

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

MARY LYNN ROSTIE,)

a/k/a LYNN ROSTIE,)

[DOB: ██████████ 50])

CYNTHIA S. MARTIN,)

[DOB: ██████████ 58],)

TROY R. SOLOMON,)

[DOB: ██████████ 63],)

CHRISTOPHER L. ELDER,)

[DOB: ██████████ 71],)

and)

DELMON L. JOHNSON,)

[DOB: ██████████ 58],)

Defendants.)

Defendants/Counts:)

ROSTIE: 1 through 20)

MARTIN: 1, 2, and 21 through 24)

SOLOMON: 1 through 12)

ELDER: 1, and 3 through 10)

JOHNSON: 1, 2, 7 through 10)

No.

COUNT ONE:

21 U.S.C. §§ 841(a)(1), 841(b)(1)(D),

841(b)(2), 841(b)(3) and 846

(Conspiracy to Distribute Controlled
Substances)

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NLT 2 Years Supervised Release

Class D Felony

COUNT TWO:

18 U.S.C. § 1956(h)

NMT 20 Years Imprisonment

NMT \$500,000 Fine or Twice the Value of
the Property Involved

NMT 3 Years Supervised Release

Class C Felony

COUNTS THREE THROUGH TEN:

21 U.S.C. §§ 841(a)(1), (b)(1)(D), and

841(b)(2)

18 U.S.C. § 2

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NLT 2 Years Supervised Release

Class D Felony

COUNTS ELEVEN AND TWELVE:

21 U.S.C. §§ 841(a)(1) and (b)(3)

18 U.S.C. § 2

NMT 1 Year Imprisonment

NMT \$100,000 Fine

NMT 1 Year Supervised Release

Class E Felony

-) **COUNT THIRTEEN:**
-) 21 U.S.C. §§ 843(b) and (d)
-) 18 U.S.C. § 2
-) NMT 4 Years Imprisonment
-) NMT \$30,000 Fine
-) NMT 1 Year Supervised Release
-) Class E Felony
-)
-) **COUNTS FIFTEEN THROUGH**
-) **TWENTY:**
-) 18 U.S.C. § 1957 and § 2
-) NMT 10 Years Imprisonment
-) NMT \$250,000 Fine or Twice the Value of
-) the Property Involved
-) NMT 3 Years Supervised Release
-) Class C Felony
-)
-) **COUNTS FOURTEEN, & TWENTY-**
-) **ONE THROUGH TWENTY-FOUR:**
-) 18 U.S.C. § 1956(a)(1)(B)(i) and § 2
-) NMT 20 Years Imprisonment
-) NMT \$500,000 Fine or Twice the Value of
-) the Property Involved
-) NMT 3 Years Supervised Release
-) Class C Felony
-)
-) **ALLEGATION OF CRIMINAL**
-) **FORFEITURE 21 U.S.C. § 853**
-) \$100 Mandatory Special Assessment
-) (Counts 1 through 31)

INDICTMENT

THE GRAND JURY CHARGES THAT:

At the specified times and at all relevant times as stated in this indictment:

Controlled Substances Act

1. The Controlled Substances Act (CSA) and the Code of Federal Regulations (CFR) govern the manufacture, distribution and dispensing of controlled substances in the United States.

2. Under federal law, a physician can only issue a prescription for a controlled substance if it is issued for a legitimate medical purpose, and in the usual course of the physician's professional practice. A prescription that does not meet these requirements is an invalid prescription. "An order purporting to be a prescription, issued not in the usual course of professional treatment . . . is not a prescription within the meaning and intent of the CSA and the person knowingly filling such a purported prescription, as well as the person issuing it shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances." 21 C.F.R. § 1306.04(a).

3. This regulatory framework places a similar burden on pharmacists. While the responsibility for the proper prescribing and dispensing of controlled substances rested initially with the physician, the regulation imposes a "corresponding responsibility" upon the pharmacist who fills the prescription. 21 C.F.R. § 1306.04(a).

