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Appendix A

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

No. 18-2843

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JASON LAUT,

Defendant-Appellant.

Argued: Nov. 13, 2019

Decided: Dec. 6, 2019

Before: William J. Bauer, Michael B. Brennan, and
Michael Y. Sudder, *Circuit Judges.*

ORDER

Jason Laut, formerly a paramedic supervisor for an ambulance company, was convicted of tampering with prescription fentanyl and then covering his tracks by doctoring business records. He argues for the first time on appeal that the government's evidence on the tampering charge varied so much from the operative indictment that it amounted to an impermissible constructive amendment. He also challenges the admission of evidence suggesting he

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was addicted to fentanyl, which he sees as propensity-based. We affirm because Laut has not shown plain error as to the purported constructive amendment, and because he has not met his burden of showing that the evidence of addiction affected his substantial rights.

I.

From 2013 through much of 2015, Laut was a paramedic supervisor for MedStar, an ambulance service in southern Illinois. In this role, he managed scheduling and paperwork and sometimes did paramedic duty.

Memorial Hospital supplied MedStar ambulances with narcotics that its paramedics would use to treat patients. The narcotics boxes contained specified quantities of fentanyl, morphine, and other drugs. A paper form in the box, a “Narcotics Log,” was used to track all administered or wasted drugs. After paramedics used some of the narcotics in a box, they would visit the hospital, where a pharmacist would replace the box with a full one. Later, the pharmacist would examine the returned box to ensure that the remaining vials were full and unexpired, and then would restock the drugs that had been reported as used. The pharmacist would issue this restocked box to the next paramedic who needed a refill.

But things did not always go as planned. Around September 2014, a pharmacist suspected someone had tampered with vials of fentanyl, prompting Memorial to issue a fentanyl recall for all ambulances. The pharmacist had noticed pinholes in the tops of two fentanyl vials when MedStar paramedics working under Laut exchanged their narcotics box. Upon

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further investigation, the hospital detected tampering in 57 fentanyl vials; 54 came from MedStar ambulances. A lab test later revealed that in 52 of the 54 tampered vials from MedStar, fentanyl had been replaced with water or saline solution. Memorial began placing fentanyl back in the narcotics boxes in January 2015. Several months passed. Then, in May 2015, Laut visited Memorial to exchange a narcotics box for which the log indicated that he had administered two vials of fentanyl to patients. Consistent with that report, the box contained no fentanyl. The pharmacist on duty pulled a new narcotics box and inspected its contents. As she was checking the expiration dates, Laut commented that he had heard that tampering was happening again. The pharmacist then checked the tops of the fentanyl vials and discovered pinholes in them. She removed the vials, put two new ones in the narcotics box, and gave it to Laut. The pharmacist notified her supervisors that she had found more tampered vials, and the hospital implemented a second fentanyl recall. This recall revealed 28 tampered vials; 26 were from MedStar ambulances.

This time, Memorial further investigated the source of the tampering. It made MedStar drug-test its employees, and only Laut's test came back positive for fentanyl. The hospital also required MedStar to comply with an audit of its Trip Detail Reports (automatically generated reports tracking ambulance location), Prehospital Care Reports (electronic forms completed by paramedics describing their treatment of patients), and Narcotics Logs. All entries in the Prehospital Care Reports were automatically coded with a time stamp and the name of the person making

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the entry; Narcotics Logs also required dates and paramedic signatures.

The audit revealed 91 discrepancies attributable to Laut between 2013 and 2015. These included instances where Laut reported that he had administered narcotics to patients who were not transported in his ambulance. He also had edited Prehospital Care Reports long after treatment to show that he had given narcotics to patients who had, in fact, reported that they were not in pain when they were in his care.

Federal prosecutors charged Laut with several crimes. The operative, 38-count Second Superseding Indictment included charges of wire fraud, 18 U.S.C. § 1343, making false statements, 18 U.S.C. § 1001(a), aggravated identity theft, 18 U.S.C. § 1028A(a)(1), and one count of tampering, 18 U.S.C. § 1365(a)(4). Although the tampering charge was limited to 2015, some of the cover-up counts involved Laut's conduct during the 2014 tampering incident as well.

At a pretrial conference, the district court granted the government's request to admit testimony suggesting that Laut struggled with drug addiction following a 2013 surgery. The court overruled Laut's objection that this testimony amounted to impermissible propensity evidence, reasoning that the evidence about Laut's withdrawal symptoms was relevant to his motive to steal narcotics.

At trial, the government presented extensive evidence. It painstakingly walked through the 91 discrepancies detected by Memorial's audit and presented testimony from pharmacists who discovered

the tampering in September 2014 and May 2015. It also submitted evidence that Laut alone tested positive for fentanyl during the mandatory drug test, although an expert witness testified that Laut's hair sample could have been contaminated. And the government showed that investigators found empty narcotics vials and extraction tools in Laut's MedStar vehicle after it had been taken out of service and locked in a garage when Laut was suspended. Finally, friends and coworkers testified that Laut's behavior and physical appearance changed after his 2013 surgery, and that he had shaved his entire body before the mandatory, hair-based drug test.

The closing arguments and jury instructions that followed give rise to the constructive-amendment claim that Laut presses on appeal. In its closing, the government referred to evidence of fentanyl tampering in 2014 to support its contention that the jury should convict Laut of the tampering charge in the Second Superseding Indictment—a count that cited only tampering in 2015. Specifically, the government stated that Laut had tampered with fentanyl vials “57 times in 2014, 28 times in 2015” and repeatedly referred to the “85 tampered vials.” Also, when describing the 2015 tampering, the government stated that pharmacists discovered the tampered vials “after Jason Laut's tampering had already been caught once ... but he got away with it.”

The district court, meanwhile, did not provide a limiting instruction regarding the evidence of 2014 tampering (which was relevant to some of the cover-up charges that occurred throughout 2013 and 2014). But the court did instruct that “[t]he government must

prove that the crime happened reasonably close to the dates” set forth in the Second Superseding Indictment, which was provided to the jury. And the verdict form for the tampering charge directed the jury to “Count 38 of the Second Superseding Indictment,” which, again, referred only to tampering in 2015.

Laut did not object to these arguments or the jury instructions. The jury found Laut guilty on all 38 counts.

II.

