

IN THE MAGISTRATE COURT
COUNTY OF MCKINLEY
STATE OF NEW MEXICO

FILED IN
JUN 16 2026 TM
MCKINLEY COUNTY
MAGISTRATE COURT

STATE OF NEW MEXICO,
Plaintiff,

No. M-35-FR-2026-00285
VYA

vs.

AUGUST DANIEL MARTIN,
Defendant.

DOB: [REDACTED]
SSN: [REDACTED]
ADDRESS: [REDACTED]

CRIMINAL COMPLAINT

CRIME(S):

(Counts 1-2): 30-31-25 Acquisition or Attempt to Acquire a Controlled Substance by Misrepresentation (0512) – 2 Counts

Alternate to Counts 1-2:

30-31-23(A)(2001) Possession of a Controlled Substance (8000)-2Counts

(Counts 3-4): 30-16-10 Forgery (Issue or Transfer) (\$2,500 or less) (4568)

Alternate to Counts 3-4:

30-16-10(A)(1) Forgery (Make or Alter) (\$2,500 or less) (4556)- 2 Counts

(Counts 5-6): 30-31-24 Violation of Administrative Provision of Controlled Substances Act (0496) - (2 Counts)

The undersigned, under penalty of perjury, complains and says that on or about **February 27, 2024**, in McKinley County, State of New Mexico, the above-named defendant(s) did:

COUNT 1: ACQUISITION OR ATTEMPT TO ACQUIRE A CONTROLLED SUBSTANCE BY MISREPRESENTATION (0512)

On or about February 27, 2024, the above-named defendant intentionally acquired or obtained, OR attempted to acquire or obtain possession of Adderall XR/Amphetamine ER 25mg (Schedule 2 controlled substance) by

misrepresentation, fraud, forgery, deception or subterfuge, knowing or believing it to be a drug or substance the possession of which was regulated or prohibited by law, a fourth-degree felony, contrary to **NMSA 1978, Section 30-31-25 (1980)**.

ALTERNATIVE TO COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE (8000)

On or about February 27, 2024, the above-named defendant did intentionally and unlawfully possess Adderall XR/Amphetamine ER 25 mg, a narcotic drug enumerated in Schedule I or II or a controlled substance analog of a narcotic drug enumerated in Schedule I or II and the substance was not obtained pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice or as otherwise authorized by the Controlled Substances Act, a fourth degree felony, contrary to NMSA 1978, Section 30-31-23(A)(2021).

COUNT 2: ACQUISITION OR ATTEMPT TO ACQUIRE A CONTROLLED SUBSTANCE BY MISREPRESENTATION (0512)

On or about February 27, 2024, the above-named defendant intentionally acquired or obtained, OR attempted to acquire or obtain possession of Adderall XR/Amphetamine ER 30mg (Schedule 2 controlled substance) by misrepresentation, fraud, forgery, deception or subterfuge, knowing or believing it to be a drug or substance the possession of which was regulated or prohibited by law, a fourth-degree felony, contrary to **NMSA 1978, Section 30-31-25 (1980)**.

ALTERNATIVE TO COUNT 2: POSSESSION OF A CONTROLLED SUBSTANCE (8000)

On or about February 27, 2024, the above-named defendant did intentionally and unlawfully possess Adderall XR/ Amphetamine ER 25 mg, a narcotic drug enumerated in Schedule I or II or a controlled substance analog of a narcotic drug enumerated in Schedule I or II and the substance was not obtained pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice or as otherwise authorized by the Controlled Substances Act, a fourth degree felony, contrary to NMSA 1978, Section 30-31-23(A)(2021).

COUNT 3: FORGERY (ISSUE OR TRANSFER) (\$2,500 OR LESS) (4568)

On or about February 27, 2024, the above-named defendant, with the intent to injure, deceive or cheat Safeway Pharmacy or another, gave or delivered to Safeway Pharmacy a prescription, knowing it to be a false writing OR contain a false signature or endorsement OR be changed so that its effect was different from the original or genuine, a fourth-degree felony, contrary to **NMSA 1978, Section 30-16-10(A)(2) (2006)**.

ALTERNATIVE TO COUNT 3: FORGERY (MAKE OR ALTER) (\$2,500 OR LESS) (4556)

On or about February 27, 2024, the above-named defendant, with intent to injure, deceive or cheat Safeway Pharmacy or another, made a false prescription OR changed a genuine prescription so that its effect was different from the original, a fourth-degree felony, contrary to **NMSA 1978, Section 30-16-10(A)(1) (2006)**.

COUNT 4: FORGERY (ISSUE OR TRANSFER) (\$2,500 OR LESS) (4568)

On or about February 27, 2024, the above-named defendant, with the intent to injure, deceive or cheat Safeway Pharmacy or another, gave or delivered to Safeway Pharmacy a prescription, knowing it to be a false writing OR contain a false signature or endorsement OR be changed so that its effect was different from the original or genuine, a fourth-degree felony, contrary to **NMSA 1978, Section 30-16-10(A)(2) (2006)**.

ALTERNATIVE TO COUNT 4: COUNT 4: FORGERY (MAKE OR ALTER) (\$2,500 OR LESS) (4556)

On or about February 27, 2024, the above-named defendant, with intent to injure, deceive or cheat Safeway Pharmacy or another, made a false prescription OR changed a genuine prescription so that its effect was different from the original, a fourth-degree felony, contrary to **NMSA 1978, Section 30-16-10(A)(1) (2006)**.

COUNT 5: VIOLATION OF ADMINISTRATIVE PROVISION OF CONTROLLED SUBSTANCES ACT (0496)

On or about February 27, 2024, the above-named defendant, a person subject to NMSA 1978, Sections 30-31-11 through 30-31-19 (1994), distributed or dispensed a controlled substance in violation of NMSA 1978, Section 30-31-18 (2005), a fourth-degree felony, contrary to **NMSA 1978, Section 30-31-24 (1980)**.

COUNT 6: VIOLATION OF ADMINISTRATIVE PROVISION OF CONTROLLED SUBSTANCES ACT (0496)

On or about February 27, 2024, the above-named defendant, a person subject to NMSA 1978, Sections 30-31-11 through 30-31-19 (1994), distributed or dispensed a controlled substance in violation of NMSA 1978, Section 30-31-18 (2005), a fourth-degree felony, contrary to **NMSA 1978, Section 30-31-24 (1980)**.

2. 30-31-25 NMSA 1978 (1980)
Alternate: 30-31-23(D) NMSA 1978 (2021)
3. 30-16-10(A)(2) NMSA 1978 (2006)
Alternate: 30-16-10(A)(1) NMSA 1978 (2006)
4. 30-16-10(A)(2) NMSA 1978 (2006)
Alternate: 30-16-10(A)(1) NMSA 1978 (2006)
5. 30-31-24 NMSA 1979 (1980)
6. 30-31-24 NMSA 1979 (1980)

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

If Probable Cause Determination Required:

Probable Cause Found ____ Not Found ____

(If not found, complaint dismissed & defendant Released)



Complainant

Title (if any) NMDOJ Special Agent

Date: _____

Approved: _____

Judge: _____

Title: _____

This Complaint may not be filed without the prior payment of a filing fee unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not otherwise required.