4. The CSA separates controlled substances into five drug schedules – Schedules I, II, III, IV, and V – based upon the substances' potential for abuse, among other things. Abuse of Schedule III controlled substances may lead to moderate or low physical dependence or high psychological dependence. Abuse of Schedule IV and V controlled substances may lead to more limited physical dependence or psychological dependence compared with the drugs or other substances in Schedule III. 21 U.S.C. § 812.

Charged Controlled Substances

5. Hydrocodone is the generic name for a prescription painkiller. Drug products containing hydrocodone are classified under the CSA as Schedule III controlled substances, based on their potential for abuse and physical and psychological dependence. When hydrocodone is legally prescribed for a legitimate medical purpose, it is typically used to combat acute, severe pain under the careful supervision of a treating physician. Accordingly, the prescription is usually for a modest number of pills to be taken over a short period of time. Lorcet is a brand name for a Schedule III controlled substance containing hydrocodone. Dosage units are normally expressed in milligrams with the first number being hydrocodone and the second number being Acetaminophen: i.e., a drug prescribed as Lorcet 10/650 contains 10 milligrams of hydrocodone and 650 milligrams of Acetaminophen; and a drug prescribed as Lortab 10/500 contains 10 milligrams of hydrocodone and 500 milligrams of Acetaminophen.

6. Alprazolam, more commonly referred to by one of its brand names, Xanax, is the generic name for an addictive prescription sedative and anti-anxiety agent that is classified as a Scheduled IV controlled substance.

7. Promethazine with codeine, the generic name for a Schedule V narcotic sometimes branded as Phenergan with Codeine, is used for the temporary relief of coughs and upper respiratory symptoms associated with allergy or common cold. A commonly known substance which contains codeine in liquid form is promethazine with codeine syrup.

The Co-Conspirators and Their Entities

8. MARY LYNN ROSTIE, a/k/a Lynn Rostie, a pharmacist licensed in Missouri since 1970, was the co-owner of Rostie Enterprises, LLC, d/b/a The Medicine Shoppe, which was located in Belton, Missouri. MARY LYNN ROSTIE, a/k/a Lynn Rostie, filled prescriptions and then shipped the prescriptions via Federal Express (FedEx) to Houston, Texas.

9. CYNTHIA S. MARTIN introduced TROY R. SOLOMON to MARY LYNN ROSTIE, a/k/a Lynn Rostie. CYNTHIA S. MARTIN delivered cash payments for the filled prescriptions to MARY LYNN ROSTIE, a/k/a Lynn Rostie. At all relevant times, CYNTHIA S. MARTIN resided in Belton, Missouri.

10. TROY R. SOLOMON was the agent for CHRISTOPHER L. ELDER. At all relevant times, he worked in Houston, Texas.

11. CHRISTOPHER L. ELDER was a physician licensed in Texas. ELDER practiced medicine in Houston, Texas. ELDER worked part-time at South Texas Wellness Center in Houston, Texas, from approximately August 2004 to January 2005. ELDER worked for Westfield Medical Clinic in Houston, Texas, from approximately February 2005 to March 2006.

12. DELMON L. JOHNSON was the manager of Ascensia Nutritional Pharmacy. DELMON L. JOHNSON signed for numerous prescription orders delivered from The Medicine Shoppe to South Texas Wellness Center and Ascensia Nutritional Pharmacy.

13. An unindicted co-conspirator was a physician licensed in Texas and practiced medicine in Houston, Texas.

Other Entities

14. Allen Bank and Trust Company was a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation and which engaged in and the activities of which affected interstate commerce.

15. Bank of America was a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation and which engaged in and the activities of which affected interstate commerce.

16. McKesson Corporation was a wholesale distributor of controlled and non-controlled drugs which sold these drugs to pharmacies to then dispense the medications to patients. In 2004 and 2005, McKesson Corporation sold controlled substances to The Medicine Shoppe.

17. Federal Express (FedEx) was a private carrier of parcels and mail to customers located throughout the United States.

18. United parcel Service (UPS) was a private carrier of parcels and mail to customers located throughout the United States.