On appeal, Laut first argues that the district court erred in allowing the government to rely on evidence of 2014 tampering to support the tampering charge in the Second Superseding Indictment, which was limited to conduct that occurred in 2015. He contends that the government’s use of this evidence constructively amended the operative indictment, and, therefore, that remand is required. Because Laut did not raise this issue in the district court, he concedes that we review only for plain error. *See United States v. Olano*, 507 U.S. 725, 732-37 (1993); *United States v. Pierson*, 925 F.3d 913, 919 (7th Cir. 2019).

A constructive amendment occurs when the government offers evidence or instructions from which a jury could convict a defendant of a crime different than the one charged in the indictment. *See Stirone v. United States*, 361 U.S. 212, 215-19 (1960); *Pierson*, 925 F.3d at 919-20. Whether the government’s conduct adds up to a constructive amendment is a “fact-intensive question” that focuses on the trial evidence and the jury instructions. *Pierson*, 925 F.3d at 922-23. We first ask whether the evidence “created an exit

ramp that might have tempted the jury to veer outside the confines of [the] indictment.” *Id.* at 920. If so, then the next question is whether the court nonetheless prevented confusion by instructing the jury to limit its consideration of that evidence. *Id.*; *see also United States v. Haldorson*, 941 F.3d 284, 297 (7th Cir. 2019). A constructive amendment, however, is plainly erroneous only “if the law at the time of appellate review shows clearly that it was an error,” and if the defendant shows that allowing the amendment prejudiced the proceedings. *Pierson*, 925 F.3d at 919; *see id.* at 924; *see also Olano*, 507 U.S. at 734.

Without ruling on whether the government constructively amended the indictment here, we conclude that there was no plain error for two reasons. First, no precedent squarely addresses whether the court’s provision to the jury of the indictment and a verdict form (specifying that the jury should convict based only on the actions alleged in the indictment) mitigates the potential harm from the prosecution’s arguments and evidence. *See Pierson*, 925 F.3d at 922-24. Second, Laut has not borne his burden of showing that he was prejudiced. *Id.* at 924. We set “a high bar for reversal on plain-error review,” and will find it only if the conviction rests on thin evidence. *See id.* at 925-26. Here we see strong evidence that Laut was doctoring Narcotics Logs and Patient Care Reports throughout 2015—not to mention the positive drug test and the discovery of empty fentanyl vials and extraction tools in his vehicle after the second fentanyl recall. Thus, we are confident that, even absent the putative constructive amendment, the jury almost certainly would have found Laut guilty of the 2015 tampering charge. *See id.* at 924-26 (observing that in

the constructive-amendment context, plain error requires a showing that defendant probably would have been acquitted absent the error).

Laut next contends that the district court abused its discretion in granting the government's motion to admit evidence of his prior drug use. He argues that the government failed to identify a propensity-free chain of reasoning to support its contention that his drug use was relevant to his motive to steal fentanyl. See *United States v. Gomez*, 763 F.3d 845, 860 (7th Cir. 2014). But at the final pretrial hearing, the government proposed that the evidence of Laut's drug addiction—that his behavior and appearance changed after his injury—offered a motive for stealing fentanyl. Specifically, he needed drugs to feed that addiction. Indeed, evidence of drug addiction can demonstrate a motive to steal prescription narcotics because it shows a desire for an “advantage to which the crime is instrumental,” as opposed to just a generalized propensity toward crime. *United States v. Cunningham*, 103 F.3d 553, 556-57 (7th Cir. 1996); see also *United States v. Schmitt*, 770 F.3d 524, 534-35 (7th Cir. 2014) (applying reasoning from *Cunningham*).

Laut's related argument on this point—that the probative value of his supposed drug addiction was outweighed by its prejudicial impact—also is meritless. To be sure, evidence is inadmissible if its probativeness is outweighed by unfair prejudice. FED. R. EVID. 403; *Gomez*, 763 F.3d at 856-57. A district court must assess that danger, taking into account “the extent to which the non-propensity fact for which the evidence is offered actually is at issue in the case.”

Gomez, 763 F.3d at 860. Here, the district court did not directly address the topic of unfair prejudice. But even if the district court erred in its discussion, reversal would be appropriate only if admitting the drug-addiction evidence affected Laut's substantial rights. *Schmitt*, 770 F.3d at 532. Given the other evidence of Laut's crimes, and the relatively small role that the evidence of his addiction played at trial, we cannot conclude that the jury would have found the prosecution's case "significantly less persuasive" without evidence of Laut's addiction. *Id.* (quoting *United States v. Garcia-Avila*, 737 F.3d 484, 490 (7th Cir. 2013)).

For the foregoing reasons, we affirm.

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Appendix B

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

No. 18-2843

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JASON LAUT,

Defendant-Appellant.

Filed: Jan. 9, 2020

Before: William J. Bauer, Michael B. Brennan, and
Michael Y. Sudder, *Circuit Judges.*

ORDER

On consideration of defendant-appellant's petition for rehearing or rehearing *en banc* filed on December 20, 2019, in connection with the above-referenced case, all of the judges on the original panel have voted to deny the petition for rehearing, and no judge in active service has requested a vote on the petition for rehearing *en banc*. It is, therefore, **ORDERED** that the petition for rehearing or rehearing *en banc* is **DENIED**.

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Appendix C

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

No. 3:17-CR-30001

UNITED STATES OF AMERICA,
Plaintiff,

v.

JASON LAUT,
Defendant.

Filed: Aug. 22, 2018

JUDGMENT IN A CRIMINAL CASE

THE DEFENDANT:

* * *

was found guilty on count(s) 1-38 of the Second Superseding Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1343	Wire Fraud	5/22/13	1-3
18 U.S.C. § 1343	Wire Fraud	9/14/13	4
18 U.S.C. § 1343	Wire Fraud	10/26/13	5
18 U.S.C. § 1343	Wire Fraud	9/4/14	6

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18 U.S.C. § 1001(a)	False Statements	9/14/13	7
18 U.S.C. § 1001(a)	False Statements	9/21/13	8
18 U.S.C. § 1001(a)	False Statements	4/12/14	9
18 U.S.C. § 1001(a)	False Statements	5/10/14	10
18 U.S.C. § 1001(a)	False Statements	6/6/14	11
18 U.S.C. § 1001(a)	False Statements	7/4/14	12
18 U.S.C. § 1001(a)	False Statements	7/18/14	13
18 U.S.C. § 1001(a)	False Statements	7/20/14	14
18 U.S.C. § 1001(a)	False Statements	8/2/14	15
18 U.S.C. § 1001(a)	False Statements	8/12/14	16
18 U.S.C. § 1001(a)	False Statements	8/17/14	17
18 U.S.C. § 1001(a)	False Statements	8/22/14	18
18 U.S.C. § 1001(a)	False Statements	9/29/14	19
18 U.S.C. § 1001(a)	False Statements	11/22/14	20
18 U.S.C. § 1001(a)	False Statements	12/19/14	21

