

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSUE TORRES, and
ANTHONY GUERRA,

Defendants.

25 MAG 1970

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 1349,
1028A, and 2

COUNTIES OF OFFENSE:
NEW YORK, BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JESSICA GREENWOOD, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation (the "FBI"), and charges as follows:

COUNT ONE

(Conspiracy to Commit Wire Fraud and Health Care Fraud)

1. From at least in or about August 2021 through the present, in the Southern District of New York and elsewhere, JOSUE TORRES and ANTHONY GUERRA, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and health care fraud, in violation of Title 18, United States Code, Section 1347.

2. It was a part and an object of the conspiracy that JOSUE TORRES and ANTHONY GUERRA, the defendants, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, TORRES and GUERRA agreed to engage in a scheme to procure high-cost prescription medications from pharmacies by using an electronic prescribing platform to cause fabricated, medically unnecessary prescriptions to issue from what appeared to be, but in truth and in fact, were not, medical practitioners to purported patients, and sent and received, and caused others to send and receive, electronic communications and other wires, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

3. It was further a part and an object of the conspiracy that JOSUE TORRES and ANTHONY GUERRA, the defendants, and others known and unknown, knowingly and willfully would and did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program, and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program in connection with the delivery of and payment for health care benefits, items,

and services, in violation of Title 18, United States Code, Section 1347, to wit, TORRES and GUERRA agreed to engage in a scheme to cause health care benefit programs to pay for fabricated, medically unnecessary prescriptions that TORRES and GUERRA caused to issue from what appeared to be, but in truth and in fact were not, medical practitioners to purported patients of those practitioners.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Aggravated Identity Theft)

4. From at least in or about August 2021 through the present, in the Southern District of New York and elsewhere, JOSUE TORRES and ANTHONY GUERRA, the defendants, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, TORRES and GUERRA used the names, addresses, dates of birth, and other personally identifiable information of other persons during and in relation to the conspiracy to commit wire fraud and health care fraud violations charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1),
1028A(b), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

5. I am currently a Special Agent with the FBI. I have been personally involved in the investigation of this matter. This Complaint is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this Complaint is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview of the Fraudulent Prescription Scheme

6. Based on my involvement in this investigation, I have learned that, since at least in or about August 2021, JOSUE TORRES and ANTHONY GUERRA, the defendants, have participated in a scheme to cause fraudulent prescriptions to be issued for certain high-cost prescription medications (the “High-Cost Medications”) used to treat human immunodeficiency virus (“HIV”) and other diseases, and to obtain those High-Cost Medications by picking them up at pharmacies located in Manhattan, the Bronx, and elsewhere, or by having them shipped to an address located in Brooklyn.

7. Based on my involvement in the investigation; my conversations with other law enforcement officers and other individuals; and my examination of video surveillance footage, photographs, and other records, I have learned that the scheme operated as follows:

a. JOSUE TORRES, the defendant, accessed accounts on e-prescribing platforms using the names and other identifying information of certain physicians and other medical practitioners (the “Targeted Practitioners”), without the Targeted Practitioners’ authorization or knowledge.

b. TORRES and ANTHONY GUERRA, the defendants, then used the e-prescribing platforms to cause High-Cost Medication prescriptions (the “Fraudulent Prescriptions”) to be issued for certain individuals who did not require those medications (the “Sham Patients”) under the apparent prescriptive authority of the Targeted Practitioners. Based on my conversations with certain of the Sham Patients and certain of the Targeted Practitioners, I have learned that the Fraudulent Prescriptions were issued without the Targeted Practitioners’ authorization or knowledge, and that the Sham Patients were not, in fact, patients of, or otherwise known to, the Targeted Practitioners.

c. In some instances, TORRES and GUERRA caused High-Cost Medication prescriptions to be issued to themselves using their own names or variations of their own names, with their own dates of birth or fabricated dates of birth, rather than using the identities of the Sham Patients.

d. After the Fraudulent Prescriptions were issued, a digital intermediary platform (“Intermediary-1”) transmitted the Fraudulent Prescriptions to pharmacies.

e. TORRES and GUERRA secured significantly reduced copay amounts—*i.e.*, out-of-pocket payments—for the High-Cost Medications associated with the Fraudulent Prescriptions through the use of copay assistance programs administered by providers of pharmacy dispensing and logistics services. As set forth below, the copay assistance cards used to obtain the copay reductions bore the names of the Sham Patients. In some cases, a Sham Patient’s private health insurance provider paid out money to cover a portion of the cost of a High-Cost Medication.