The Medicine Shoppe Hydrocodone Purchases

19. From January 1, 2004 to September 30, 2005, The Medicine Shoppe purchased a very high amount of hydrocodone products from wholesale distributors. During this time period:

a. The Medicine Shoppe purchased 2,833 bottles of hydrocodone 10/650mg tablets, 500 count. This equals 1,416,500 dosage units.

b. The Medicine Shoppe purchased 1,054 bottles of hydrocodone 10/500mg tablets, 500 count. This equals 527,000 dosage units.

20. In comparison among the six retail pharmacies located in Belton, Missouri, during the same 21-month time period, The Medicine Shoppe purchased approximately 12,278 grams of hydrocodone and the second highest purchaser bought approximately 1,532 grams of hydrocodone.

COUNT ONE **(Conspiracy to Distribute Controlled Substances)**

The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 20 of the Indictment, and further alleges:

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 Phernergan 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).

Manner and Means

During the course and in the furtherance of the conspiracy, in addition to other acts, the defendants MARY LYNN ROSTIE, a/k/a Lynn Rostie, CYNTHIA S. MARTIN, TROY R. SOLOMON, CHRISTOPHER L. ELDER, and DELMON L. JOHNSON, with others known and unknown to the Grand Jury:

- a. 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.
- b. Defendant SOLOMON obtained the unlawful and invalid prescriptions, as well as authorization for refill orders from defendant ELDER and would send by facsimile transmission a copy of the prescriptions and refill order re-authorizations to defendant ROSTIE at the Medicine Shoppe.
- c. Defendant ROSTIE ordered and received quantities of controlled substances—including hydrocodone, a Schedule III controlled substance— that defendant ROSTIE knew exceeded the quantities of controlled substances needed for the use in the course of the legitimate pharmaceutical practice of The Medicine Shoppe.
- d. Defendant 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).

e. Defendant ROSTIE filled prescription orders that bore the signature and DEA number of Dr. B, a medical doctor licensed in Texas, and shipped the controlled substances to defendant SOLOMON.

f. Numerous packages were sent via United Parcel Service from Houston, Texas to defendant MARTIN.

g. Defendant MARTIN paid defendant ROSTIE thousands of dollars in cash for the controlled substances.

h. Defendants ROSTIE and SOLOMON communicated with each other using telephone lines, fax lines, and cellular telephones, including telephone numbers 816-331-6040, 816-331-6041, 713-665-0309, and 281-469-9913; fax numbers 816-331-7248 and 281-469-9912; and cellular telephone number 832-794-0470, to arrange for the delivery of, and payment for, the controlled substances.

Overt Acts

In furtherance of the conspiracy, and to accomplish its object, the following persons performed the following overt acts, among others, within the Western District of Missouri and elsewhere:

a. In or before August 2004, defendant MARTIN introduced defendant SOLOMON to defendant ROSTIE for the purpose of obtaining controlled substances from defendant ROSTIE.

b. Between on or about September 1, 2004, and October 25, 2005, three patients had controlled substance prescriptions filled on multiple dates after they had died. These prescriptions were issued by defendant ELDER and filled by defendant ROSTIE.

c. From October 2004 through December 2004, multiple patients of defendant ELDER had prescriptions filled for 120 tablets of hydrocodone and 90 tablets of alprazolam on the same days. Beginning on December 1, 2004, the same patients began having prescriptions filled for 240 ml of promethazine with codeine syrup in addition to the first two controlled substances on the same days.

- d. On or about June 9 and 10, 2005, defendant ROSTIE filled over one hundred prescriptions for patients whose last names began with the letter “L”.
- e. On or about June 10 and 11, 2005, defendant ROSTIE filled over one hundred prescriptions for patients whose last names began with the letter “M”.
- f. On or about June 20, 2005, defendant ROSTIE filled over one hundred prescriptions for patients whose last names began with the letter “W”.
- g. From on or about January 4, 2005, through on or about September 22, 2005, the defendants ROSTIE and SOLOMON, using Dr. B’s DEA registration number and prescription pad, ordered, filled, and shipped 170,280 milliliters of promethazine with codeine syrup, a Schedule V controlled substance.
- h. On or about May 10, 2006, defendant ROSTIE possessed prescriptions issued by defendant ELDER on prescription pads of Westfield Medical Clinic and dated February 1, 2005 (approximately 71 prescriptions), and February 2, 2005 (approximately 61 prescriptions).
- i. On or about May 10, 2006, defendant ROSTIE possessed handwritten notes concerning the pricing of hydrocodone (10/500mg and 10/650mg), alprazolam, and promethazine with codeine. Some of the notes refer to an unindicted co-conspirator and defendant ELDER.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D), 841(b)(2), 841(b)(3), and 846.

COUNT TWO

(Conspiracy to Commit Promotional/Concealment Money Laundering)

The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 20 of the Indictment, and further alleges:

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, 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, to conduct financial transactions affecting interstate commerce in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and (B)(i), which transactions involved the proceeds of specified unlawful activity, that is, conspiracy to illegally distribute and dispense controlled substances in violation of Title 21, United States Code, Section 846, with the intent to promote the carrying on of the specified unlawful activity and knowing that the transactions were designed in whole and in part to conceal and disguise the activity and that while conducting and attempting to conduct such financial transactions, the defendants knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity.

During the course of the conspiracy to distribute hydrocodone, alprazolam, and promethazine with codeine, defendant ROSTIE, made gross sales of at least \$991,114 from filling the unlawful and invalid prescriptions and distributing these controlled substances.

During the course and in furtherance of the conspiracy, in addition to other acts, the defendants MARY LYNN ROSTIE, a/k/a Lynn Rostie, CYNTHIA S. MARTIN, TROY R. SOLOMON, and DELMON L. JOHNSON, with others known and unknown to the Grand Jury with the intent to promote the carrying on of the specified activity, and for the purpose to conceal and disguise the nature and source of the proceeds of the specified unlawful activity:

- a. From on or about September 2, 2004, through October 31, 2005, approximately 70 packages were shipped via United Parcel Service from Houston, Texas to defendant MARTIN in Belton, Missouri. The invoices for these packages were sent using the address of 5833 Sunforest Dr., Houston, Texas. This address was the residence of defendant JOHNSON, and was owned by defendant SOLOMON. These packages are the only connection known between SOLOMON and MARTIN. In addition, defendant

MARTIN was the only known financial connection between defendants SOLOMON and ROSTIE.

b. The proceeds of this conspiracy are generated in Texas by defendants SOLOMON and JOHNSON through the sale of the filled prescriptions that are filled by defendant ROSTIE. A portion of these proceeds are then provided to defendant MARTIN as payment, both towards her own benefit, as well as to provide payments for the filled prescriptions as a continuance of the conspiracy. It is therefore believed that the proceeds are provided to defendant MARTIN in the packages sent via United Parcel Service in order to pay for additional prescriptions.

c. From October 8, 2004 through October 17, 2005, defendant MARTIN deposited miscellaneous United States currency into her personal checking account with the account number 003477654976 at Bank of America on 29 separate occasions totaling approximately \$71,666.80.

d. From on or about September 2, 2004, through October 31, 2005, defendant MARTIN entered the business of defendant ROSTIE, at ROSTIE ENTERPRISES, LLC, d/b/a The Medicine Shoppe, and provided currency to defendant ROSTIE for payment on the account of South Texas Wellness Center. This currency represents proceeds of the illegal sale of hydrocodone, alprazolam, and promethazine with codeine.

e. From at least in or about August 2004, and continuing through on or about October 29, 2005, defendant ROSTIE, deposited into the business checking account of ROSTIE ENTERPRISES LLC, d/b/a The Medicine Shoppe with the account number 3501673 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.

f. Defendant ROSTIE, using the mail services provided by Federal Express, then mailed the filled prescriptions to defendants SOLOMON and JOHNSON at the business locations of South Texas Wellness Center and Ascensia Nutritional Pharmacy in Houston, Texas.