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18 U.S.C. § 1001(a)	False Statements	1/18/15	22
18 U.S.C. § 1001(a)	False Statements	3/30/15	23
18 U.S.C. § 1001(a)	False Statements	4/25/15	24
18 U.S.C. § 1001(a)	False Statements	4/26/15	25-26
18 U.S.C. § 1001(a)	False Statements	5/4/15	27
18 U.S.C. § 1001(a)	False Statements	5/6/15	28-29
18 U.S.C. § 1001(a)	False Statements	5/12/15	30
18 U.S.C. § 1001(a)	False Statements	5/22/15	31
18 U.S.C. § 1001(a)	False Statements	5/25/25	32
18 U.S.C. § 1001(a)	False Statements	5/26/15	33-34
18 U.S.C. § 1001(a)	False Statements	5/27/15	35
18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	7/4/14	36
18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	5/6/15	37

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Tampering
with a
Consumer

18 U.S.C. § 1365(a)(4) Product 5/25/15 38

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

No fine.

It is ordered that the defendant shall 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 shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

* * *

August 21, 2018

Date of Imposition of
Judgment

[handwritten: signature]

Signature of Judge

David R. Herndon, U.S.

District Judge

Name and Title of Judge

Date Signed: [handwritten:

August 22, 2018]

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of 87 months on each of Counts 1 through 6 and 38, to be served concurrently, and a term of 60 months

on each of Counts 7 through 35, to be served concurrently, and a term of 24 months on each of counts 36 and 37, concurrent to each other and consecutive to all other terms imposed on Counts 1 through 35 and 38, for a total term of imprisonment of 111 months.

- The court makes the following recommendations to the Bureau of Prisons: Defendant be designated to an institution for participation in the RDAP program, and to the federal prison camp located in Marion, Illinois.
- The defendant is remanded to the custody of the United States Marshal.

* * *

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on each of Counts 1 through 35 and 38, and a term of 1 year on each of Counts 36 and 37, all to be served concurrently.

Other than exceptions noted on the record at sentencing, the Court adopts the presentence report in its current form, including the suggested terms and conditions of supervised release and the explanations and justifications therefor.

MANDATORY CONDITIONS

The following conditions are authorized pursuant to 18 U.S.C. § 3583(d) and as necessary for the defendant while on supervision as essential for the probation officer to successfully supervise the defendant and to provide defendant with the structure

and monitoring needed to meet the objectives of supervision. The Court notes that the probation officer's explanations in the PSR for the conditions will help provide the defendant with an understanding of each of the conditions.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall 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, not to exceed 52 tests in one year.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

It is ordered that the defendant make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.

ADMINISTRATIVE CONDITIONS

The following 9 administrative conditions are imposed, consistent with 18 USC § 3583(d) and § 3553(a), as necessary for the defendant while on supervision as essential for the probation officer to successfully supervise the defendant and to provide defendant with the structure and monitoring needed to meet the objectives of supervision. The Court notes that the probation officer's explanations for the conditions will help provide the defendant with an understanding of each of the conditions, the defendant has

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acknowledged an understanding of the conditions and defendant and counsel have stated they do not object to any of these conditions. The conditions are imposed in an effort to deter future crimes and protect the public.

The defendant must report to the probation office in the district to which the defendant is released within seventy-two hours of release from the custody of the Bureau of Prisons.

The defendant shall not knowingly possess a firearm, ammunition, or destructive device. The defendant shall not knowingly possess a dangerous weapon unless approved by the Court.

The defendant shall not knowingly leave the judicial district without the permission of the Court or the probation officer.

The defendant shall report to the probation officer in a reasonable manner and frequency directed by the Court or probation officer.

The defendant shall respond to all inquiries of the probation officer and follow all reasonable instructions of the probation officer.

The defendant shall notify the probation officer prior to an expected change, or within seventy-two hours after an unexpected change, in residence or employment.

The defendant shall not knowingly meet, communicate, or otherwise interact with a person whom the defendant knows to be engaged, or planning to be engaged, in criminal activity.

The defendant shall permit a probation officer to visit the defendant at a reasonable time at home or at any other reasonable location and shall permit

confiscation of any contraband observed in plain view of the probation officer.

The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

SPECIAL CONDITIONS

Imposed pursuant to 18 U.S.C. § 3553(a) and 18 U.S.C. § 3583(d) for the protection of the public, reduce the risk of recidivism, and for the reasons that are stated for each individual condition.

The defendant shall participate in treatment for narcotic addiction, drug dependence, or alcohol dependence, which includes urinalysis and/or other drug detection measures and which may require residence and/or participation in a residential treatment facility, or residential reentry center (halfway house). The number of drug tests shall not exceed 52 tests in a one-year period. Any participation will require complete abstinence from all alcoholic beverages and any other substances for the purpose of intoxication. The defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale and the defendant's ability to pay. The defendant's financial obligation shall never exceed the total cost of services rendered. The Court directs the probation officer to approve the treatment provider and, in consultation with a licensed practitioner, the frequency and duration of counseling sessions, and the duration of treatment, as well as monitor the defendant's participation, and assist in the collection of the defendant's copayment.

The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use,

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distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, unless prescribed by a physician.

The defendant shall not knowingly visit or remain at places where controlled substances are illegally sold, used, distributed, or administered.

While any financial penalties are outstanding, the defendant shall provide the probation officer and the Financial Litigation Unit of the United States Attorney's Office any requested financial information. The defendant is advised that the probation office may share financial information with the Financial Litigation Unit.

While any financial penalties are outstanding, the defendant shall apply some or all monies received, to be determined by the Court, from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to any outstanding court-ordered financial obligation. The defendant shall notify the probation officer within 72 hours of the receipt of any indicated monies.

The defendant shall pay any financial penalties imposed which are due and payable immediately. If the defendant is unable to pay them immediately, any amount remaining unpaid when supervised release commences will become a condition of supervised release and be paid in accordance with the Schedule of Payments sheet of the judgment based on the defendant's ability to pay.