f. TORRES and GUERRA obtained the High-Cost Medications associated with the Fraudulent Prescriptions either by traveling to a pharmacy to pick them up or by causing a specialty pharmacy to ship the High-Cost Medications to a physical address.

g. Between on or about September 2, 2021, and on or about October 12, 2023, TORRES, GUERRA, and other co-conspirators caused approximately 693 Fraudulent Prescriptions, including prescription refills, to issue from approximately 18 Targeted Practitioners. Those Fraudulent Prescriptions contained approximately 55,626 tablets, capsules, or other units of medication, worth approximately \$2,638,581.¹

¹ The approximate total value of the Fraudulent Prescriptions was calculated by multiplying the number of prescription and prescription refills for a given High-Cost Medication by the national average drug acquisition cost, or “NADAC,” of that medication, as of in or about 2023. NADACs are published by the Centers for Medicare & Medicaid Services at: <https://www.medicaid.gov/medicaid/nadac>.

h. As set forth below, I believe that TORRES and GUERRA went on to sell the High-Cost Medication. Based on my training and experience, I know that the High-Cost Medications have significant resale value on the black market.

8. Based on my participation in the investigation, I know that there are multiple examples of JOSUE TORRES and ANTHONY GUERRA, the defendants, engaging in the conduct described above. Two such examples are described below.

Sham Patient-1 and Targeted Practitioner-1

9. Based on my review of records obtained from the provider of an e-prescribing platform (the “e-Prescribing Platform”), I have learned that, on or about December 30, 2022, an e-prescribing account associated with a Targeted Practitioner (“Targeted Practitioner-1”) was used to issue a prescription for a High-Cost HIV Medication to a Sham Patient (“Sham Patient-1”). I have further learned that, on or about December 29, 2022, the e-prescribing account associated with Targeted Practitioner-1 was accessed using a certain IP address (“IP Address-1”) from in or around Brooklyn, New York.

10. Based on my communications with representatives of the e-Prescribing Platform, I have learned that the e-Prescribing Platform is hosted on servers located in Richmond, Virginia.

11. Based on my review of records obtained from a provider of pharmacy dispensing and logistics services (the “Pharmacy Logistics Company”), I have learned that a copay assistance card is registered in the name of Sham Patient-1.

12. I participated in an interview of Targeted Practitioner-1. During the interview, Targeted Practitioner-1 said, in substance and in part, that Targeted Practitioner-1 had never used the e-Prescribing Platform and was not familiar with Sham Patient-1.

13. I participated in an interview of Sham Patient-1. During the interview, Sham Patient-1 said, in substance and in part, that Sham Patient-1 was not HIV-positive, had never been prescribed HIV medication, and was not a patient of Targeted Practitioner-1.

14. Based on my review of information and still images of surveillance video provided by a pharmacy in New York, New York (“Pharmacy-1”) owned by a national healthcare company (“Healthcare Company-1”), I have learned the following:

a. On or about December 30, 2022, an individual later identified as JOSUE TORRES, the defendant, entered Pharmacy-1 and picked up a Fraudulent Prescription for High-

Cost HIV Medication that had been issued to Sham Patient-1. A still image of TORRES inside Pharmacy-1 on or about December 30, 2022, is below:



b. On or about March 29, 2023, TORRES again entered Pharmacy-1 and picked up a Fraudulent Prescription for a High-Cost HIV Medication that had been issued to Sham Patient-1. A still image of TORRES inside Pharmacy-1 on March 29, 2023, is below:



Sham Patient-2 and Targeted Practitioner-2

15. Based on my review of records obtained from Intermediary-1, I have learned that, on or about April 26, 2022, an e-prescribing account associated with a Targeted Practitioner ("Targeted Practitioner-2") was used to issue a prescription from the e-Prescribing Platform for a High-Cost HIV Medication to a Sham Patient ("Sham Patient-2").

16. Based on my review of records obtained from Healthcare Company-1, I have learned that the April 26, 2022 prescription for Sham Patient-2 was submitted to a pharmacy located in New York, New York. I have further learned that Sham Patient-2's listed address was an apartment on Walton Avenue, Bronx, New York that was later identified to be the residential address of ANTHONY GUERRA, the defendant, as described below.

17. Based on my review of records obtained from the Pharmacy Logistics Company and from a cellphone service provider, I have learned that two copay assistance cards were registered in the name of Sham Patient-2 using phone numbers subscribed to in the name of JOSUE TORRES, the defendant.

