



**U.S. Department of Justice**

*United States Attorney  
District of Connecticut*

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January 5, 2021

James I. Glasser  
Wiggin and Dana LLP  
265 Church Street  
New Haven, CT 06510

Re: United States v. McKoy  
Case No. 19cr204 (JAM)

Dear Attorney Glasser:

This letter confirms the plea agreement between your client, Jimiesha McKoy (the "defendant"), and the United States Attorney's Office for the District of Connecticut (the "Government") in this criminal matter.

**THE PLEA AND OFFENSE**

In consideration for the benefits offered under this agreement, the defendant agrees to plead guilty to a one-count Substitute Information charging a violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846.

The defendant understands that, to be guilty of this offense, the following essential elements must be satisfied:

1. A conspiracy to distribute and to possess with intent to distribute a controlled substance (oxycodone) outside the scope of professional practice and not for a legitimate medical purpose existed;
2. The defendant knowingly and intentionally agreed to participate and did participate in the conspiracy; and
3. The object of the conspiracy as to the defendant was the distribution and possession with intent to distribute a quantity of oxycodone, a Schedule II controlled substance.

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## **THE PENALTIES**

### **Imprisonment**

This offense carries a maximum penalty of 20 years of imprisonment.

### **Supervised Release**

In addition, the Court must impose a term of supervised release of at least three years and as much as life to begin after any term of imprisonment. 21 U.S.C. § 841(b)(1)(C).

The defendant understands that, should she violate any condition of supervised release, she may be required to serve a further term of imprisonment of up to two years per violation pursuant to 18 U.S.C. § 3583 with no credit for time already spent on supervised release.

### **Fine**

This offense carries a maximum fine of \$1,000,000. The defendant is also subject to the alternative fine provision of 18 U.S.C. § 3571. Under this section, the maximum fine that may be imposed on the defendant is the greatest of the following amounts: (1) twice the gross gain to the defendant resulting from the offense; (2) twice the gross loss resulting from the offense; (3) \$250,000; or (4) the amount specified in the section defining the offense which is \$1,000,000.

### **Special Assessment**

In addition, the defendant is obligated by 18 U.S.C. § 3013 to pay a special assessment of \$100 on each count of conviction. The defendant agrees to pay the special assessment on or before the date of sentencing unless she establishes an inability to pay on or before the date of sentencing through the financial disclosure to the U.S. Probation Office as part of the presentence investigation and report, in which case the defendant agrees to pay it as soon as practicable.

### **Interest, penalties and fines**

Unless otherwise ordered, should the Court impose a fine or restitution of more than \$2,500 as part of the sentence, interest will be charged on the unpaid balance of the fine or restitution not paid within 15 days after the judgment date. 18 U.S.C. § 3612(f). Other penalties and fines may be assessed on the unpaid balance of a fine or restitution pursuant to 18 U.S.C. § 3572(h), (i) and § 3612(g).

## **THE SENTENCING GUIDELINES**

### **Applicability**

The defendant understands that the Court is required to consider any applicable Sentencing Guidelines as well as other factors enumerated in 18 U.S.C. § 3553(a) to tailor an appropriate sentence in this case and is not bound by this plea agreement. The defendant agrees

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that the Sentencing Guideline determinations will be made by the Court, by a preponderance of the evidence, based upon input from the defendant, the Government, and the United States Probation Office. The defendant further understands that she has no right to withdraw her guilty plea if her sentence or the Guideline application is other than she anticipated, including if the sentence is outside any of the ranges set forth in this agreement.

#### Acceptance of Responsibility

At this time, the Government agrees to recommend that the Court reduce by two levels the defendant's adjusted offense level under § 3E1.1(a) of the Sentencing Guidelines, based on the defendant's prompt recognition and affirmative acceptance of personal responsibility for the offense. Moreover, should the defendant qualify for a decrease under § 3E1.1(a) and her offense level determined prior to the operation of subsection (a) is level 16 or greater, the Government will file a motion with the Court pursuant to § 3E1.1(b) which recommends that the Court reduce the defendant's Adjusted Offense Level by one additional level based on her prompt notification of her intention to enter a plea of guilty. The defendant understands that the Court is not obligated to accept the Government's recommendations on the reductions.

