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**SEALED**

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7 *Representing the United States of America*

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 **UNITED STATES OF AMERICA,**

11 **Plaintiff,**

12 **vs.**

13 **WILLIAM ALVEAR, M.D.,**

14 **Defendant.**

**SEALED**  
**CRIMINAL INDICTMENT**

**CASE NO:** 2:20-cr-229-JAD-VCF

**VIOLATIONS:**

21 U.S.C. § 841(a)(1) & (b)(1)(C) –  
Distribution of a Controlled Substance  
(Schedule II)

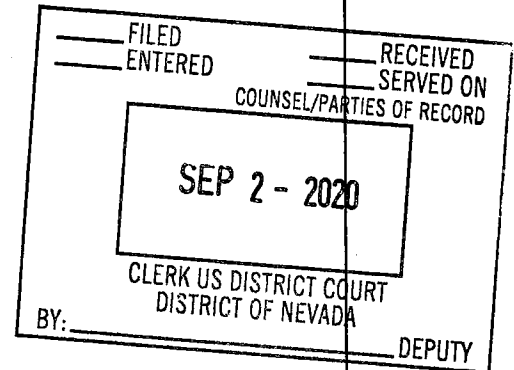
21 U.S.C. § 841(a)(1) & (b)(1)(C) –  
Distribution of a Controlled Substance  
(Schedule IV)

17  
18 **THE GRAND JURY CHARGES THAT:**

19 **INTRODUCTION**

20 At all times material to this Indictment:

21 1. The Controlled Substances Act (CSA), Title 21, United States Code,  
22 Sections 801, *et seq.*, governs the manufacture, distribution, and dispensing of controlled  
23 substances in the United States. With limited exceptions for medical professionals, the  
24



1 CSA makes it “unlawful for any person knowingly or intentionally ... to manufacture,  
2 distribute, or dispense . . . a controlled substance.”

3 2. The CSA defines a “controlled substance” as a drug or other substance that  
4 is included in one of five schedules—Schedule I, II, III, IV, or V—of Subchapter I, Part B  
5 of the Act. 21 U.S.C. § 802(6). Drugs or substances are placed into these schedules based,  
6 at least in part, on their potential for abuse, likelihood of physical or psychological  
7 dependency, accepted medical use, and accepted safety for use under medical supervision.

8 a. “Schedule II” indicates that the drug or other substance has a currently  
9 accepted medical use with severe restrictions and has a high potential for abuse that can  
10 lead to severe psychological or physical dependence. 21 U.S.C. § 812(b)(2).

11 b. “Schedule IV” indicates that the drug or other substance has a currently  
12 accepted medical use with severe restrictions and has a low potential for abuse that can lead  
13 to limited physical dependence or psychological dependence, relative to the drugs or other  
14 substances in Schedule III. 21 U.S.C. § 812(b)(4).

15 3. Title 21, Code of Federal Regulations, Sections 1308.12, 1308.13, 1308.14,  
16 and 1308.15 lists the drugs and other substances contained in Schedules II, III, IV, and V,  
17 respectively.

18 4. Title 21, United States Code, Section 822(b) and Title 21, Code of Federal  
19 Regulations, Section 290.1, provide that the controlled substances listed in Schedules II-V  
20 can be dispensed or distributed only pursuant to a prescription issued by a medical  
21 practitioner registered with the United States Drug Enforcement Administration (“DEA”).  
22 The DEA, as authorized by the CSA, issues registration numbers to qualifying medical  
23 practitioners that allow them to issue prescriptions for Schedule II-V controlled substances.  
24 William Alvear, M.D., defendant herein, is a medical practitioner registered with the DEA.

1           5.       Accordingly, under Title 21, Code of Federal Regulations, Section 1306.03,  
2 controlled substances, such as opioid pain medications that are Schedule II-V controlled  
3 substances, can be dispensed only pursuant to a valid prescription from a medical  
4 practitioner authorized by the DEA to distribute controlled substances.

5           6.       Under Title 21, United States Code, Section 802(10), the term “dispense”  
6 means to deliver a controlled substance to an ultimate user or research subject by, or  
7 pursuant to the lawful order of, a practitioner, including the prescribing and administering  
8 of a controlled substance and the packaging, labeling, or compounding necessary to  
9 prepare the substance for such delivery. The term “dispenser” means a practitioner who so  
10 delivers a controlled substance to an ultimate user.

11           7.       Under Title 21, United States Code, Section 802(11), the term “distribute”  
12 means to deliver (other than by administering or dispensing) a controlled substance or a  
13 listed chemical. The term “distributor” means a person who so delivers a controlled  
14 substance or a listed chemical.

15           8.       Title 21, Code of Federal Regulations, Section 1306.04 provides that in order  
16 for a prescription for a controlled substance to be valid, it “must be issued for a legitimate  
17 medical purpose by an individual practitioner acting in the usual course of his professional  
18 practice.”