18. I participated in an interview of Targeted Practitioner-2. During the interview, Targeted Practitioner-2 said, in substance and in part, that Targeted Practitioner-2 was not familiar with the e-Prescribing Platform, and does not prescribe the High-Cost Medication that was fraudulently prescribed to Sham Patient-2.

Identification of TORRES and GUERRA

19. Based on my review of records obtained from an internet service provider, I have learned that "Josue Torres" is the subscriber of IP Address-1, *i.e.*, the IP address used on or about December 29, 2022, to access Targeted Practitioner-1's account on the e-Prescribing Platform.

20. Based on my review of records provided by the New York State Department of Motor Vehicles (the "DMV"), I have learned the following:

a. DMV records list the residential address of JOSUE TORRES, the defendant, as a certain apartment on Beverley Road, Brooklyn, New York (the "Torres Apartment").

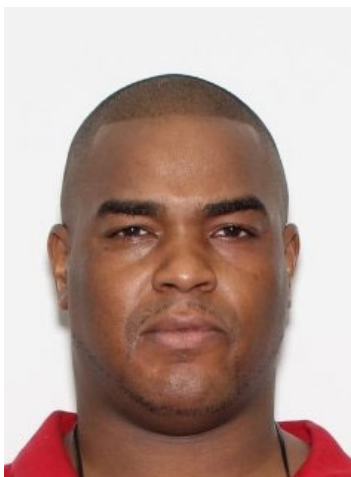
b. DMV records list the residential address of ANTHONY GUERRA, the defendant, as a certain apartment on Walton Avenue, Bronx, New York (the "Guerra Apartment").

21. Based on my review of information provided by Healthcare Company-1, I have learned that, between on or about January 2, 2023, and on or about September 11, 2023, at least 17 High-Cost Medications, in the names of at least 25 different patients, were shipped or scheduled to be shipped to the Torres Apartment. Based on the fact that all of these High-Cost Medications were shipped or scheduled to be shipped to the same address, I believe that they were Fraudulent Prescriptions issued to Sham Patients.

22. Based on my review of information provided by Intermediary-1, I have learned that, between on or about September 2, 2021, and on or about July 19, 2023, Fraudulent Prescriptions were issued for six purported patients for whom the address listed was the street address of the Guerra Apartment: (i) three in the name of ANTHONY GUERRA, the defendant; and (ii) three in the names of Sham Patients.

23. Based on my review of a DMV photograph of JOSUE TORRES, the defendant, I believe that TORRES is the individual who picked up Fraudulent Prescriptions inside Pharmacy-

1 on or about December 30, 2022, and March 29, 2023, as depicted in the video surveillance footage described above. The DMV photograph of TORRES is below:



24. Based on my review of records obtained from the Pharmacy Logistics Company and Google LLC, I have learned that a Gmail account used to activate Sham Patient-1's copay assistance card ("Torres Gmail Account-1") is registered in the name "JOSUE TORRES." I have further learned that a Gmail account registered in the name "JosUe 'LGBTQ' TORRES" ("Torres Gmail Account-2") was used to activate copay cards for certain other Sham Patients.

25. Based on my review of records obtained from the provider of a mobile payment platform (the "Payment Platform"), I have learned the following:

a. JOSUE TORRES, the defendant, has an account registered with the Payment Platform using Torres Gmail Account-1 (the "Torres Mobile Payment Account"). From on or about August 3, 2021, through on or about January 4, 2023, the Torres Mobile Payment Account made or attempted to make at least 13 payments for which the "subject" line included the name of one or more High-Cost Medications.

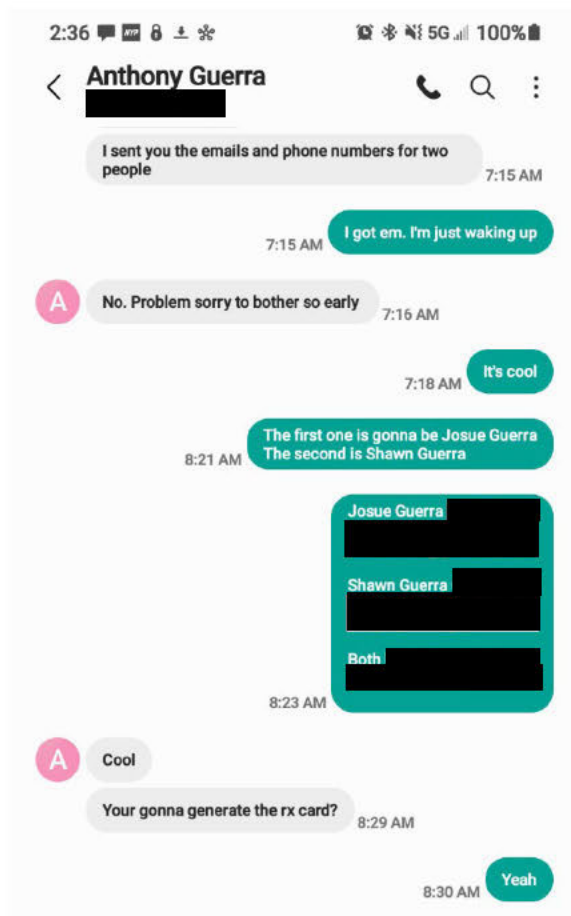
b. ANTHONY GUERRA, the defendant, has an account registered with the Payment Platform using, among other things, his driver's license, photograph, and date of birth (the "Guerra Mobile Payment Account"). From on or about February 24, 2022, through on or about August 21, 2023, the Guerra Mobile Payment Account sent or requested at least seven payments for which the "subject" line included the name of one or more High-Cost Medications. For example, on or about February 24, 2022, GUERRA sent a payment of \$150 to TORRES with the subject line "ODESFEY [sic]."

26. Based on my review of a publicly available registry of National Provider Identifier ("NPI") records maintained by the Centers for Medicare & Medicaid Services, I have learned that, on or about August 30, 2024, a registration was enumerated for "Dr. JOSUE TORRES MD," with the Torres Apartment as the listed mailing address. I have further learned that, as of June 5, 2025, this NPI registration bore the license numbers of two medical practitioners other than JOSUE TORRES, the defendant, who is not a medical practitioner.

Communications Between TORRES and GUERRA about the Fraudulent Prescription Scheme

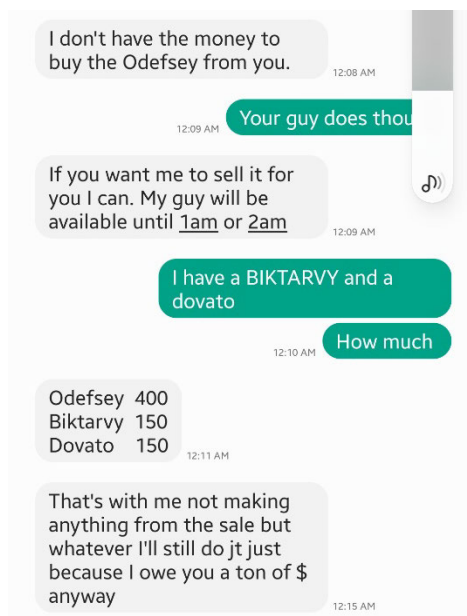
27. On or about June 11, 2024, the Honorable Sarah L. Cave, United States Magistrate Judge for the Southern District of New York, issued a warrant authorizing the search and seizure of content information for, among other Gmail accounts, Torres Gmail Account-2. Based on my review of material seized pursuant to that warrant, I have learned that Torres Gmail Account-2 contains screenshots of what appear to be text messages between JOSUE TORRES and ANTHONY GUERRA, the defendants, discussing the fraud scheme.² For example:

a. In a screenshot dated on or about August 5, 2021, GUERRA (messages with a gray background) and TORRES (messages with a green background) discussed the submission of “rx card[s],” *i.e.*, copay assistance cards, for two Fraudulent Prescriptions:

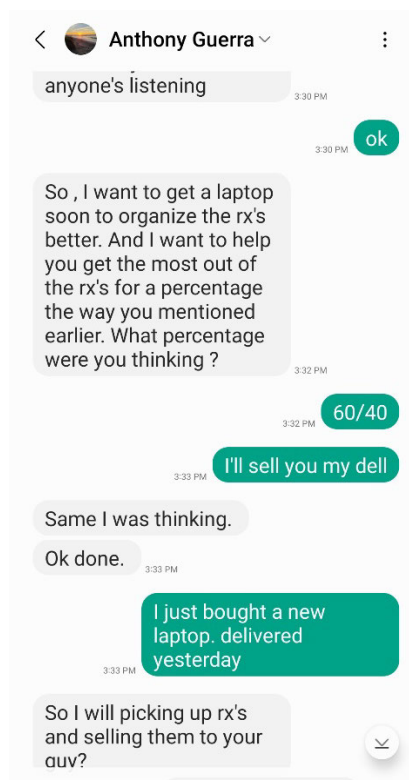


² Based on my review of materials seized pursuant to that warrant, I have learned that the screenshots of the text messages with ANTHONY GUERRA, the defendant, have the name “Anthony Guerra” or “Guerra Anthony” in the heading. Based on my training and experience, I know that a device’s default naming structure for screenshots often includes the date and time when the screenshot was taken. For example, in paragraph 27(a), below, the filename of the screenshot is “Screenshot_20210805-023642_-1h4y26lyxerz6.png,” which I believe indicates that the screenshot was taken on or about August 5, 2021.

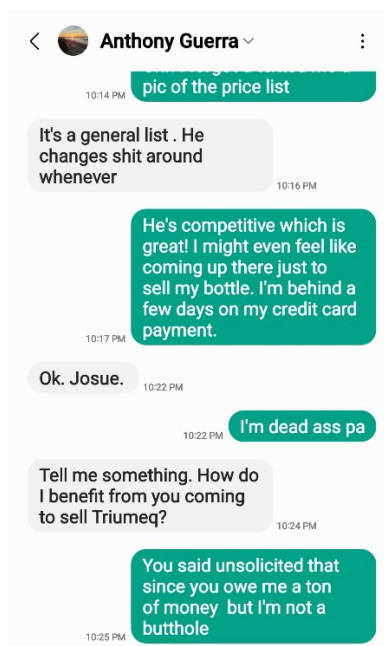
b. In a screenshot dated on or about November 26, 2021, GUERRA (messages with a gray background) quoted TORRES (messages with a green background) prices for Odefsey, Biktarvy, and Dovato, three High-Cost HIV Medications:



c. In a screenshot dated on or about November 30, 2021, GUERRA (messages with a gray background) and TORRES (messages with a green background) discussed a proposed 60%-40% split of proceeds from sales of prescriptions (“rx’s”):



d. In a screenshot dated on or about December 16, 2021, GUERRA (messages with a gray background) and TORRES (messages with a green background) discussed a “pic of the price list” and TORRES’s sales of Triumeq, a High-Cost HIV Medication:



e. A screenshot dated on or about December 15, 2021 appears to show a price list for certain High-Cost HIV Medication:

Dovato	300
Isentres	120
Juluca	400
Symtuza	300
Triumeq	250
Prezista	120
Tivicay	160
Prezcoby	160
Evotaz	80

f. In a screenshot dated on or about April 10, 2022, TORRES told GUERRA, in substance and in part, that TORRES had been instructed to send a prescription to a particular pharmacy in the Bronx. GUERRA responded, in substance and in part, that the Bronx pharmacy was “du[m]b” because it did not know how to “proce[ss]” a particular type of copay assistance card.

g. In a screenshot dated on or about June 15, 2022, GUERRA sent TORRES the names, dates of birth, and addresses of three Sham Patients and wrote to TORRES, in substance and in part, that two of those Sham Patients “MIGHT NEED ANOTHER [copay assistance] CARD,” and that he was “NOT SURE IF [the Sham Patient] NEEDS A NEW [copay assistance] CARD.”

h. In a message thread dated on or about August 18, 2022, TORRES sent the following text message to GUERRA: “Tony [Date-1] r u ready to CapsuleCares.com Anthony Guerra [Date-2] at address.” Based my review of DMV and law enforcement records, I know that Date-1 is GUERRA’s date of birth. Based on my review of records obtained from Intermediary-1, I have learned that Date-2 is a fraudulent date of birth that TORRES and GUERRA have used to issue Fraudulent Prescriptions in GUERRA’s name.

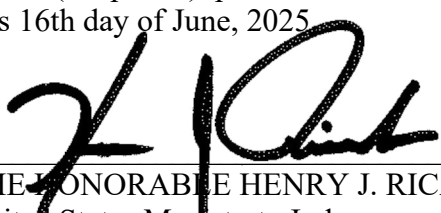
i. In a message thread dated on or about March 1, 2023, TORRES sent the following text messages, among others, to a co-conspirator regarding TORRES’s acquisition and resale of Dovato, a High-Cost HIV Medication, for \$150 per bottle: “I want to go to [pharmacy] and get the last two dovato”; “Hey how much for the 3 Do[v]ato. I owe you one and \$150”; “3 from today 2 tomorrow minus 1 I owe minus \$150 is \$450 If your doing it for the whole five or \$150 for the 3.”

WHEREFORE, I respectfully request that warrants be issued for the arrests of JOSUE TORRES and ANTHONY GUERRA, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

/s/ Jessica Greenwood, by the Court, with permission

Jessica Greenwood
Special Agent
FBI

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), pursuant to Federal Rule of Criminal Procedure 4.1,
this 16th day of June, 2025



THE HONORABLE HENRY J. RICARDO
United States Magistrate Judge
Southern District of New York