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

COUNTS THREE THROUGH SIX

(Distribution of Controlled Substances)

The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 20 of the Indictment, and further alleges:

On or about the dates set forth below, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, TROY SOLOMON and CHRISTOPHER ELDER, defendants herein, aiding and abetting each other and others, both known and unknown to the Grand Jury, did knowingly and intentionally distribute and dispense Schedule III and IV controlled substances, as set forth below, other than for a legitimate medical purpose and not in the usual course of professional practice:

Count	Date Prescription Written	Patient	Date Prescription Filled	Controlled Substance Description
3	10/19/2004	Amanda Allen	10/19/2004	Lorcet 10/650, a brand name prescription drug containing hydrocodone, a Schedule III controlled substance, 120 dosage units; Xanax 2mg, a brand name prescription drug containing alprazolam, a schedule IV controlled substance, 90 dosage units
4	10/19/2004	Lindsay Louis	10/19/2004	Lorcet 10/650, a brand name prescription drug containing hydrocodone, a Schedule III controlled substance, 120 dosage units; Xanax 2mg, a brand name prescription drug containing alprazolam, a schedule IV controlled substance, 90 dosage units
5	10/26/2004	Mark Ivey	10/27/2004	Lortab 10/500, a brand name prescription drug containing hydrocodone, a Schedule III controlled substance, 120 dosage units; Xanax 2mg, a brand name prescription drug containing alprazolam, a schedule IV controlled substance, 90 dosage units

6	10/26/2004	Cheryl Zarsky	10/27/2004	Lortab10/500, a brand name prescription drug containing hydrocodone, a Schedule III controlled substance, 120 dosage units; Xanax 2mg, a brand name prescription drug containing alprazolam, a schedule IV controlled substance, 90 dosage units
---	------------	---------------	------------	--

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

COUNT SEVEN THROUGH TEN

(Distribution of Controlled Substances)

The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 20 of the Indictment, and further alleges:

On or about the dates set forth below, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, CHRISTOPHER L. ELDER, TROY R. SOLOMON, and DELMON L. JOHNSON, defendants herein, aiding and abetting each other and others, both known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense Schedule III, Schedule IV, and Schedule V controlled substances, as set forth below, other than for a legitimate medical purpose and not in the usual course of professional practice:

Count	Date	Patient	Controlled Substances Description
7	09/14/04	H.H.	Rx# 194227 for hydrocodone 10/650mg, a Schedule III controlled substance, 120 dosage units; Rx # 194228 for alprazolam 2mg, a Schedule IV controlled substance, 90 dosage units

8	09/14/04	M.P.	Rx# 194254 for hydrocodone 10/650mg, a Schedule III controlled substance, 120 dosage units; Rx # 194256 for alprazolam 2mg, a Schedule IV controlled substance, 90 dosage units
9	04/29/05	H.H.	Rx# 214514 for hydrocodone 10/650mg, a Schedule III controlled substance, 120 dosage units; Rx# 214515 for alprazolam 2mg, a Schedule IV controlled substance, 90 dosage units; Rx# 214516 for promethazine with codeine, a Schedule V controlled substance, 240 ml
10	04/29/05	M.P.	Rx# 214565 for hydrocodone 10/650mg, a Schedule III controlled substance, 120 dosage units; Rx# 214566 for alprazolam 2mg, a Schedule IV controlled substance, 90 dosage units; Rx# 214567 for promethazine with codeine, a Schedule V controlled substance, 240 ml

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D), 841(b)(2), and 841(b)(3), and Title 18, United States Code, Section 2.

COUNTS ELEVEN AND TWELVE

(Distribution of Controlled Substances)

The Grand Jury re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 20 of the Indictment, and further alleges:

On or about the dates set forth below, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, and TROY R. SOLOMON, defendants herein, aiding and abetting each other and others, both known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense a Schedule V controlled substance, as set forth below, other than for a legitimate medical purpose and not in the usual course of professional practice:

Count	Date	Patient	Controlled Substance Description
11	01/04/05	Jean Greenwald	Promethazine with Codeine, a Schedule V controlled substance, 473 ml
12	01/04/05	Alexander Zhang	Promethazine with Codeine, a Schedule V controlled substance, 473 ml

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(3), and Title 18, United States Code, Section 2.

COUNT THIRTEEN

(Unlawful Use of Communications Facility)

On or about November 30, 2004, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, defendant herein, did knowingly, intentionally and unlawfully aid, abet and willfully cause the use of a communication facility, that is, a facsimile, in committing, and causing and facilitating the commission of, acts constituting a felony under Title 21, United States Code, Section 841(a)(1), that is, the unlawful dispensing and unlawful distribution of hydrocodone, a Schedule III controlled substance, and alprazolam, a Schedule IV controlled substance.

All in violation of Title 21, United States Code, Sections 843(b) and 843(d), and Title 18, United States Code, Section 2.

COUNT FOURTEEN

(Concealment Money Laundering)

The allegations contained in Paragraphs 1 through 20 are realleged and incorporated by reference.

From in or about August 2004 through at least October 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, maintained a commercial business bank account with the account number 3501673 in the name of ROSTIE ENTERPRISES LLC, d/b/a The Medicine Shoppe at Allen Bank and Trust Company which account was used to receive funds from sales of illegally distributed and dispensed controlled substances.

From in or about August 2004 through at least October 2005, financial transactions originating from this bank account were used to conceal or disguise the source of the illegal drug scheme.

On or about April 10, 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, caused check no. 3061 to be drawn on the Allen Bank and Trust Company account with the account number 3501673, made payable to Lynn Rostie in the amount of \$9,000.

On or about April 15, 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, caused check no. 3061 to be deposited into the account of Randolph J. Rostie and Lynn Rostie, account number 3011660 at Allen Bank and Trust Company.

On or about April 17, 2005, the defendant MARY LYNN ROSTIE, a/k/a Lynn Rostie, caused check no. 1163 to be drawn on the Allen Bank and Trust Company account numbered 3011660, made payable to Ridgemont Homes, LLC in the amount of \$7,500.

On or about April 17, 2005, the defendant MARY LYNN ROSTIE, a/k/a Lynn Rostie, used check no. 1163 as earnest money to purchase property located at 15704 Richmond Avenue, Belton, Missouri.

On or about April 17, 2005, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, defendant herein, did knowingly conduct and attempt to

conduct a financial transaction affecting interstate commerce, that is, the drawing of check no. 1163 in the amount of \$7,500 from the account of Randolph J. Rostie and Lynn Rostie at Allen Bank and Trust Company, where the funds represented by check no. 1163 were the proceeds of specified unlawful activity, that is illegal distributing and dispensing of controlled substances in violation of Title 21, United States Code, Sections 841(a) and 846, knowing that the money involved in the transaction was designed in whole and in part to conceal and disguise, the nature, location, source, ownership and control of the proceeds of the specified unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction, that is monetary instruments in the amount of \$7,500 represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT FIFTEEN

(Concealment Money Laundering)

The allegations in Paragraphs 1 through 20 are realleged and incorporated by reference.

From in or about August 2004 through at least October 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, maintained a commercial business bank account with the account number 3501673 in the name of ROSTIE ENTERPRISES LLC, d/b/a The Medicine Shoppe at Allen Bank and Trust Company, which account was used to receive funds from sales of illegally distributed and dispensed controlled substances.

On or about May 25, 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, caused check no. 6573 to be drawn on the account of ROSTIE ENTERPRISES LLC, d/b/a The

Medicine Shoppe at Allen Bank and Trust Company, account number 3501673, made payable to Lynn Rostie in the amount of \$15,000.

On May 27, 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, caused check no. 6573 to be deposited into the account of Randolph J. Rostie and Lynn Rostie, account number 3011660 at Allen Bank and Trust Company.

On or about June 2, 2005, the defendant MARY LYNN ROSTIE, a/k/a Lynn Rostie, caused check no. 1170 to be drawn on the account of Randolph J. Rostie and Lynn Rostie, account number 3011660 at Allen Bank and Trust Company. The check was made payable to Cash, with the memo line listing First American Title, in the amount of \$14,495.78. This check was then used to purchase cashiers check #25334 for \$14,495.78, payable to First American Title.