The defendant's person, residence, real property, place of business, vehicle, and any other property under the defendant's control is subject to a search, conducted by any United States Probation Officer and

other such law enforcement personnel as the probation officer may deem advisable and at the direction of the United States Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release, without a warrant. Failure to submit to such a search may be grounds for revocation. The defendant shall inform any other residents that the premises and other property under the defendant's control may be subject to a search pursuant to this condition.

* * *

CRIMINAL MONETARY PENALTIES

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

	<u>JVTA</u>			
	<u>Assess-</u> <u>ment</u>	<u>Assess-</u> <u>ment</u> *	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$3,800.00	N/A	\$1,900.00	\$387.86
	(\$100 per Count)		0 (\$50 per Count)	

* * *

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However,

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

pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total</u> <u>Loss**</u>	<u>Restitution</u> <u>Ordered</u>	<u>Priority or</u> <u>Percentage</u>
Memorial Hospital Attn: Mike Gilbert 4550 Memorial Drive Belleville, IL 62226		\$387.86	

* * *

SCHEDULE OF PAYMENTS

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

* * *

B. Payment to begin immediately (may be combined with C, D, or F below; or

* * *

F. Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are due immediately and payable through the Clerk, U.S. District Court. Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be paid in equal monthly installments of \$50 or ten percent of his net monthly income, whichever is greater. The

** 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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defendant shall pay any financial penalty that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.

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.

* * *

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Appendix D

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

No. 3:17-CR-30001

UNITED STATES OF AMERICA,
Plaintiff,

v.

JASON LAUT,
Defendant.

Filed: Jan. 18, 2017

INDICTMENT

THE GRAND JURY CHARGES:

COUNTS 1-6

Wire Fraud

A. Introduction

At all times relevant:

1. **JASON LAUT (LAUT)** was employed by MedStar ambulance company as a paramedic, paramedic supervisor (operations supervisor) and as the Dispatch Manager. **LAUT** was also a system administrator, which allowed him the ability to edit or alter data entered on Patient Care Reports (PCR) that were generated during and after ambulance calls for service.

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2. MedStar is an ambulance service located in Sparta, Illinois with a satellite office in Belleville, Illinois. MedStar operates within Region 4 of the Southern Illinois Emergency Medical Services (EMS) System while providing services to residents in St. Clair, Randolph and Clinton Counties in Illinois.

3. Paramedics can lawfully dispense controlled substances to individuals in the performance of their duties only when directed to do so by the receiving hospital or by Standard Operating Guidelines established by a licensed medical director.

4. A PCR is a document that is generated during and after an ambulance call for service detailing the call for service and the actions taken by the paramedic and emergency medical technician in providing services to a patient and includes any medication administered to a patient.

5. The software utilized to create and maintain the PCR is known as Physio-Control Data Solutions and the servers that house the software is located in the State of Minnesota. Any input, edits or alterations of the PCR that were made by **LAUT** using his administrative access occurred within the Southern District of Illinois and thereby changed the data stored outside of the State of Illinois.

6. Southwestern Illinois EMS System is operated out of Memorial Hospital in Belleville, Illinois. Memorial Hospital is an Illinois Department of Public Health approved resource hospital. In this role, Memorial Hospital and its professional medical staff would maintain supplies of drugs including controlled substances including Fentanyl and Morphine that would be utilized on patients by ambulance

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paramedics consistent with predetermined policies and procedures. Memorial Hospital would supply various drugs, including Fentanyl and Morphine, to paramedics in containers known as Narcotics Boxes. Staff at Memorial Hospital would refill a depleted Narcotics Box from one of the Region 4 ambulances when a paramedic would present the Narcotics Box and Narcotics Log.

7. A Narcotics Log is a paper document utilized by ambulance companies, including MedStar, to keep track of the usage and waste of controlled substances while in service. This document is initially filled out by a pharmacist who issues the Narcotics box and then an entry is made on the log anytime paramedics dispense, or dispose of drugs in any fashion. This Narcotics Log is then given back to a pharmacist with the Narcotics Box and a new box and log is then given to the requesting paramedic. The Narcotics Log is the only record that accounts for the use or destruction of controlled substances and is therefore critical to any ability to conduct audits of the use or misuse of controlled substances outside of the hospital.

8. Memorial Hospital enters the Narcotics Log data into a program called Omnicell, which is used to order new drugs in order to maintain a ready supply. Memorial Hospital pays for drugs used by the various ambulance companies in Region 4.

9. Fentanyl is an opioid narcotic controlled substance that is used to treat severe pain. It has a high risk for addiction and dependence. Fentanyl utilized by paramedics in Region 4 was in the liquid form. Fentanyl is a Schedule II controlled substance.

10. Morphine is a narcotic controlled substance used to treat moderate to severe pain. It has a high risk of addiction and dependence. Morphine utilized by paramedics in Region 4 was in the liquid form. Morphine is a Schedule II controlled Substance.

11. On or before January 13, 2013, tampering, theft, misuse and abuse of controlled substances, including Fentanyl and Morphine, was identified as taking place in Region 4 within the EMS ambulance community.

12. In August of 2014, with continued concerns regarding the tampering, theft, misuse and abuse of controlled substances taking place, a Region 4 system wide inventory took place. This inventory was of all ambulances and ambulance companies system wide. During this inspection, MedStar ambulances were found to have only 8 intact vials of Fentanyl while 55 vials showed evidence of tampering.

B. The Scheme to Defraud

13. From in or around January of 2013, and continuing until in or around May of 2015, in St. Clair, Randolph and Clinton Counties within the Southern District of Illinois,

JASON LAUT,

defendant, did devise a scheme to defraud Memorial Hospital through the theft, obtaining by fraud, and misuse of controlled substances, namely Fentanyl and Morphine, while performing duties as a paramedic or paramedic supervisor.

C. Manner and Means of the Scheme

14. **Laut**, utilizing his administrator access, would and did alter PCR reports for ambulance runs

to indicate that controlled substances, specifically Fentanyl and Morphine, were dispensed when in fact they were not dispensed, wasted or utilized.

15. **Laut** would enter false information onto Narcotics Logs for Narcotics Boxes maintained in ambulances where he was acting as the paramedic, for those where he arrived on scene as a supervisor and also the Narcotics Log for the Narcotics Box in his supervisory vehicle.

16. **Laut** would falsely claim on the Narcotics Log to have given controlled substances to patients where no ambulance trip was made or that the patient did not exist. These “phantom” entries occurred on numerous occasions.

17. **Laut** claimed to have given controlled substances to patients that refused medical treatment or where the condition of the patient would have precluded the use of Fentanyl or Morphine.

18. **Laut** falsely claimed to have received authorization for the dispensing of controlled substances, including on at least one occasion where the doctor he claimed gave the authority, no longer worked at the receiving hospital.

D. The Wire Communication

19. On or about the dates set forth below, in the Southern District of Illinois and elsewhere,

JASON LAUT,

defendant herein for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communications in interstate commerce the signals

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and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
1	5/22/13	Patient Care Report for (RM) that was created on or about 1/19/13 was altered to indicate that Fentanyl was administered to patient (RM).
2	5/22/13	Patient Care Report for (PM) that was created on or about 1/23/13 was altered to show that Fentanyl was administered to patient (PM).
3	5/22/13	Patient Care Report for (DM) that was created on or about 4/23/13 was altered to show that Fentanyl was administered to patient (DM).
4	9/14/13	Patient Care Report for (DR) that was created on or about 8/14/13 was altered to show that Fentanyl was administered to patient (DR).
5	10/26/13	Patient Care Report for (KN) that was created on or about 10/15/13 was altered to show that Fentanyl was administered to patient (KN).

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6	9/4/14	Patient Care Report for (PG) that was created on or about 8/27/14 was altered to show that Fentanyl was administered to patient (PG). The patient narrative history was also altered.
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All in violation of Title 18, United States Code, Section 1343.

COUNTS 7-35

False Statements

20. Paragraphs 1-18 are realleged and incorporated in each count set forth below.

21. On or about the dates set forth below, in St. Clair County, within the Southern District of Illinois,

JASON LAUT,

defendant, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious and fraudulent statement and entry, in a matter within the jurisdiction United States Drug Enforcement Administration, which is within the executive branch of the Government of the United States, by submitting a Narcotics Log from the emergency vehicles identified below that contained materially false statements regarding the dispensing of controlled substances, each date constituting a separate count:

Count	Vehicle ID for Narcotics Log	Date
7	4G34	September 14, 2013

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8	4G34	September 21, 2013
9	4G34	April 12, 2014
10	4G34	May 10, 2014
11	4G34	June 6, 2014
12	4G34	July 4, 2014
13	4G17	July 18, 2014
14	4G17	July 20, 2014
15	4G34	August 2, 2014
16	4G34	August 12, 2014
17	4G17	August 17, 2014
18	4G34	August 22, 2014
19	4G17	September 29, 2014
20	4G34	November 22, 2014
21	4G17	December 19, 2014
22	4G34	January 18, 2015
23	4G21	March 30, 2015
24	4C74	April 25, 2015
25	4G21	April 26, 2015
26	4C61	April 26, 2015
27	4C61	May 4, 2015
28	4G21	May 6, 2015
29	4G34	May 6, 2015
30	4G29	May 12, 2015
31	4G21	May 22, 2015
32	4G17	May 25, 2015
33	4C74	May 26, 2015

34	4G34	May 26, 2014
35	4G20	May 27, 2015

All in violation of Title 18, United States Code, Section 1001(a).

COUNT 36

Aggravated Identity Theft

22. On or about July 4, 2014, in St. Clair County, Illinois, in the Southern District of Illinois,

JASON LAUT,

defendant, did knowingly use, without legal authority, a means of identification of another person, (Doctor T.B.), during and in relation to a felony violation enumerated in 18 U.S.C. § 1001(a), to wit False Statements as alleged in Count 12, knowing that the means of identification belonged to another actual person. All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 37

Aggravated Identity Theft

23. On or about May 6, 2015, in St. Clair County, Illinois, in the Southern District of Illinois,

JASON LAUT,

defendant, did knowingly use, without legal authority, a means of identification of another person, (Doctor T.B.), during and in relation to a felony violation enumerated in 18 U.S.C. § 1001(a), to wit False Statements as alleged in Count 28, knowing that the means of identification belonged to another actual person. All in violation of Title 18, United States Code, Section 1028A(a)(1).

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A TRUE BILL

[REDACTED]

[handwritten: signature]

DONALD S. BOYCE

United States Attorney

Southern District of Illinois

[handwritten: signature]

RANLEY R. KILLIAN

Assistant United States Attorney

Bond Recommendation: \$20,000 unsecured

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Appendix E

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

No. 3:17-CR-30001

UNITED STATES OF AMERICA,
Plaintiff,

v.

JASON LAUT,
Defendant.

Filed: June 21, 2017

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNTS 1-6

Wire Fraud

A. Introduction

At all times relevant:

1. **JASON LAUT (LAUT)** was employed by MedStar ambulance company as a paramedic, paramedic supervisor (operations supervisor) and as the Dispatch Manager. **LAUT** was also a system administrator, which allowed him the ability to edit or alter data entered on Patient Care Reports (PCR) that were generated during and after ambulance calls for service.

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2. MedStar is an ambulance service located in Sparta, Illinois with a satellite office in Belleville, Illinois. MedStar operates within Region 4 of the Southern Illinois Emergency Medical Services (EMS) System while providing services to residents in St. Clair, Randolph and Clinton Counties in Illinois.

3. Paramedics can lawfully dispense controlled substances to individuals in the performance of their duties only when directed to do so by the receiving hospital or by Standard Operating Guidelines established by a licensed medical director.

4. A PCR is a document that is generated during and after an ambulance call for service detailing the call for service and the actions taken by the paramedic and emergency medical technician in providing services to a patient and includes any medication administered to a patient.

5. The software utilized to create and maintain the PCR is known as Physio-Control Data Solutions and the servers that house the software is located in the State of Minnesota. Any input, edits or alterations of the PCR that were made by **LAUT** using his administrative access occurred within the Southern District of Illinois and thereby changed the data stored outside of the State of Illinois.

6. Southwestern Illinois EMS System is operated out of Memorial Hospital in Belleville, Illinois. Memorial Hospital is an Illinois Department of Public Health approved resource hospital. In this role, Memorial Hospital and its professional medical staff would maintain supplies of drugs including controlled substances including Fentanyl and Morphine that would be utilized on patients by ambulance

paramedics consistent with predetermined policies and procedures. Memorial Hospital would supply various drugs, including Fentanyl and Morphine, to paramedics in containers known as Narcotics Boxes. Staff at Memorial Hospital would refill a depleted Narcotics Box from one of the Region 4 ambulances when a paramedic would present the Narcotics Box and Narcotics Log.