The above-listed recommendations are conditioned upon the defendant's affirmative demonstration of acceptance of responsibility, by (1) truthfully admitting the conduct comprising the offense(s) of conviction and truthfully admitting or not falsely denying any additional relevant conduct for which the defendant is accountable under § 1B1.3 of the Sentencing Guidelines, and (2) disclosing to the United States Attorney's Office and the United States Probation Office a complete and truthful financial statement detailing the defendant's financial condition. The defendant expressly authorizes the United States Attorney's Office to obtain a credit report concerning the defendant.

In addition, the Government expressly reserves the right to seek denial of the adjustment for acceptance of responsibility if the defendant engages in any acts, unknown to the Government at the time of the signing of this agreement, which (1) indicate that the defendant has not terminated or withdrawn from criminal conduct or associations (§ 3E1.1 of the Sentencing Guidelines); (2) could provide a basis for an adjustment for obstructing or impeding the administration of justice (§ 3C1.1 of the Sentencing Guidelines); or (3) constitute a violation of any condition of release. Moreover, the Government reserves the right to seek denial of the adjustment for acceptance of responsibility if the defendant seeks to withdraw her guilty plea or takes a position at sentencing, or otherwise, which, in the Government's assessment, is inconsistent with affirmative acceptance of personal responsibility. The defendant understands that she may not withdraw her plea of guilty if, for the reasons explained above, the Government does not make one or both of the recommendations or seeks denial of the adjustment for acceptance of responsibility.

#### Stipulation

Pursuant to § 6B1.4 of the Sentencing Guidelines, the defendant and the Government have entered into the attached stipulation, which is a part of this plea agreement. The defendant understands that this stipulation does not set forth all of the relevant conduct and characteristics

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that may be considered by the Court for purposes of sentencing. The defendant understands that this stipulation is not binding on the Court. The defendant also understands that the Government and the United States Probation Office are obligated to advise the Court of any additional relevant facts that subsequently come to their attention.

Guideline Stipulation

The parties agree as follows:

The Guidelines Manual in effect on the date of sentencing is used to determine the applicable Guidelines range.

The defendant's base offense level under U.S.S.G. § 2D1.1 is 24. This is based on the government's contention that 25.8 grams of oxycodone (the Guidelines equivalent of 172.7 kilograms of Converted Drug Weight) or the defendant's contention that 24 grams of oxycodone (the Guidelines equivalent of 160.6 kilograms of Converted Drug Weight) is properly attributable to the defendant for her conduct described in the information, and was reasonably foreseeable to her and within the scope of the conspiratorial agreement. Under either amount of oxycodone properly attributable to the defendant, the parties agree that the defendant's base offense level under the Guidelines is 24. Two levels are subtracted under U.S.S.G. § 2D1.1(b)(18) because the defendant meets the criteria set forth in § 5C1.2(a). Three levels are subtracted under U.S.S.G. § 3E1.1 for acceptance of responsibility, as noted above, resulting in a total offense level of 19.

The defendant believes a 2-level downward adjustment pursuant to U.S.S.G. § 3B1.2(b) applies because the defendant was a minor participant in the charged criminal activity. The Government does not believe this adjustment applies. Role in the Offense is a disputed issue to be resolved by the Court.

Based on an initial assessment, the parties agree that the defendant falls within Criminal History Category I. The parties reserve the right to recalculate the defendant's Criminal History Category and corresponding sentencing ranges if this initial assessment proves inaccurate.

A total offense level 19, assuming a Criminal History Category I, would result in a range of 30 to 37 months of imprisonment (sentencing table) and a fine range of \$10,000 to \$1,000,000,000, U.S.S.G. § 5E1.2(c). If the minor participant adjustment is found to apply, the resulting sentencing range is 24 to 30 months of imprisonment and a fine range of \$10,000-\$1,000,000. The defendant is also subject to a supervised release term of at least three years. U.S.S.G. § 5D1.2. The Government and the defendant reserve their rights to seek a departure or a non-Guidelines sentence, and both sides reserve their right to object to a departure or a non-Guidelines sentence.

The defendant understands that the Court is not bound by this agreement on the Guideline ranges specified above. The defendant further understands that she will not be permitted to withdraw the guilty plea if the Court imposes a sentence outside any of the ranges set forth in this agreement.

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In the event the United States Probation Office or the Court contemplates any sentencing calculations different from those stipulated by the parties, the parties reserve the right to respond to any inquiries and make appropriate legal arguments regarding the proposed alternate calculations. Moreover, the parties reserve the right to defend any sentencing determination, even if it differs from that stipulated by the parties, in any post-sentencing proceeding.

#### Information to the Court

The Government reserves its right to address the Court with respect to an appropriate sentence to be imposed in this case. Moreover, the Government will discuss the facts of this case, including information regarding the defendant's background and character, 18 U.S.C. § 3661, with the United States Probation Office and will provide the Probation Officer with access to material in its file, with the exception of grand jury material.

#### **WAIVER OF RIGHTS**

The defendant acknowledges and agrees that she is knowingly, intelligently, and voluntarily waiving the following rights:

##### Waiver of Right to Indictment

The defendant understands that she has the right to have the facts underlying the Substitute Information presented to a federal grand jury, consisting of between sixteen and twenty-three citizens, twelve of whom would have to find probable cause to believe that she committed the offense set forth in the information before an indictment could be returned. The defendant acknowledges that she is waiving her right to be indicted.

##### Waiver of Trial Rights and Consequences of Guilty Plea

The defendant understands that she has the right to be represented by an attorney at every stage of the proceeding and, if necessary, one will be appointed to represent her.

The defendant understands that she has the right to plead not guilty or to persist in that plea if it has already been made, the right to a public trial, the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against her, the right not to be compelled to incriminate herself, the right to testify and present evidence, and the right to compel the attendance of witnesses to testify in her defense. The defendant understands that by pleading guilty she waives those rights and that, if the plea of guilty is accepted by the Court, there will not be a further trial of any kind.

The defendant understands that, if she pleads guilty, the Court may ask her questions about each offense to which she pleads guilty, and if she answers those questions falsely under oath, on the record, and in the presence of counsel, her answers may later be used against her in a prosecution for perjury or making false statements.

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Waiver of Statute of Limitations

The defendant agrees that, should the conviction following defendant's guilty plea be vacated for any reason, then any prosecution that is not time-barred by the applicable statute of limitations on the date of the signing of this plea agreement (including any indictment or counts the Government has agreed to dismiss at sentencing pursuant to this plea agreement) may be commenced or reinstated against the defendant, notwithstanding the expiration of the statute of limitations between the signing of this plea agreement and the commencement or reinstatement of such prosecution. The defendant agrees to waive all defenses based on the statute of limitations with respect to any prosecution that is not time-barred on the date the plea agreement is signed.

Waiver of Right to Challenge Conviction

The defendant acknowledges that under certain circumstances she is entitled to challenge her conviction. By pleading guilty, the defendant waives her right to appeal or collaterally attack her conviction in any proceeding, including but not limited to a motion under 28 U.S.C. § 2255 and/or § 2241. In addition to any other claims she might raise, the defendant waives her right to challenge her conviction based on (1) any non-jurisdictional defects in the proceedings before entry of this plea, (2) a claim that the statute(s) to which the defendant is pleading guilty is unconstitutional, and (3) a claim that the admitted conduct does not fall within the scope of the statute. This waiver does not preclude the defendant from raising a claim of ineffective assistance of counsel in an appropriate forum.

Waiver of Right to Appeal or Collaterally Attack Sentence

The defendant acknowledges that under certain circumstances, she is entitled to challenge her sentence. In consideration for the benefits offered under this agreement, the defendant agrees not to appeal or collaterally attack the sentence in any proceeding, including but not limited to a motion under 28 U.S.C. § 2255 and/or § 2241 if that sentence does not exceed 30 months of imprisonment, a 3-year term of supervised release, a \$100 special assessment, and a \$100,000 fine even if the Court imposes such a sentence based on an analysis different from that specified above. The Government and the defendant agree that this waiver applies regardless of whether the term of imprisonment is imposed to run consecutively to or concurrently with, in whole or in part, the undischarged portion of any other sentence that has been imposed on the defendant at the time of sentencing in this case. Furthermore, the parties agree that any challenge to the defendant's sentence that is not foreclosed by this provision will be limited to that portion of the sentencing calculation that is inconsistent with (or not addressed by) this waiver. This waiver does not preclude the defendant from raising a claim of ineffective assistance of counsel in an appropriate forum.

**ACKNOWLEDGMENT OF GUILT AND VOLUNTARINESS OF PLEA**

The defendant acknowledges that she is entering into this agreement and is pleading guilty freely and voluntarily because she is guilty. The defendant further acknowledges that she

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is entering into this agreement without reliance upon any discussions between the Government and her (other than those described in the plea agreement letter), without promise of benefit of any kind (other than the concessions contained in the plea agreement letter), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges her understanding of the nature of the offense to which she is pleading guilty, including the penalties provided by law. The defendant also acknowledges her complete satisfaction with the representation and advice received from her undersigned attorney. The defendant and her undersigned counsel are unaware of any conflict of interest concerning counsel's representation of the defendant in the case.

The defendant acknowledges that she is not a "prevailing party" within the meaning of Public Law 105-119, section 617 ("the Hyde Amendment") with respect to the count of conviction or any other count or charge that may be dismissed pursuant to this agreement. The defendant voluntarily, knowingly, and intelligently waives any rights she may have to seek attorney's fees and other litigation expenses under the Hyde Amendment.

#### **SCOPE OF THE AGREEMENT**

The defendant acknowledges that this agreement is limited to the undersigned parties and cannot bind any other federal authority, or any state or local authority. The defendant acknowledges that no representations have been made to her with respect to any civil or administrative consequences that may result from this plea of guilty because such matters are solely within the province and discretion of the specific administrative or governmental entity involved. Finally, the defendant acknowledges that this agreement has been reached without regard to any civil tax matters that may be pending or which may arise involving her.

#### **COLLATERAL CONSEQUENCES**

The defendant understands that she will be adjudicated guilty of each offense to which she has pleaded guilty and may thereby be deprived of certain federal benefits as provided in 21 U.S.C. § 862 and will be deprived of certain rights, such as the right to hold public office, to serve on a jury, to possess firearms and ammunition, and in some states, the right to vote. Further, the defendant understands that if she is not a citizen of the United States, a plea of guilty may result in removal from the United States, denial of citizenship, and denial of admission to the United States in the future. The defendant understands that pursuant to section 203(b) of the Justice For All Act, the Federal Bureau of Prisons or the United States Probation Office will collect a DNA sample from the defendant for analysis and indexing. Finally, the defendant understands that the Government reserves the right to notify any state or federal agency by which she is licensed, or with which she does business, as well as any current or future employer of the fact of her conviction.

#### **SATISFACTION OF FEDERAL CRIMINAL LIABILITY; BREACH**

The defendant's guilty plea, if accepted by the Court, will satisfy the federal criminal liability of the defendant in the District of Connecticut as a result of her participation in

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distribution of narcotics, which forms the basis of the information in this case. After sentencing, the Government will move to dismiss count thirty-six of the superseding indictment because the conduct underlying the dismissed count will have been taken into account in determining the appropriate sentence.

The defendant understands that if, before sentencing, she violates any term or condition of this agreement, engages in any criminal activity, or fails to appear for sentencing, the Government may void all or part of this agreement. If the agreement is voided in whole or in part, the defendant will not be permitted to withdraw her guilty plea.



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**NO OTHER PROMISES**

The defendant acknowledges that no other promises, agreements, or conditions have been entered into other than those set forth in this plea agreement, and none will be entered into unless set forth in writing, signed by all the parties.

This letter shall be presented to the Court, in open court, and filed in this case.

Very truly yours,

JOHN H. DURHAM  
UNITED STATES ATTORNEY

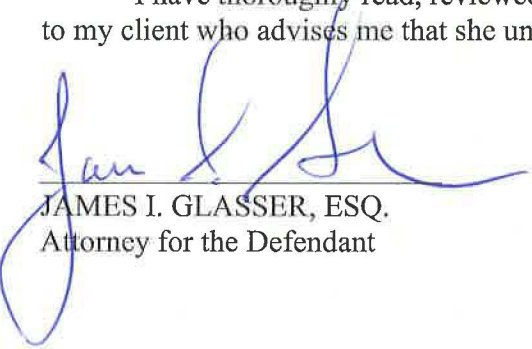
  
\_\_\_\_\_  
HEATHER CHERRY  
ASSISTANT UNITED STATES ATTORNEY

The defendant certifies that she has read this plea agreement letter and its attachment(s) or has had it read or translated to her, that she has had ample time to discuss this agreement and its attachment(s) with counsel and that she fully understands and accepts its terms.

