

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

Nos. 11-2057 / 11-2145

UNITED STATES OF AMERICA,

Appellee,

v.

**CHRISTOPHER ELDER and
TROY SOLOMON,**

Appellants.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION
HONORABLE FERNANDO J. GAITAN, JR., CHIEF DISTRICT JUDGE

ADDENDUM FOR THE UNITED STATES

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DECLARATION

I, Lori Nelson, hereby declare under penalty of perjury that:

1. I am a Financial Analyst with the United States Attorney's Office, Western District of Missouri, and have been so employed since October 2004. Previously, I was employed by the Missouri Division of Finance for approximately nine years. I am currently assigned to the Narcotics unit and have worked narcotics cases for six years.
2. As a Financial Analyst, my duties have included the investigation of violations of federal laws concerning the importation, manufacture, possession and distribution of controlled substances as defined by Title 21, United States Code. During my tenure with the US Attorney's office, I have participated in a number of investigations involving drug trafficking and money laundering, including investigations that have involved money judgments based on drug sales.
3. The information in this declaration has become known to me through my personal investigation or through communications and reports from DEA diversion investigators with knowledge of this investigation.
4. This declaration is made in support of a money judgment against TROY R. SOLOMON and CHRISTOPHER L. ELDER for violations of Title 21, United States Code, Section 841(a)(1), possession with intent to distribute controlled substances, Section 846, conspiracy to distribute controlled substances, Title 18, United States Code, Sections 1956 and 1957, money laundering, and Title 21, United States Code, Section 853 for forfeiture allegations.
5. From at least in or about August 2004, the exact date being unknown to the Grand Jury, and continuing through October 2005, said dates being approximate, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, CYNTHIA S. MARTIN, TROY R. SOLOMON, CHRISTOPHER L. ELDER, and DELMON L. JOHNSON,

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and other persons known and unknown to the Grand Jury, an unindicted co-conspirator, to knowingly and intentionally distribute, dispense, and possess with intent to distribute and dispense Schedule III, IV, and V controlled substances, including but not limited to, hydrocodone, a Schedule III controlled substance, both in its generic name and brand name forms, such as Lortab and Lorcet; alprazolam, a Schedule IV controlled substance, in its generic form and brand name forms, such as Xanax; and promethazine with codeine, a Schedule V controlled substance, in its generic form and brand name forms, such as Phenergan with codeine; other than for a legitimate medical purpose and not in the usual course of professional practice— thus rendering them unlawful and invalid prescriptions— a violation of Title 21, United States Code, Section 841(a)(1).

6. Defendant ELDER wrote unlawful and invalid prescriptions for thousands of dosage units of Schedule III, IV, and V substances (“drugs”). These prescriptions were unlawful and invalid because defendant ELDER issued them not for a legitimate medical purpose and outside the usual course of professional practice.

7. Defendant SOLOMON obtained the unlawful and invalid prescriptions, as well as authorization for refill orders from defendant ELDER and would send by mail original prescriptions and by facsimile transmission a copy of the prescriptions and refill order re-authorizations to Rostie at the Medicine Shoppe.

8. Rostie filled the unlawful and invalid prescriptions written by defendant ELDER and had the controlled substances delivered via FedEx to defendants ELDER and SOLOMON at 3003 S. Loop West, Suite 415, Houston, Texas (the location of South Texas Wellness Center) and at 3003 S. Loop West, Suite 450, Houston, Texas (the location of Ascensia Nutritional

Pharmacy).

9. Martin introduced defendant SOLOMON to Rostie for the purpose of obtaining controlled substances from Rostie. Defendant SOLOMON sent numerous packages containing United States Currency via United Parcel Service from Houston, Texas to Martin.

10. On behalf of defendant SOLOMON, Martin delivered to Rostie thousands of dollars in cash for the controlled substances.

11. From at least in or about August 2004, and continuing through on or about October 29, 2005, Rostie, deposited into the business checking account of ROSTIE ENTERPRISES LLC, d/b/a The Medicine Shoppe at Allen Bank and Trust Company gross sales of \$991,114, which includes proceeds of the illegal sale of hydrocodone, alprazolam, and promethazine with codeine.

12. During the course of the conspiracy to distribute hydrocodone, alprazolam, and promethazine with codeine, Rostie made gross sales of at least \$991,114 from filling the unlawful and invalid prescriptions and distributing these controlled substances. On May 10, 2006, a search of The Medicine Shoppe was conducted by DEA. During the search of TMS on May 10, 2006, DEA computer forensic examiners made mirror images of five computer hard drives at TMS, which were subsequently labeled as DEA Exhibits N-1 through N-5. The five mirror imaged hard drives were transferred to the DEA Digital Evidence Laboratory in Lorton, Virginia, where they were examined by Danielle Desfosses, a Computer Forensic Examiner. Desfosses completed a DEA Report of Investigation dated January 22, 2007, with the details of her analysis of the contents of the five hard drives. DEA Exhibit N-1 was the mirror image of a Compaq EVO desktop computer (Serial number 6X26-KW8Z-E0BB) , which was found to contain prescription and point of sale data, including the sales price of each

prescription. Desfosses was able to extract prescription data, sort it by prescribing physician, and then transfer the data into a Microsoft Access database. This system was searchable by doctor name. By searching these records it was determined that \$525,621 worth of controlled substances were filled and sold using Dr. ELDER's name, \$452,538 worth of controlled substances were filled and sold for Dr. OKOSE, and \$12,955 worth of prescriptions were sold using Dr. Botto's name. These three amounts account for gross sales of \$991,114.

/s/ Lori Nelson

Lori Nelson

Financial Analyst

US Attorney's Office - Western District of
Missouri

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2011, the foregoing was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. A paper copy will be served on participants in the case by U.S. Mail, postage prepaid, within five days of the Court's notice that the brief has been reviewed and filed.

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