7. A Narcotics Log is a paper document utilized by ambulance companies, including MedStar, to keep track of the usage and waste of controlled substances while in service. This document is initially filled out by a pharmacist who issues the Narcotics Box and then an entry is made on the log anytime paramedics dispense, or dispose of drugs in any fashion. This Narcotics Log is then given back to a pharmacist with the Narcotics Box and a new box and log is then given to the requesting paramedic. The Narcotics Log is the only record that accounts for the use or destruction of controlled substances and is therefore critical to any ability to conduct audits of the use or misuse of controlled substances outside of the hospital.

8. Memorial Hospital enters the Narcotics Log data into a program called Omnicell, which is used to order new drugs in order to maintain a ready supply. Memorial Hospital pays for drugs used by the various ambulance companies in Region 4.

9. Fentanyl is an opioid narcotic controlled substance that is used to treat severe pain. It has a high risk for addiction and dependence. Fentanyl utilized by paramedics in Region 4 was in the liquid form. Fentanyl is a Schedule II controlled substance.

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10. Morphine is a narcotic controlled substance used to treat moderate to severe pain. It has a high risk of addiction and dependence. Morphine utilized by paramedics in Region 4 was in the liquid form. Morphine is a Schedule II controlled Substance.

11. On or before January 13, 2013, tampering, theft, misuse and abuse of controlled substances, including Fentanyl and Morphine, was identified as taking place in Region 4 within the EMS ambulance community.

12. In September of 2014, with continued concerns regarding the tampering, theft, misuse and abuse of controlled substances taking place, a Region 4 system wide inventory took place. This inventory was of all ambulances and ambulance companies system wide. During this inspection, MedStar ambulances were found to have only eight (8) intact vials of Fentanyl while 55 vials showed evidence of tampering. All Fentanyl was removed from ambulances throughout Region 4.

13. In January of 2015, Memorial Hospital began reissuing Fentanyl to EMS vehicles. This allowed paramedics to utilize the pain control medication during the performance of their duties as a paramedic.

14. On May 25, 2015, it was determined that Fentanyl had again been tampered with while being utilized by the Region 4 EMS community. A system wide recall of all Fentanyl from Region 4 ambulances determined that 30 vials had evidence of tampering, while 28 of those vials were found on ambulances operated by MedStar.

B. The Scheme to Defraud

15. From in or around January of 2013, and continuing until in or around May of 2015, in St. Clair, Randolph and Clinton Counties within the Southern District of Illinois,

JASON LAUT,

defendant, did devise a scheme to defraud Memorial Hospital through the theft, obtaining by fraud, and misuse of controlled substances, namely Fentanyl and Morphine, while performing duties as a paramedic or paramedic supervisor.

C. Manner and Means of the Scheme

16. **Laut**, utilizing his administrator access, would and did alter PCR reports for ambulance runs to indicate that controlled substances, specifically Fentanyl and Morphine, were dispensed when in fact they were not dispensed, wasted or utilized.

17. **Laut** would enter false information onto Narcotics Logs for Narcotics Boxes maintained in ambulances where he was acting as the paramedic, for those where he arrived on scene as a supervisor and also the Narcotics Log for the Narcotics Box in his supervisory vehicle.

18. **Laut** would falsely claim on the Narcotics Log to have given controlled substances to patients where no ambulance trip was made or that the patient did not exist. These “phantom” entries occurred on numerous occasions.

19. **Laut** claimed to have given controlled substances to patients that refused medical treatment or where the condition of the patient would have precluded the use of Fentanyl or Morphine.

20. **Laut** falsely claimed to have received authorization for the dispensing of controlled substances, including on at least one occasion where the doctor he claimed gave the authority, no longer worked at the receiving hospital.

D. The Wire Communication

21. On or about the dates set forth below, in the Southern District of Illinois and elsewhere,

JASON LAUT,

defendant herein for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communications in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
1	5/22/13	Patient Care Report for (RM) that was created on or about 1/19/13 was altered to indicate that Fentanyl was administered to patient (RM).
2	5/22/13	Patient Care Report for (PM) that was created on or about 1/23/13 was altered to show that Fentanyl was administered to patient (PM).
3	5/22/13	Patient Care Report for (DM) that was created on or about 4/23/13 was altered to show that Fentanyl was administered to patient (DM).

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4	9/14/13	Patient Care Report for (DR) that was created on or about 8/14/13 was altered to show that Fentanyl was administered to patient (DR).
5	10/26/13	Patient Care Report for (KN) that was created on or about 10/15/13 was altered to show that Fentanyl was administered to patient (KN).
6	9/4/14	Patient Care Report for (PG) that was created on or about 8/27/14 was altered to show that Fentanyl was administered to patient (PG). The patient narrative history was also altered.

All in violation of Title 18, United States Code, Section 1343.

COUNTS 7-35

False Statements

20. Paragraphs 1-18 are realleged and incorporated in each count set forth below.

21. On or about the dates set forth below, in St. Clair County, within the Southern District of Illinois,

JASON LAUT,

defendant, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious and fraudulent statement and entry, in a matter within the jurisdiction United States Drug Enforcement

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Administration, which is within the executive branch of the Government of the United States, by submitting a Narcotics Log from the emergency vehicles identified below that contained materially false statements regarding the dispensing of controlled substances, each date constituting a separate count:

Count	Vehicle ID for Narcotics Log	Date
7	4G34	September 14, 2013
8	4G34	September 21, 2013
9	4G34	April 12, 2014
10	4G34	May 10, 2014
11	4G34	June 6, 2014
12	4G34	July 4, 2014
13	4G17	July 18, 2014
14	4G17	July 20, 2014
15	4G34	August 2, 2014
16	4G34	August 12, 2014
17	4G17	August 17, 2014
18	4G34	August 22, 2014
19	4G17	September 29, 2014
20	4G34	November 22, 2014
21	4G17	December 19, 2014
22	4G34	January 18, 2015
23	4G21	March 30, 2015
24	4C74	April 25, 2015
25	4G21	April 26, 2015

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26	4C61	April 26, 2015
27	4C61	May 4, 2015
28	4G21	May 6, 2015
29	4G34	May 6, 2015
30	4G29	May 12, 2015
31	4G21	May 22, 2015
32	4G17	May 25, 2015
33	4C74	May 26, 2015
34	4G34	May 26, 2014
35	4G20	May 27, 2015

All in violation of Title 18, United States Code, Section 1001(a).

