JAMES ROE  
D-4 Dr. MARK BUZZARD  
D-7 MARY GETTIG

On or about each of the dates set forth below, in the Eastern District of Michigan, Southern Division, defendant Dr. MARK BUZZARD, aided and abetted knowingly and intentionally by defendants JOSEPH JAMES ROE and MARY GETTIG, did knowingly, intentionally, and unlawfully distribute the identified prescription drug controlled substances by writing prescriptions outside the scope of usual professional practice, for no legitimate medical purpose, and transferring the prescriptions so they could be filled, in the names of individuals as follows:

| COUNT | ON OR ABOUT DATE | PATIENT | CONTROLLED SUBSTANCE   | DOSAGE UNIT |
|-------|------------------|---------|------------------------|-------------|
| 2     | 7/24/2015        | S.K.    | Oxycodone HCl<br>30 MG | 84          |
| 3     | 7/24/2015        | S.K.    | Hydromorphone<br>8 mg  | 119         |
| 4     | 7/24/2015        | S.K.    | Methadone<br>10 mg     | 70          |
| 5     | 7/24/2015        | S.K.    | Alprazolam<br>2 mg     | 42          |
| 6     | 8/7/2015         | S.K.    | Oxycodone HCl<br>30 mg | 84          |

| COUNT | ON OR ABOUT DATE | PATIENT | CONTROLLED SUBSTANCE                             | DOSAGE UNIT |
|-------|------------------|---------|--|-------------|
| 7     | 8/7/2015         | S.K.    | Hydromorphone<br>8 mg                            | 119         |
| 8     | 8/7/2015         | S.K.    | Methadone<br>10 mg                               | 70          |
| 9     | 8/7/2015         | S.K.    | Alprazolam<br>2 mg                               | 42          |
| 10    | 7/14/2015        | J.M.    | Oxycodone<br>HCl-Acetaminophen<br>325 mg – 30 mg | 112         |
| 11    | 7/14/2015        | J.M.    | Oxycodone<br>HCl-Acetaminophen<br>325 mg – 30 mg | 112         |
| 12    | 7/14/2015        | J.M.    | Oxycodone HCl<br>30 mg                           | 84          |
| 13    | 7/14/2015        | J.M.    | Oxycodone HCl<br>30 mg                           | 84          |
| 14    | 7/14/2015        | J.M.    | Hydromorphone HCl<br>8 mg                        | 140         |
| 15    | 7/14/2015        | J.M.    | Hydromorphone HCl<br>8 mg                        | 140         |
| 16    | 7/14/2015        | J.M.    | Alprazolam<br>2 mg                               | 42          |
| 17    | 7/14/2015        | J.M.    | Alprazolam<br>2 mg                               | 42          |
| 18    | 7/21/2015        | J.M.    | Hydromorphone HCl<br>8 mg                        | 70          |
| 19    | 7/21/2015        | J.M.    | Alprazolam<br>2 mg                               | 21          |

All in violation of Title 21, United States Code, Section 841(a)(1).



**COUNTS TWENTY – THIRTY-TWO**

(21 U.S.C. §841(a)(1) - Unlawful Distribution of Controlled Substances  
18 U.S.C. § 2 Aiding and Abetting)

D-4 Dr. MARK BUZZARD

D-7 MARY GETTIG

On or about each of the dates set forth below, in the Eastern District of Michigan, Southern Division, defendant Dr. MARK BUZZARD, aided and abetted knowingly and intentionally by defendant MARY GETTIG, did knowingly, intentionally, and unlawfully distribute the identified prescription drug controlled substances by writing prescriptions outside the scope of usual professional practice, for no legitimate medical purpose, and transferring the prescriptions so they could be filled, in the names of individuals as follows:

| COUNT | ON OR ABOUT DATE | PATIENT | CONTROLLED SUBSTANCE              | DOSAGE UNIT |
|-------|------------------|---------|-----------------------------------|-------------|
| 20    | 7/6/2015         | B.R.    | Oxycodone HCl<br>30 MG            | 134         |
| 21    | 7/6/2015         | B.R.    | Oxycodone HCl<br>30 MG            | 134         |
| 22    | 7/6/2015         | B.R.    | Methadone<br>10 mg                | 120         |
| 23    | 7/6/2015         | B.R.    | Methadone<br>10 mg                | 776         |
| 24    | 7/6/2015         | B.R.    | Amphetamine Salt<br>(combo) 30 mg | 140         |
| 25    | 7/6/2015         | B.R.    | Carisoprodol                      | 84          |
| 26    | 7/6/2015         | B.R.    | Alprazolam<br>2 mg                | 112         |
| 27    | 8/1/2015         | B.R.    | Oxycodone HCl<br>30 MG            | 134         |



| 28    | 8/1/2015               | B.R.    | Oxycodone HCl<br>30 MG            | 134            |
|-------|------------------------|---------|-----------------------------------|----------------|
| COUNT | ON OR<br>ABOUT<br>DATE | PATIENT | CONTROLLED<br>SUBSTANCE           | DOSAGE<br>UNIT |
| 29    | 8/1/2015               | B.R.    | Methadone<br>10 mg                | 120            |
| 30    | 8/1/2015               | B.R.    | Methadone<br>10 mg                | 776            |
| 31    | 8/1/2015               | B.R.    | Amphetamine Salt<br>(combo) 30 mg | 140            |
| 32    | 8/1/2015               | B.R.    | Alprazolam<br>2 mg                | 112            |

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THIRTY-THREE**

(21 U.S.C. §§ 841(a)(1) - Possession with Intent to Distribute a Controlled Substance)

**D-1 JOSEPH JAMES ROE**

On or about September 3, 2015, in the Eastern District of Michigan, Southern Division, defendant JOSEPH JAMES ROE, did knowingly, intentionally and unlawfully possess with intent to distribute a controlled substance, that is, Roxicodone (Oxycodone HCl), in violation of Title 21, United States Code, Section 841(a)(1), and said possession involving approximately 616 unit dosages of Roxicodone 30 milligram (Oxycodone HCl).

**FORFEITURE ALLEGATION**  
(21 U.S.C. § 853 – Criminal Forfeiture)

a. The allegations contained in Counts 1 through 30 of this First Superseding Indictment are hereby incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

b. Pursuant to Title 21, United States Code, Section 853, upon conviction of the violations of Title 21, United States Code, Sections 841 and 846 charged in Counts 1 through 30, Defendants shall forfeit to the United States: (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations. The property to be forfeited includes, but is not limited to, the following:

**REAL PROPERTY:**

- Real property located at 427 E. Elm Avenue, Monroe, Michigan, and being more fully described as:

Land situated in the City of Monroe, County of Monroe, State of Michigan:

A parcel of land being all of Lot No. 6 and the South 8 feet of vacated alley adjacent thereto of Riverview Subdivision, according to the plat thereof, as recorded in Liber 1 of Plats, Page 28, Monroe County Register of Deeds Office, and part of Private Claim 58 and described as follows: Beginning at the Southeast corner of Lot No. 6 of Riverview Subdivision. Proceeding thence

North 23 degrees 56 minutes East with the East line of Lot No. 6 and extension thereof 158.00 feet to the center of a 16 foot vacated alley; thence North 66 degrees 30 minutes West with the center of said vacated alley, 69.00 feet to the West line of Riverview Subdivision, thence South 23 degrees 56 minutes West 8.00 feet to the Northwest corner of said Lot No. 6; thence North 66 degrees 30 minutes West 15.00 feet to a point; thence South 23 degrees 56 minutes West 150.00 feet to a point in the North line of East Elm Ave.; thence South 66 degrees 30 minutes East 64.00 feet to the point of beginning.

