

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT
OF AN ARREST WARRANT

- against -

LEONARD I. STAMBLER,

(21 U.S.C. § 846)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Joseph D. Hill, being duly sworn, deposes and says that he is a Task Force Officer with the United States Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

On or about and between March 3, 2011 and November 21, 2011, within the Eastern District of New York, the defendant LEONARD I. STAMBLER, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved substances containing Oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

The source of your deponent's information and the

grounds for his belief are as follows:¹

1. I am currently a Task Force Officer with the DEA and I have been a Nassau County Police Department Detective for more than seven years. I am currently assigned to the DEA, New York Field Division, Long Island District Office. The facts set forth in this affidavit are based on my personal knowledge and observations, conversations with other law enforcement officers, reports of other law enforcement officers, an interview of the defendant LEONARD I. STAMBLER, my review of various documents and records related to this investigation, and my training and experience.

The Distribution of Controlled Substances

2. The Controlled Substances Act, 21 U.S.C. §§ 801 et seq., and regulations promulgated thereunder classify controlled substances in five schedules. Schedule I drugs, including, for example, heroin and LSD, do not have an acceptable medical use in the United States. Schedule II through Schedule V drugs have acceptable medical uses. Substances in Schedule II, including, for example, Oxycodone (see below), have a high abuse potential. Substances in Schedule III, including, for example, Vicodin, have an abuse potential less than those in Schedule II, but more than

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included details of every aspect of this investigation.

Schedule IV controlled substances, and so forth. Schedule V drugs consist primarily of preparations containing limited quantities of certain narcotics and stimulant drugs.

3. The Controlled Substances Act Scheduling System is supplemented by the individual states according to local needs and conditions. In New York State, a physician must prescribe Schedule II drugs via an official New York State prescription. Information concerning transactions involving Schedule II drugs is transmitted to state authorities via computer, when the drugs are dispensed by a pharmacist.

4. Pursuant to 21 C.F.R. § 1306.21(a), a controlled substance listed in Schedules III, IV or V that is a prescription drug as determined under the Food, Drug & Cosmetics Act, 21 U.S.C. §§ 301, et seq., may be dispensed only if prescribed by an authorized practitioner.

5. Pharmacies in New York State are required to maintain physical copies of any prescriptions for five years, while federal law mandates that prescriptions be kept for at least two years. Typically, pharmacies maintain these hard copies in a separate controlled substance prescription file. Additionally, Schedule II controlled substance prescriptions are reported electronically to New York State Bureau of Controlled Substances. Moreover, the disclosure of prescription records which would be caused by the execution of a search warrant is not

prohibited by the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, which permit the disclosure of medical records pursuant to a court-ordered warrant. See 45 C.F.R. § 164.512(f)(1)(ii)(A).

6. Oxycodone hydrochloride ("Oxycodone"), a Schedule II narcotic drug, is a synthetic opioid analgesic medication generally prescribed for the relief of moderate to severe pain. Oxycodone is currently available in time-release oral pill formulation, in strengths from 10 to 160 milligrams, as well as in combination with other medications. Oxycodone has a serious potential for abuse. Drug abusers crush the protective coating on the pill and, snort, ingest or inject it, thereby obtaining all twelve hours of the drug at one time. Oxycodone used in this fashion produces a heroin-like euphoria. Oxycodone is a highly addictive drug.

Background Investigation

7. The DEA is currently conducting an investigation into persons distributing Oxycodone in Nassau County, New York. Pursuant to that investigation, agents learned that defendant LEONARD I. STAMBLER, a medical doctor, was prescribing large numbers of Oxycodone pills, to patients who were believed to be reselling and/or abusing this controlled substance. Agents further learned that STAMBLER did not have a medical office or staff and drove around to patients' homes to deliver

prescriptions. Between approximately March 3, 2011 and November 21, 2011, agents observed STAMBLER meeting with purported patients on more than twenty occasions, including meetings in STAMBLER's car, meetings outside STAMBLER's residence, meetings at the residences of purported patients and observed STAMBLER leaving prescriptions on his front porch for patients to retrieve.