COUNT 36

Aggravated Identity Theft

24. On or about July 4, 2014, in St. Clair County, Illinois, in the Southern District of Illinois,

JASON LAUT,

defendant, did knowingly use, without legal authority, a means of identification of another person, (Doctor T.B.), during and in relation to a felony violation enumerated in 18 U.S.C. § 1001(a), to wit False Statements as alleged in Count 12, knowing that the means of identification belonged to another actual person. All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 37

Aggravated Identity Theft

25. On or about May 6, 2015, in St. Clair County, Illinois, in the Southern District of Illinois,

JASON LAUT,

defendant, did knowingly use, without legal authority, a means of identification of another person, (Doctor T.B.), during and in relation to a felony violation enumerated in 18 U.S.C. § 1001(a), to wit False Statements as alleged in Count 28, knowing that the means of identification belonged to another actual person. All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 38

Tampering with a Consumer Product

26. On or about September 14, 2014, in the St. Clair County, within the Southern District of Illinois,

JASON LAUT,

with reckless disregard for the risk that another person would be placed in danger of death or bodily injury, and under circumstances manifesting extreme indifference to such risk, did tamper with a consumer product that affected interstate and foreign commerce, specifically the Schedule II controlled substance Fentanyl, by extracting the Fentanyl through the top of the vial, and replacing the Fentanyl with a solution or substance other than the labeled consumer product Fentanyl. All in violation of Title 18, United States Code, Section 1365(a)(4).

COUNT 39

Tampering with a Consumer Product

27. On or about May 25, 2015, in the St. Clair County, within the Southern District of Illinois,

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JASON LAUT,

with reckless disregard for the risk that another person would be placed in danger of death or bodily injury, and under circumstances manifesting extreme indifference to such risk, did tamper with a consumer product that affected interstate and foreign commerce, specifically the Schedule II controlled substance Fentanyl, by extracting the Fentanyl through the top of the vial, and replacing the Fentanyl with a solution or substance other than the labeled consumer product Fentanyl. All in violation of Title 18, United States Code, Section 1365(a)(4).

A TRUE BILL

[REDACTED]

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DONALD S. BOYCE

United States Attorney

Southern District of Illinois

[handwritten: signature]

[handwritten: for] RANLEY R. KILLIAN

Assistant United States Attorney

Bond Recommendation: \$20,000 unsecured

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Appendix F

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

No. 3:17-CR-30001

UNITED STATES OF AMERICA,
Plaintiff,

v.

JASON LAUT,
Defendant.

Filed: Oct. 3, 2017

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

A. Introduction

At all times relevant:

COUNTS 1-6

Wire Fraud

1. **JASON LAUT (LAUT)** was employed by MedStar ambulance company as a paramedic, paramedic supervisor (operations supervisor) and as the Dispatch Manager. **LAUT** was also a system administrator, which allowed him the ability to edit or alter data entered on the Prehospital Care Report (PCR), also referred to as “Patient Care Report,” that

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was generated during and after ambulance calls for service.

2. MedStar is an ambulance service located in Sparta, Illinois with a satellite office in Belleville, Illinois. MedStar operates within Region 4 of the Southern Illinois Emergency Medical Services (EMS) System while providing services to residents in St. Clair, Randolph and Clinton Counties in Illinois.

3. Paramedics can lawfully dispense controlled substances to individuals in the performance of their duties only when directed to do so by the receiving hospital or by Standard Operating Guidelines (SOG) established by a licensed medical director.

4. A PCR is a document that is generated during and after an ambulance call for service detailing the call for service and the actions taken by the paramedic and emergency medical technician in providing services to a patient and includes any medication administered to a patient.

5. The software utilized to create and maintain the PCR is known as Physio-Control Data Solutions and the server that houses the software is located in the State of Minnesota. Any input, edits or alterations of the PCR that were made by **LAUT** using his administrative access occurred within the Southern District of Illinois and thereby changed the data stored outside of the State of Illinois.

6. Southwestern Illinois EMS System is operated out of Memorial Hospital in Belleville, Illinois. Memorial Hospital is an Illinois Department of Public Health approved resource hospital. In this role, Memorial Hospital and its professional medical staff would maintain supplies of controlled substances

including Fentanyl and Morphine that would be utilized on patients by ambulance paramedics consistent with predetermined policies and procedures. Memorial Hospital would supply various drugs, including Fentanyl and Morphine, to paramedics in containers known as Narcotics Boxes. Staff at Memorial Hospital would refill a depleted Narcotics Box from one of the Region 4 ambulances when a paramedic would present the Narcotics Box and Narcotics Log.

7. A Narcotics Log is a paper document utilized by ambulance companies, including MedStar, to keep track of the usage and waste of controlled substances while in service. This document is initially filled out by a pharmacist who issues the Narcotics Box and then an entry is made on the log anytime paramedics dispense or dispose of drugs in any fashion. This Narcotics Log is then given back to a pharmacist with the Narcotics Box and a new box and log is then given to the requesting paramedic. The Narcotics Log is the only record that accounts for the use or destruction of controlled substances and is therefore critical to any ability to conduct audits of the use or misuse of controlled substances outside of the hospital.

8. Memorial Hospital enters the Narcotics Log data into a program called Omnicell, which is used to order new drugs in order to maintain a ready supply. Memorial Hospital pays for drugs used by the various ambulance companies in Region 4.

9. Fentanyl is an opioid narcotic controlled substance that is used to treat severe pain. It has a high risk for addiction and dependence. Fentanyl

utilized by paramedics in Region 4 was in the liquid form. Fentanyl is a Schedule II controlled substance.

10. Morphine is a narcotic controlled substance used to treat moderate to severe pain. It has a high risk of addiction and dependence. Morphine utilized by paramedics in Region 4 was in the liquid form. Morphine is a Schedule II controlled Substance.

11. On or before January 13, 2013, tampering, theft, misuse and abuse of controlled substances, including Fentanyl and Morphine, was identified as taking place in Region 4 within the EMS ambulance community.

12. In September of 2014, with continued concerns regarding the tampering, theft, misuse and abuse of controlled substances taking place, a Region 4 system wide inventory took place. This inventory was of all ambulances and ambulance companies system wide. During this inspection, MedStar ambulances were found to have only eight (8) intact vials of Fentanyl while 55 vials showed evidence of tampering. All Fentanyl was removed from ambulances throughout Region 4.

13. In January of 2015, Memorial Hospital began reissuing Fentanyl to EMS vehicles. This allowed paramedics to utilize the pain control medication during the performance of their duties as a paramedic.

