

STATE OF MICHIGAN

IN THE [REDACTED] DISTRICT COURT FOR THE COUNTY OF [REDACTED]

PEOPLE OF THE STATE OF [REDACTED]

Plaintiff,

v.

[REDACTED]
[REDACTED]
Defendant.

OPINION AND ORDER ON PEOPLE'S MOTION TO BINDOVER
AND DEFENDANT'S REQUEST FOR DISMISSAL OF ALL CHARGES

At a session of said Court, held in the City of
[REDACTED], County of [REDACTED] State of
[REDACTED] on: August 1, 2022

PRESENT: [REDACTED]
[REDACTED]

I. INTRODUCTION

Defendant, [REDACTED] is charged with seven criminal counts: Count 1- Conducting A Criminal Enterprise, MCL §333.7401; Counts 2 & 3 - Delivery or Manufacture of Controlled Substance (Schedule 4), MCL§ 333.7401(2)(c); Counts 4 & 5 – False Pretenses \$1000.00 or More but Less Than \$20,000.00, MCL §750.218; Count 6 – Unauthorized Practice of A Health Profession, MCL §333.16294; Count 7 – Insurance Fraud, MCL §500.4511(1), arising from the manner in which his companies, [REDACTED] and [REDACTED] are structured.

(4) through a pattern of racketeering activity that consisted of the commission of at least two racketeering offenses that

(a) had the same or substantially similar purpose, result, participant, victim, or method of commission, or were otherwise interrelated by distinguishing characteristics and are not isolated acts,

(b) amounted to or posed a threat of continued criminal activity, and

(c) were committed for financial gain.

People v. Martin, 271 Mich.App.280, 321 (2006), aff'd, 482 Mich. 851 (2008).

While Defendant was involved in the enterprise as a sole owner of [REDACTED] Pharmacy/Services, the People have not established that Defendant committed a felony public health code violation with relation to controlled substances, nor can it show felony false pretenses. Accordingly, this Charge must fail as well.

Moreover, the People have not shown that any activity was committed for financial gain. The only evidence submitted was that the insurance company paid the reasonable bills for medication dispensed at a clinic by a doctor ([REDACTED]) to his own patients pursuant to a valid prescription. Accordingly, the charge of conducting a criminal enterprise must be dismissed.

CONCLUSION

For the foregoing reasons, the Court concludes that the People failed to present enough evidence on each element of the charged offenses to lead a person of ordinary prudence and caution to conscientiously entertain a reasonable belief that probable cause exists that the crimes charged were committed and that [REDACTED] committed them. Accordingly, the Court does NOT find probable cause to bind over any of the charges.

IT IS HEREBY ORDERED that all charges are **DISMISSED**.

IT IS SO ORDERED.

[REDACTED]
[REDACTED]
District Judge