On or about June 2, 2005, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, defendant herein, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, the drawing of check no. 1170 in the amount of \$14,495.78 from the account of Randolph J. Rostie and Lynn Rostie at Allen Bank and Trust Company to facilitate the purchase of a cashiers check made payable to First American Title, such property having been derived from a specified unlawful activity, that is, the illegal dispensing of controlled substances in violation of Title 21, United States Code, Sections 841(a) and 846.

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNTS SIXTEEN THROUGH TWENTY

(Transactional Money Laundering)

The allegations in Paragraphs 1 through 20 are realleged and incorporated by reference.

From in or about August 2004 through at least October 2005, the defendant, MARY LYNN ROSTIE, a/k/a Lynn Rostie, maintained a commercial business bank account with the account number 3501673 in the name of ROSTIE ENTERPRISES LLC, d/b/a The Medicine Shoppe at Allen Bank and Trust Company, which account was used to receive funds from sales of illegally distributed and dispensed controlled substances.

On or about the dates set forth below as to each count, in the Western District of Missouri, and elsewhere, MARY LYNN ROSTIE, a/k/a Lynn Rostie, defendant herein, did knowingly engage and attempt to engage and did aid, abet, counsel, command, induce and procure and cause the engaging and attempts to engage in the following monetary transactions by, through or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, the deposit into and transfer of funds out of the account of ROSTIE ENTERPRISES LLC, d/b/a The Medicine Shoppe at Allen Bank and Trust Company, account number 3501673, such property having been derived from a specified unlawful activity, that is, the illegal dispensing of controlled substances in violation of Title 21, United States Code, Sections 841(a) and 846:

Count	Date	Type	Payee	Monetary Transaction
16	06/01/2005	Automated Clearing House (ACH) Payment	McKesson Corp.	\$23,938.42
17	06/07/2005	ACH Payment	McKesson Corp.	\$26,599.25

18	06/15/2005	ACH Payment	McKesson Corp.	\$27,036.60
19	06/21/2005	ACH Payment	McKesson Corp.	\$31,664.61
20	06/29/2005	ACH Payment	McKesson Corp.	\$30,112.54

All in violation of Title 18, United States Code, Sections 1957 and 2.

COUNTS TWENTY-ONE THROUGH TWENTY-FOUR

(Concealment Money Laundering)

The allegations contained in Paragraphs 1 through 20 are realleged and incorporated by reference.

From in or about August 2004 through at least October 2005, the defendant, CYNTHIA S. MARTIN, maintained a bank account with the account number 003477654976 at Bank of America which account was used to receive funds from sales of illegally distributed and dispensed controlled substances.

From in or about August 2004 through at least October 2005, funds from this bank account were used to conceal or disguise the source of the illegal drug scheme.

On or about April 18, 2005, defendant CYNTHIA S. MARTIN deposited \$1,800 in miscellaneous United States currency into the account of Cynthia Martin at Bank of America.

On or about April 28, 2005, defendant CYNTHIA S. MARTIN deposited \$2,800 in miscellaneous United States currency into the account of Cynthia Martin at Bank of America.

On or about May 3, 2005, defendant CYNTHIA S. MARTIN deposited \$1,240 in miscellaneous United States currency into the account of Cynthia Martin at Bank of America.

On or about May 16, 2005, defendant CYNTHIA S. MARTIN deposited \$2,500 in miscellaneous United States currency into the account of Cynthia Martin at Bank of America.

On or about June 10, 2005, defendant CYNTHIA S. MARTIN made three deposits – one cash deposit of \$3,325, one cash deposit of \$3,000, and one cash deposit of \$2,075 – totaling \$8,400 in miscellaneous United States currency into the account of Cynthia Martin at Bank of America.