19           9.       A prescription for a controlled substance issued without a legitimate medical  
20 purpose or outside of the individual practitioner's usual course of his professional practice  
21 is not a valid prescription, and the person who issues the prescription violates Title 21,  
22 United States Code, Section 841(a)(1).

**COUNTS ONE THROUGH THREE**  
**Distribution of a Controlled Substance – Schedule II**  
**(Title 21 U.S.C. §§ 841(a)(1), (b)(1)(C))**

10. The Grand Jury realleges and incorporates Paragraphs One through Nine as though fully set forth herein.

11. On or about the dates set forth below, in the State and Federal District of Nevada,

**WILLIAM ALVEAR, M.D.**

defendant herein, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of a Schedule II controlled substance, to wit: hydrocodone, as listed below, without a legitimate medical purpose and outside the usual course of professional practice, each of which constitutes a separate count of this Indictment:

<b>Count</b>	<b>Approx. Date of Distribution</b>	<b>Patient</b>	<b>Controlled Substance</b>
<b>1</b>	March 18, 2020	Patient C	Hydrocodone ("Norco")
<b>2</b>	April 7, 2020	Patient C	Hydrocodone ("Norco")
<b>3</b>	May 13, 2020	Patient C	Hydrocodone ("Norco")

all in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title 21, Code of Federal Regulations, Section 1306.04.

**COUNTS FOUR THROUGH EIGHT**  
**Distribution of a Controlled Substance – Schedule IV**  
**(Title 21 U.S.C. §§ 841(a)(1), (b)(1)(C))**

12. The Grand Jury realleges and incorporates Paragraphs One through Nine as though fully set forth herein.

13. On or about the dates set forth below, in the State and Federal District of Nevada,

**WILLIAM ALVEAR, M.D.**

defendant herein, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of a Schedule IV controlled substance, to wit: alprazolam, as listed below, without a legitimate medical purpose and outside the usual course of professional practice, each of which constitutes a separate count of this Indictment:

<b>Count</b>	<b>Approx. Date of Distribution</b>	<b>Patient</b>	<b>Controlled Substance</b>
<b>4</b>	March 18, 2020	Patient B	Alprazolam ("Xanax")
<b>5</b>	March 18, 2020	Patient C	Alprazolam ("Xanax")
<b>6</b>	April 7, 2020	Patient B	Alprazolam ("Xanax")
<b>7</b>	April 7, 2020	Patient C	Alprazolam ("Xanax")
<b>8</b>	May 13, 2020	Patient B	Alprazolam ("Xanax")

all in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title 21, Code of Federal Regulations, Section 1306.04.

**FORFEITURE ALLEGATION**  
**(Distribution of Controlled Substances – Schedules II and IV)**

14. The allegations of Counts One through Three of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); and 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c).

15. Upon conviction of any of the felony offenses charged in Counts One through Three of this Criminal Indictment,

1 **WILLIAM ALVEAR, M.D.,**

2 defendant herein, shall forfeit to the United States of America, any property, real or  
3 personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C.  
4 § 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and  
5 1961(1)(D), or a conspiracy to commit such offense:

6 defendant herein, shall forfeit to the United States of America, any property  
7 constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of a  
8 violation of 21 U.S.C. § 841(a)(1):

9 defendant herein, shall forfeit to the United States of America, all moneys,  
10 negotiable instruments, securities, or other things of value furnished or intended to be  
11 furnished in exchange for a controlled substance or listed chemical in violation of  
12 21 U.S.C. § 841(a)(1), all proceeds traceable to such an exchange, and all moneys,  
13 negotiable instruments, and securities used or intended to be used to facilitate any violation  
14 of 21 U.S.C. § 841(a)(1): an in personam criminal forfeiture money judgment including, but  
15 not limited to, at least \$600 (property).

16 16. If any property being subject to forfeiture pursuant to 18 U.S.C.  
17 § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); and 21 U.S.C. § 881(a)(6)  
18 with 28 U.S.C. § 2461(c), as a result of any act or omission of the defendant -

- 19 a. cannot be located upon the exercise of due diligence;
- 20 b. has been transferred or sold to, or deposited with, a third party;
- 21 c. has been placed beyond the jurisdiction of the court;
- 22 d. has been substantially diminished in value; or
- 23 e. has been commingled with other property which cannot be divided without  
24 difficulty;

1 it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to  
2 seek forfeiture of any other property of the defendant for the property listed above.

3 All pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C.  
4 § 841(a)(1), 853(a)(1), and 853(p); and 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c).

5 **DATED:** this 2<sup>nd</sup> day of September, 2020.

6 **A TRUE BILL:**

7

8 /S/  
9 FOREPERSON OF THE GRAND JURY

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11 NICHOLAS A. TRUTANICH  
12 United States Attorney

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15 PETER S. LEVITT  
16 Assistant United States Attorney

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