14. On May 25, 2015, it was determined that Fentanyl had again been tampered with while being utilized by the Region 4 EMS community. A system wide recall of all Fentanyl from Region 4 ambulances determined that 30 vials had evidence of tampering,

while 28 of those vials were found on ambulances operated by MedStar.

B. The Scheme to Defraud

15. From in or around January of 2013, and continuing until in or around May of 2015, in St. Clair, Randolph and Clinton Counties within the Southern District of Illinois,

JASON LAUT,

defendant, did devise a scheme to defraud Memorial Hospital through the theft, obtaining by fraud, and misuse of controlled substances, namely Fentanyl and Morphine, while performing duties as a paramedic or paramedic supervisor.

C. Manner and Means of the Scheme

16. **LAUT**, utilizing his administrator access, would and did alter PCR reports for ambulance runs to indicate that controlled substances, specifically Fentanyl and Morphine, were dispensed when in fact they were not dispensed, wasted or utilized.

17. **LAUT** would enter false information onto Narcotics Logs for Narcotics Boxes maintained in ambulances where he was acting as the paramedic, for those where he arrived on scene as a supervisor and also the Narcotics Log for the Narcotics Box in his supervisory vehicle.

18. **LAUT** would falsely claim on the Narcotics Log to have given controlled substances to patients when in fact no ambulance trip was made and the patient did not exist. These “phantom” entries occurred on numerous occasions.

19. **LAUT** claimed to have given controlled substances to patients that in fact refused medical treatment or where the condition of the patient would have precluded the use of Fentanyl or Morphine.

20. **LAUT** falsely claimed to have received authorization for the dispensing of controlled substances, including on at least one occasion where the doctor he claimed gave the authority, no longer worked at the receiving hospital.

D. The Wire Communication

21. On or about the dates set forth below, in the Southern District of Illinois and elsewhere,

JASON LAUT,

defendant herein, for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communications in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	DESCRIPTION
1	5/22/13	Patient Care Report for (RM) that was created on or about 1/19/13 was altered to indicate that Fentanyl was administered to patient (RM).
2	5/22/13	Patient Care Report for (PM) that was created on or about 1/23/13 was altered to show that Fentanyl was administered to patient (PM).

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3	5/22/13	Patient Care Report for (DM) that was created on or about 4/13/13 was altered to show that Fentanyl was administered to patient (DM).
4	9/14/13	Patient Care Report for (DR) that was created on or about 8/14/13 was altered to show that Fentanyl was administered to patient (DR).
5	10/26/13	Patient Care Report for (KN) that was created on or about 10/15/13 was altered to show that Fentanyl was administered to patient (KN).
6	9/4/14	Patient Care Report for (PG) that was created on or about 8/27/14 was altered to show that Fentanyl was administered to patient (PG). The patient narrative history was also altered.

All in violation of Title 18, United States Code, Section 1343.

COUNTS 7-35

False Statements

20. Paragraphs 1-20 are realleged and incorporated in each count set forth below.

21. On or about the dates set forth below, in St. Clair County, within the Southern District of Illinois,

JASON LAUT,

defendant, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious and fraudulent statement and entry, in a matter within the jurisdiction United States Drug Enforcement Administration, which is within the executive branch of the Government of the United States, by submitting a Narcotics Log from the emergency vehicles identified below that contained materially false statements regarding the dispensing of controlled substances, each date constituting a separate count:

Count	Vehicle ID for Narcotics Log	Date
7	4G34	September 14, 2013
8	4G34	September 21, 2013
9	4G34	April 12, 2014
10	4G34	May 10, 2014
11	4G34	June 6, 2014
12	4G34	July 4, 2014
13	4G17	July 18, 2014
14	4G17	July 20, 2014
15	4G34	August 2, 2014
16	4G34	August 12, 2014
17	4G17	August 17, 2014
18	4G34	August 22, 2014
19	4G17	September 29, 2014
20	4G34	November 22, 2014

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21	4G17	December 19, 2014
22	4G34	January 18, 2015
23	4G21	March 30, 2015
24	4C74	April 25, 2015
25	4G21	April 26, 2015
26	4C61	April 26, 2015
27	4C61	May 4, 2015
28	4G21	May 6, 2015
29	4G34	May 6, 2015
30	4G29	May 12, 2015
31	4G21	May 22, 2015
32	4G17	May 25, 2015
33	4C74	May 26, 2015
34	4G34	May 26, 2014
35	4G20	May 27, 2015

All in violation of Title 18, United States Code, Section 1001(a).

COUNT 36

Aggravated Identity Theft

24. Paragraphs 1-20 are realleged and incorporated in Count 36 set forth below.

25. On or about July 4, 2014, in St. Clair County, Illinois, in the Southern District of Illinois,

JASON LAUT,

defendant, did knowingly use, without legal authority, a means of identification of another person, (Doctor T.B.), during and in relation to a felony violation enumerated in 18 U.S.C. § 1001(a), to wit False

Statement as alleged in Count 12, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 37

Aggravated Identity Theft

26. Paragraphs 1-20 are realleged and incorporated in Count 37 set forth below.

27. On or about May 6, 2015, in St. Clair County, Illinois, in the Southern District of Illinois,

JASON LAUT,

defendant, did knowingly use, without legal authority, a means of identification of another person, (Doctor T.B.), during and in relation to a felony violation enumerated in 18 U.S.C. § 1001(a), to wit False Statement as alleged in Count 28, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT 38

Tampering with a Consumer Product

28. Paragraphs 1-20 are realleged and incorporated in Count 38 set forth below.

29. From on or about January 26, 2015, to on or about May 25, 2015, in St. Clair County, within the Southern District of Illinois, and elsewhere,

JASON LAUT,

with reckless disregard for the risk that another person would be placed in danger of death or bodily

injury, and under circumstances manifesting extreme indifference to such risk, did tamper with a consumer product that affected interstate and foreign commerce, specifically the Schedule II controlled substance Fentanyl, by puncturing the protective cover on the top of the Fentanyl vial, extracting Fentanyl through the protective cap on the top of its vial, and replacing the extracted Fentanyl in the vial with a solution or substance other than the labeled consumer product Fentanyl.

All in violation of Title 18, United States Code, Section 1365(a)(4).

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DONALD S. BOYCE
United States Attorney
Southern District of Illinois

[handwritten: signature]

RANLEY R. KILLIAN
MICHAEL J. QUINLEY
Assistant United States Attorneys

Bond Recommendation: \$20,000 unsecured