On or about the dates set forth below as to each count, in the Western District of Missouri, and elsewhere, CYNTHIA S. MARTIN, defendant herein, did knowingly conduct and attempt to conduct financial transactions affecting interstate commerce, in the approximate amounts set forth below, which involved proceeds of a specified unlawful activity, that is illegal distributing and dispensing of controlled substances in violation of Title 21, United States Code, Sections 841(a) and 846, knowing that the transactions were designed in whole and in part to conceal and disguise, the nature, location, source, ownership and control of the proceeds of the specified unlawful activity and that while conducting and attempting to conduct such financial transactions knew the property involved in the financial transactions, that is monetary instruments in the amounts set forth below:

Count	Date Listed on Check	Date Check Clears Bank	Type	Payee	Financial Transaction
21	04/11/05	4/18/05	Payment	Alenco	Check No. 2702 in the amount of \$1,200 from Bank of America account of CYNTHIA S. MARTIN
22	05/24/05	5/31/05	Payment	Alenco	Check No. 2710 in the amount of \$5,167 from Bank of America account of CYNTHIA S. MARTIN

23	06/27/05	6/03/05	Payment	Alenco	Check No. 2711 in the amount of \$6,458 from Bank of America account of CYNTHIA S. MARTIN
24	06/10/05	6/13/05	Payment	MTS Automall	Check No. 2714 in the amount of \$9,980 from Bank of America account of CYNTHIA S. MARTIN

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

ALLEGATION OF FORFEITURE

The allegations contained in Counts One, Fourteen, and Fifteen of this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

Each defendant named herein shall forfeit to the United States all property, real and personal, constituting or derived from any proceeds the defendant obtained directly and indirectly as a result of the violation incorporated by reference in this Count and all property used, or intended to be used, in any manner or part, to commit, and to facilitate the commission of the violation incorporated by reference in this allegation, including but not limited to the following:

Money Judgment

As to defendants MARY LYNN ROSTIE, a/k/a Lynn Rostie, CYNTHIA S. MARTIN, TROY R. SOLOMON, CHRISTOPHER L. ELDER, and DELMON L. JOHNSON, jointly and severally, they shall forfeit any and all interest in approximately \$991,114 in United States currency, and any interest and proceeds traceable thereto, in that at least this sum, in aggregate, was received in exchange for the unlawful dispensing and unlawful distribution of controlled substances or is traceable thereto.

Real Property

As to defendant MARY LYNN ROSTIE, a/k/a Lynn Rostie, she shall forfeit any and all interest in the following real property:

All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 15704 Richmond Avenue, Belton, Missouri, more particularly described as: Subdivision Hardee Meadows, Plat No. 2, Lot No. 88, Cass County, Missouri.

Substitute Assets

If any of the above-described forfeitable property of the above-named defendants, as a result of any act or omission of the defendant—

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention 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 above-described forfeitable property. This forfeiture would include, but is not limited to:

- a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 15704 Richmond Avenue, Belton, Missouri, more particularly described as: Subdivision Hardee Meadows, Plat No. 2, Lot No. 88, Cass County, Missouri. This parcel of land is titled in the name of MARY LYNN ROSTIE and Randolph J. Rostie.

b. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 7906 E 159th St., Belton, Missouri, more particularly described as: Georgia Place North, 2nd Plat, Lot 45, Cass County, Missouri. This parcel of land is titled in the name of CYNTHIA S. MARTIN.

c. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 5833 Sunforest Dr., Houston, Texas, more particularly described as: Lot 49 .00934 Int Common Land Ele Laguna T/H. This parcel of land is titled in the name of TROY R. SOLOMON.

All in violation of Title 21, United States Code, Section 853, and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL.

/s/ Joseph Carle
FOREPERSON OF THE GRAND JURY

/s/ Rudolph R. Rhodes IV
Rudolph R. Rhodes IV #39310
Assistant United States Attorney

DATED: 2/5/08

Re-posted on this site www.juris99.com/texas by Osgood Law Office, John Osgood Kansas City Area Criminal Defense Attorney. www.juris99.com www.lexrixa.com White Collar, drug, capital murder, and other serious felony cases. These web sites are intended to be advertisement of services. The choice of a lawyer is an important decision and should not be based solely on advertisements.