  
\_\_\_\_\_  
JIMIESHA MCKOY  
The Defendant

1/5/2021  
Date

I have thoroughly read, reviewed and explained this plea agreement and its attachment(s) to my client who advises me that she understands and accepts its terms.

  
\_\_\_\_\_  
JAMES I. GLASSER, ESQ.  
Attorney for the Defendant

1/5/21  
Date

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### STIPULATION OF OFFENSE CONDUCT

The defendant and the Government stipulate to the following offense conduct that give rise to the defendant's agreement to plead guilty to the information.

1. Defendant JIMIESHA MCKOY was a resident of New Haven, Connecticut.
2. Beginning in or about October 2017, MCKOY knowingly and intentionally entered into a conspiracy with Dr. Jennifer Farrell, and had the intent to possess and distribute oxycodone. As part of this conspiracy, co-conspirator Dr. Farrell prescribed MCKOY oxycodone, without a legitimate medical purpose and outside the scope of Dr. Farrell's medical practice. MCKOY was not, nor had ever been, Dr. Farrell's patient. In return for the oxycodone prescriptions, MCKOY provided Dr. Farrell with a portion of the oxycodone pills from the prescriptions. MCKOY distributed a portion of the pills to her then boyfriend.
3. Beginning in or about February 2018, MCKOY provided Dr. Farrell with the names of two people for whom Dr. Farrell could write oxycodone prescriptions, such prescriptions being written without a legitimate medical purpose and outside the scope of Dr. Farrell's medical practice. MCKOY knew that these two people were not, nor had ever been, Dr. Farrell's patients. MCKOY picked up these prescriptions from various pharmacies in the New Haven area, and provided Dr. Farrell with a portion of the oxycodone pills from these prescriptions as described above.
4. As described below, Dr. Farrell wrote 17 illegitimate oxycodone prescriptions for MCKOY or for names MCKOY provided to Dr. Farrell. Investigation disclosed that 15 of the 17 prescriptions were improperly filled:

<b>Patient Initials</b>	<b>Date</b>	<b>Description</b>	<b>Quantity (Tablets)</b>
J.M.	10/25/18	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	65
J.M.	11/09/18	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	50
J.M.	01/02/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	50
J.M.	01/12/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	50
J.M.	01/16/19	OXYCODONE 20 MG TABLET	60
J.M.	01/30/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60
J.M.	02/08/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60

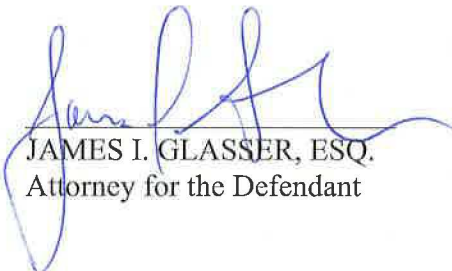
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Patient Initials	Date	Description	Quantity (Tablets)
J.M.	02/17/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60
J.M.	02/26/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60
S.W.	02/27/19	OXYCODONE 20 MG TABLET (This prescription was written but not filled)	40
S.W.	02/27/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	40
C.T.	03/02/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	42
S.W.	03/05/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	42
J.M.	03/06/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET (This prescription was written but not filled)	60
J.M.	03/08/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60
C.T.	03/11/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60
S.W.	03/13/19	OXYCODONE IMMEDIATE RELEASE 30 MG TABLET	60

This written stipulation is part of the plea agreement. The defendant and the Government reserve their right to present additional offense conduct and relevant conduct to the Court in connection with sentencing.

  
\_\_\_\_\_  
JIMIESHA MCKOY  
The Defendant

  
\_\_\_\_\_  
HEATHER CHERRY  
ASSISTANT UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JAMES I. GLASSER, ESQ.  
Attorney for the Defendant