8. For example, on March 3, 2011, defendant LEONARD I. STAMBLER was observed by agents meeting with a patient, John Doe, whose identity is known to the United States Attorney, for approximately fifteen minutes outside STAMBLER's residence. During this meeting, agents observed STAMBLER open a black bi-fold portfolio and remove a prescription pad and proceed to write out a prescription while leaning on the trunk of his vehicle. STAMBLER then handed John Doe the prescription. Agents then observed both individuals remain in front of the residence engaged in conversation. New York State Bureau of Narcotics Enforcement records kept for controlled substance prescriptions show that John Doe filled a prescription for Endocet (a combination of Acetaminophen and Oxycodone) prescribed by STAMBLER on March 3, 2011.

9. For example, on April 5, 2011, surveillance agents observed John Doe arrive in a vehicle and pull into the driveway of STAMBLER'S residence in Baldwin Harbor, New York. Agents

observed John Doe exit his vehicle and walk to the front porch area of STAMBLER'S residence. John Doe was observed searching around the area for something. A short time later John Doe returned to his vehicle and retrieved a mobile telephone from which he placed a telephone call. John Doe then returned to the porch area while speaking on the phone and continued his search. After a few minutes John Doe located a prescription form from under a small box on the front porch. John Doe then returned to his vehicle and left the vicinity. New York State Bureau of Narcotics Enforcement records kept for controlled substance prescriptions show that John Doe filled a prescription for Endocet (Acetaminophen and Oxycodone) prescribed by STAMBLER on April 5, 2011.

10. For example, on October 24, 2011, agents learned that a prescription written by defendant LEONARD I. STAMBLER in the name of Co-Conspirator Chris Adams,² calling for 200 Oxycodone 30 mg Tablets to be dispensed, had been dropped off by Adams at a pharmacy in East Rockaway, New York. At approximately 1:15 p.m., agents observed Adams leaving the pharmacy and walking to a parking lot located behind the building. Agents observed Adams enter the passenger seat of a vehicle driven by defendant LEONARD I. STAMBLER, which was parked in the lot. Agents also

² Adams was charged via complaint on November 22, 2011 under docket 11M1154.

observed Adams' common law wife, Jane Doe (who is also commonly prescribed Oxycodone by STAMBLER), whose identity is known to the United States Attorney, in the rear seat of the vehicle. Shortly thereafter, agents observed STAMBLER leaving the parking lot. As STAMBLER drove slowly through the parking lot, agents observed Adams hand Jane Doe a prescription bottle over the passenger seat. A review of pharmacy records required to be kept for DEA review showed that a New York State prescription for Oxycodone pills had been verified by STAMBLER in the name of Adams over the telephone. Moreover, based upon the investigation it appears that STAMBLER verified the prescription for Adams while parked outside the pharmacy Jane Doe in the vehicle.

The November 21, 2011 Distribution

11. On or about the morning of November 21, 2011, members of DEA Long Island District Office established surveillance at a residence in Baldwin, New York. Law enforcement agents observed the defendant LEONARD I. STAMBLER, a medical doctor and Co-Conspirator Chris Adams leave STAMBLER's residence in a vehicle driven by STAMBLER. Agents observed defendant STAMBLER and Adams arrive in the vicinity of a pharmacy in East Rockaway, New York. However, despite available parking in the drug store's parking lot, STAMBLER drove the vehicle into an adjacent parking lot separated by a chain-link fence, where he let Adams out of the vehicle.

12. Agents subsequently observed Chris Adams enter the pharmacy. According to an employee of the drug store, whose identity is known to the United States Attorney, inside the pharmacy, Adams presented a New York State prescription made out by defendant LEONARD I. STAMBLER, written in the name of Adams' common law wife, Jane Doe, calling for 200 Oxycodone 30mg tablets to be dispensed. The pharmacy was able to fill only 140 of the 200 pills in the prescription.

13. After the prescription was dispensed, Chris Adams was observed leaving the pharmacy with a small white paper bag and returning to the vehicle driven by defendant LEONARD I. STAMBLER. Defendant STAMBLER and Adams were observed leaving the vicinity of the pharmacy together in the vehicle.