Commonly known as: 427 E. Elm Avenue, Monroe, Michigan

PARCEL ID: 59-01166-000

- Real property located at 703 E. Fourth Street, Monroe, Michigan, and being more fully described as:

Land situated in the City of Monroe, Monroe County, Michigan, more particularly described as follows:

The West 55 feet of Lot(s) 76 of ISADORE NAVARRE FARM according to the plat thereof recorded in Liber 2 of Plats, Page 36 of Monroe County Records.

Commonly known as: 703 E. Fourth Street, Monroe, Michigan

PARCEL ID: 55-49-00748-000

- Real property located at 604 Harrison Street, Monroe, Michigan, and being more fully described as:

Situated in the City of Monroe, Monroe County, Michigan, more particularly described as follows:

South half of the East 100 feet of Lot 92, Old Village Plat west of Monroe Street, according to the Plat thereof, as recorded in Liber 2 of Plats, Page 3, Monroe County Register of Deeds Office.

Commonly known as: 604 Harrison Street, Monroe, Michigan

PARCEL ID: 29-00361-001

- Real property located at 121 Michigan Avenue, Monroe, Michigan, and being more fully described as:

Land situated in the City of Monroe, Monroe County, Michigan, more particularly described as follows:

Lot 16 and half of the vacated alley adjacent thereto, Assessor's Plat of Winkworth Plat, according to the plat thereof as recorded in Liber 6 of Plats, Page 66, Monroe County Records.

Commonly known as: 121 Michigan Avenue, Monroe, Michigan

PARCEL ID: 55-59-01420-002

- Real property located at 126-128 Michigan Avenue, Monroe, Michigan, and being more fully described as:

City of Monroe, Monroe County, Michigan, more particularly described as follows:

Lot 20 and one-half of vacated alley adjacent to the South thereof, Assessor's Plat of Winkworth Plat, according to the Plat thereof, as recorded in Liber 6 of Plats, Page 66, Monroe County Records.

Commonly known as: 126-128 Michigan Avenue, Monroe, Michigan

PARCEL ID: 55-59-01428-000

- Real property located at 2350 Yax Street, Monroe, Michigan, and being more fully described as:

Situated in the Township of Frenchtown, Monroe County, Michigan, more particularly described as follows:

That part of Private Claims 351 and 470, described as follows:

Commencing at the Northeast corner of Private Claim 449, thence South 27 Degrees 53 Minutes West 176.00 feet; thence South 61 Degrees 59 Minutes East 566.07 feet; thence North 24 Degrees 00 Minutes East 68.40 feet; thence North 14 Degrees 39 Minutes East 167.22 feet; thence North 80 Degrees, 34 Minutes West 172.00 feet; thence North 50 Degrees 28 minutes West 280.00 feet; thence South 84 Degrees 50 Minutes West 102.34 feet to the point of beginning.

Commonly known as: 2350 Yax Street, Monroe, Michigan

PARCEL ID: 07-351-004-00

- Real property located at 328 Harrison Street, Monroe, Michigan, and being more fully described as:

City of Monroe, County of Monroe, State of Michigan:

The South 1/2 of Lot numbered 85, Old Village (now city plat) West of Monroe Street, according to the recorded plat thereof as recorded in Liber 2 of Plats, Page 3W, Monroe County Register of Deeds Office.

Commonly known as: 328 Harrison Street, Monroe, Michigan

PARCEL ID NO: 29-00343-000

- Real property located at 3853 E. Stein Road, La Salle, Michigan, and being more fully described as:

A certain parcel of land situated in the Township of LaSalle, County of Monroe, State of Michigan, described as follows:

That part of private claim 520 described as follows: Commencing at a point located 726.88 feet South 53 degrees 55 minutes 30 seconds East and 107.80 feet South 51 degrees 24 minutes East from the intersection of the East line of the D. M. & T. Railroad right of way with the centerline of Stein Road; thence South 51 degrees 24 minutes 00 seconds East 80.00 feet; thence South 38 degrees 36 minutes West 542.75 feet; thence North 51 degrees 55 minutes 30 seconds West 80.00 feet; thence North 38 degrees 36 minutes East 543.48 feet to the point of beginning.



Commonly known as: 3853 E. Stein Road, LaSalle, Michigan

PARCEL ID NO: 580913041810

**CURRENCY:**

- Thirty-Five Thousand Four Hundred Twenty-Three Dollars and Sixty-Five Cents (\$35,423.65) in United States Currency from Monroe Bank and Trust account XXXXX8121;
- Six Thousand Dollars (\$6,000.00) in United States Currency seized from a 2011 Chevrolet Malibu in Oak Ridge, Tennessee on or about October 21, 2014;
- Twenty-Two Thousand One Hundred Twenty Dollars (\$22,120.00) in United States Currency seized from 29145 Spring Street, Farmington Hills, Michigan; and

**VEHICLES:**

- One (1) 2014 Chevrolet Corvette VIN: 1G1YA2D74E5112175;
- One (1) 2011 Dodge Ram VIN: 1D7RV1CT7BS601360;
- One (1) 1950 Mercury VIN: 50SL60838M;
- One (1) 1969 Chevrolet Camaro Z28 VIN: 124379N560347;
- One (1) 1978 Pontiac Trans Am VIN: 2W87Z8N150421;
- One (1) 2000 Chevrolet Corvette VIN: 1G1YY22GXY5105587;
- One (1) 2003 Chevrolet Corvette VIN: 1G1YY12S235111441; and
- One (1) 2008 Ford F-150 Harley Davison Edition VIN: 1FTRW14558FA55747.

c. **Forfeiture Money Judgment.** The United States shall also seek a forfeiture money judgment in an amount to be determined, of all proceeds derived from the conduct that resulted in the violations charged in Counts 1 through 30, and all traceable interest and proceeds, for which the Defendant is liable. Such sum in aggregate is property representing the proceeds of the aforementioned offenses, or money that was involved in the aforementioned offenses, or is traceable to such property, in violation of Title 21, United States Code, Sections 841 and 846.

d. **Substitute Assets.** Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), Defendants shall forfeit substitute property, up to the value of the properties described above, if, by any act or omission of any of the Defendants, the property described above: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to or deposited with a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property. The allegations contained in Counts 1 through 30 of this First Superseding Indictment are hereby incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

THIS IS A TRUE BILL

s/GRAND JURY FOREPERSON

BARBARA L. McQUADE  
United States Attorney

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s/ADRIANNA DYDELL

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Dated: December 16, 2015

United States District Court  
Eastern District of Michigan**Criminal Case Cover Sheet****Case Number**  
15-cr-20581

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]**Companion Case Information****Companion Case Number:** N/A

This may be a companion case based upon LCrR 57.10 (b)(4)¹:

**Judge Assigned:** N/A☐ Yes☒ No**AUSA's Initials:**

RLM

**Case Title:** USA v. JOSEPH JAMES ROE, et. al.**County where offense occurred :** Monroe and elsewhere**Check One:**☒ **Felony**☐ **Misdemeanor**☐ **Petty**☐ Indictment/ ☐ Information --- no prior complaint.☐ Indictment/ ☐ Information --- based upon prior complaint [Case number: ]☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information****Superseding to Case No:** 15-cr-20581**Judge:** Judith E. Levy

- ☐ Original case was terminated; no additional charges or defendants.
- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☒ Embraces same subject matter but adds the additional defendants or charges below:

**Defendant name****Charges****Prior Complaint (if applicable)**

Dr. Mark V. Buzzard

21 U.S.C. 841(a)(1); 846

Nicholas Malinowski

21 U.S.C. 841(a)(1); 846

John Thorn

21 U.S.C. 841(a)(1); 846

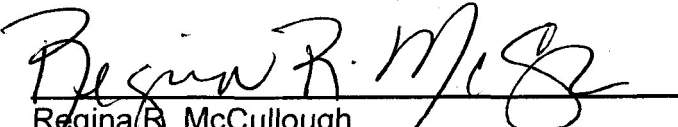
Marv Gettio

+ 21 U.S.C. 841(a)(1); 846

**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

December 16, 2015

Date

  
 Regina R. McCullough  
 Assistant United States Attorney  
 211 W. Fort Street, Suite 2001  
 Detroit, MI 48226-3277

Phone: (313) 226-9618

Fax: (313) 226-2621

E-Mail address: regina.mccullough@usdoj.gov

Attorney Bar #: P64936

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.



UNITED STATES DISTRICT COURT  
Eastern District Of Michigan

UNITED STATES OF AMERICA

v.

**Mark V Buzzard**§ **JUDGMENT IN A CRIMINAL CASE**

§

§

§ Case Number: 0645 5:15CR20581 (4)

§ USM Number: 53307-039

§ **Mark J. Kriger**

§ Defendant's Attorney

**THE DEFENDANT:**

|                                     |   |  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | pleaded guilty to count(s)  | <b>1 of First Superseding Indictment</b> |
| <input type="checkbox"/>            | pleaded nolo contendere to count(s) which was accepted by the court |  |
| <input type="checkbox"/>            | was found guilty on count(s) after a plea of not guilty             |  |

The defendant is adjudicated guilty of these offenses:

**Title & Section / Nature of Offense**Conspiracy to Distribute and Possess With Intent to Distribute Controlled Substances,  
21 U.S.C. §§ 846, 841(a)(1)**Offense Ended**

12/2015

**Count**

1s

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☒ Count(s) 2 through 32    ☐ is    ☒ are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**07/24/2018**

Date of Imposition of Judgment

s/Judith E. Levy

Signature of Judge

**Judith E. Levy, United States District Judge**

Name and Title of Judge

**July 24, 2018**

Date

DEFENDANT: Mark V Buzzard  
CASE NUMBER: 0645 5:15CR20581 (4)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:  
72 months.

☒ The court makes the following recommendations to the Bureau of Prisons:  
Court recommends placement at FCI McKean in Pennsylvania. If not possible, recommendation placement at FCI Morgantown in Pennsylvania.

☐ The defendant is remanded to the custody of the United States Marshal.

☒ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☒ p.m. on September 25, 2018

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Mark V Buzzard  
CASE NUMBER: 0645 5:15CR20581 (4)

## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

5 years.

## **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.  
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

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## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

## U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at the [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

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### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall participate in a program approved by the probation department for mental health counseling, if necessary.

The defendant shall take all medications as prescribed by a physician whose care he is under, including a psychiatrist, in the dosages and at the times proposed. If the defendant is prescribed a medication, he shall take it, and the defendant shall not discontinue medications against medical advice.

The defendant shall submit to a psychological/psychiatric evaluation as directed by the probation officer, if necessary.

The defendant shall not prescribe any opiate or controlled substance.

The defendant shall participate in a program approved by the probation department for substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol, if necessary.



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## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

|               | <b><u>Assessment</u></b> | <b><u>JVTA Assessment*</u></b> | <b><u>Fine</u></b> | <b><u>Restitution</u></b> |
|---------------|--------------------------|--------------------------------|--------------------|---------------------------|
| <b>TOTALS</b> | \$100.00                 | Not Applicable                 | \$5,000.00         | Not Applicable            |

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> the interest requirement is waived for the | <input checked="" type="checkbox"/> fine | <input type="checkbox"/> restitution                         |
| <input type="checkbox"/> the interest requirement for the                      | <input type="checkbox"/> fine            | <input type="checkbox"/> restitution is modified as follows: |

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payments of \$ 100.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal 20 (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

### Joint and Several

See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.