14. Agents thereafter observed defendant LEONARD I. STAMBLER and Adams drive to a location on Morton Avenue in East Rockaway, New York, where Adams was observed exiting the vehicle and entering a vehicle containing another individual, Co-Conspirator #1, whose identity is known to the United States Attorney. This meeting, which occurred within the vehicle operated by Co-Conspirator #1, lasted only three to five minutes. Based upon my training and experience in narcotics investigations, as well as prior surveillances conducted as to Adams, it was my belief that this short meeting was in fact an exchange of Oxycodone pills.

15. Following this meeting, a car stop was conducted on the vehicle containing defendant LEONARD I. STAMBLER and Chris Adams. Incident to this car stop, Adams turned over to agents a small bottle labeled with a prescription in the name of Adams, containing sixty (60) 30 mg Oxycodone pills, and a small white paper bag was recovered on the front passenger seat of the vehicle, containing another small bottle labeled with a prescription in the name of Jane Doe, with sixty (60) 30 mg Oxycodone pills.

16. Following the car stop, Chris Adams admitted in sum and substance and in relevant part, that defendant LEONARD I. STAMBLER drove him to the pharmacy where they picked up a prescription for Oxycodone in the name of Jane Doe. Adams further admitted that the medication bottle in the name of Jane Doe, recovered from the front seat of the vehicle, contained only sixty pills, because Adams had taken 60 pills out of his wife's medication bottle and put them in his own medication bottle. Adams also stated that he told STAMBLER that he needed to go see Co-Conspirator #1 to drop off some pills to him and that STAMBLER stated "I don't want to see it and I don't want to know about it." Adams also admitted that he gave twenty pills to Co-Conspirator #1, and that Co-Conspirator #1 gave him \$40 dollars, but claimed that this was not in exchange for the pills. Adams stated that he wrapped the pills in a plastic wrapper from a

cigarette box but he did not know what Co-Conspirator #1 did with the pills after he gave them over. Adams also admitted that STAMBLER was aware that Adams was taking pills from his wife's prescription and that he was meeting Co-Conspirator #1 to drop off pills.

17. Defendant LEONARD I. STAMBLER was interviewed, admitting in sum and substance and in relevant part that he had driven Adams to the pharmacy to pick up a prescription for Oxycodone in the name of Jane Doe. After leaving the pharmacy, STAMBLER stated that he drove Adams to Adams' old apartment to meet up with a friend knowing that "sometimes they exchange pills with each other when one of them runs out; so I suppose [Adams] was dropping off pills he owed [Co-Conspirator #1]." When asked if, as a physician, STAMBLER thought it was okay that Adams was exchanging pills with another person, STAMBLER replied that Co-Conspirator #1 was also one of his patients to whom he prescribed Oxycodone. STAMBLER also admitted that he was aware that Adams had emptied 60 Oxycodone pills from his wife's medication bottle into Adams' own medication bottle, stating "yes he did that in the car in front of me because [Adams] shares his pills with his wife." STAMBLER went on to explain that Adams and his wife were constantly running out of medication because they "take too much and gulp it down." When asked if he thought Adams was selling his pills to other people, STAMBLER replied that he didn't think

so, but he knows Adams sometimes shares his pills with other people. STAMBLER also stated that he let Adams borrow the money today -- \$200.00 dollars -- for the medication. STAMBLER also stated that he thought Adams and Jane Doe were addicted to Oxycodone, but that he only prescribed them in one month what other doctors would prescribe in one day.

18. Co-Conspirator #1 was also interviewed by agents, admitting in sum and substance and in relevant part that he had received 20 Oxycodone pills from Adams in East Rockaway on November 21, 2011, but that he had suspicions that he was under law enforcement surveillance and had dumped the pills at an intersection in East Rockaway, New York.

WHEREFORE, I respectfully request that an arrest warrant be issued for defendant LEONARD I. STAMBLER so that he may be dealt with according to law.

Joseph Hill
Task Force Officer
Drug Enforcement Administration

Sworn to before me this
____ day of _____, 2011

THE HONORABLE ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK