

**FILED**  
VANESSA L. ARMSTRONG, CLERK

MAY 24 2018

U.S. DISTRICT COURT  
WEST'N. DIST. KENTUCKY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT BOWLING GREEN

UNITED STATES OF AMERICA

INDICTMENT

v.

NO. 1:18-CR-19-GNS

**BRANDON GORDON**  
**MONICA BERRY**

- 18 U.S.C. § 2
- 18 U.S.C. § 982(a)(7)
- 18 U.S.C. § 1028A(a)(1)
- 18 U.S.C. § 1028
- 18 U.S.C. § 1347
- 18 U.S.C. § 1349
- 21 U.S.C. § 841(a)(1)
- 21 U.S.C. § 841(b)(1)(C)
- 21 U.S.C. § 841(b)(1)(E)(i)
- 21 U.S.C. § 841(b)(2)
- 21 U.S.C. § 846
- 21 U.S.C. § 853

The Grand Jury charges:

COUNT 1

*(Unlawful Distribution and Dispensing of Controlled Substances-Conspiracy)*

Beginning no later than October 1, 2012, and continuing through on or about July 24, 2013, in the Western District of Kentucky, Barren County, Kentucky, and elsewhere, **BRANDON GORDON** and **MONICA BERRY**, defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and with others, known and unknown to the Grand Jury, to knowingly and intentionally distribute and dispense, and caused to be distributed and dispensed Schedule II, III, and IV Controlled Substances.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), 841(b)(1)(E)(i), 841(b)(2), and 846.

The Grand Jury further charges:

COUNTS 2-4  
(*Health Care Fraud-Conspiracy*)

Beginning no later than October 1, 2012, and continuing through on or about July 24, 2013, in the Western District of Kentucky, Barren County, Kentucky, **BRANDON GORDON** and **MONICA BERRY**, defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and with others, known and unknown to the Grand Jury, to knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, to wit: **MONICA BERRY**, a medical assistant with Dr. C.R.'s medical practice, unlawfully used Dr. C.R.'s DEA number to order controlled substance prescriptions, namely Hydrocodone, Oxycodone, and Oxycontin, and provided the controlled substance prescriptions to **BRANDON GORDON** to fill in the below listed individuals' names, knowing the individuals used and attempted to use their insurance, Kentucky Spirit, to pay for the unlawful prescriptions:

<b>Counts</b>	<b>Date Prescription Filled</b>	<b>Name</b>	<b>Drug</b>
2	May 31, 2013	J.H.	Hydrocodone
3	June 14, 2013	Brandon Gordon	Oxycodone
4	June 21, 2013	Brandon Gordon	Oxycontin

In violation of Title 18, United States Code, Sections 1347 and 1349.

The Grand Jury further charges:

COUNTS 5-7  
(*Aggravated Identity Theft*)

Beginning no later than October 1, 2012, and continuing through on or about July 24, 2013, in the Western District of Kentucky, Barren County, Kentucky, **MONICA BERRY** and **BRANDON GORDON**, defendants herein, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly possess, transfer and use the means of identification of another person without lawful authority, during and in relation to the offenses charged in Counts 2 through 4:

Counts	Prescription Date	Name Prescription Placed Under	Related Counts	Identity Used
5	May 31, 2013	J.H.	2	Dr. C.R.'s DEA number and J.H.
6	June 14, 2013	Brandon Gordon	3	Dr. C.R.'s DEA number
7	June 21, 2013	Brandon Gordon	4	Dr. C.R.'s DEA number

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

NOTICE OF FORFEITURE

If convicted of any violation of Title 18, United States Code, Section 1028A, 1347 and 1349; and Title 21, United States Code, Sections 841 and 846; **BRANDON GORDON** and **MONICA BERRY**, the defendants, shall forfeit to the United States any property constituting or derived from any proceeds obtained, directly or indirectly, as the result of any such violation, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

Pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and (7), and 1028; and  
Title 21, United States Code, Section 853.

A TRUE BILL.     *N P*



FOREPERSON

*Russell M. Coleman*

RUSSELL M. COLEMAN  
UNITED STATES ATTORNEY

RMC:JRA:20180523

UNITED STATES OF AMERICA v. **BRANDON GORDON and MONICA BERRY**

**PENALTIES**

Count 1: NM 20 yrs/\$1,000,000 fine/both/NM 3 yrs. Supervised Release (each count)  
Counts 2-4: NM 10 yrs./\$250,000 /both/NM 3 yrs. Supervised Release (each count)  
Counts 5-7: 2 yrs. consecutive/\$250,000 /both/NM 3 yrs. Supervised Release (each count)  
Forfeiture

**NOTICE**

**ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.**

**SPECIAL ASSESSMENTS**

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

**FINES**

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

**Failure to pay fine as ordered may subject you to the following:**

1. **INTEREST** and **PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

**INTEREST** will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

**PENALTIES** of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court  
106 Gene Snyder U.S. Courthouse  
601 West Broadway  
Louisville, KY 40202  
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court  
120 Federal Building  
241 East Main Street  
Bowling Green, KY 42101  
270/393-2500

OWENSBORO: Clerk, U.S. District Court  
126 Federal Building  
423 Frederica  
Owensboro, KY 42301  
270/689-4400

PADUCAH: Clerk, U.S. District Court  
127 Federal Building  
501 Broadway  
Paducah, KY 42001  
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34  
JUN.85

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**  
Western District of Kentucky  
Louisville

THE UNITED STATES OF AMERICA  
vs.

**BRANDON GORDON**  
**MONICA BERRY**

**INDICTMENT**

**Count 1:**

**Unlawful Distribution and Dispensing  
of Controlled Substances - Conspiracy:**  
21 U.S.C. §§841(a)(1), 841(b)(1)(C)  
841(b)(1)(E)(i), 841(b)(2) and 846

**Counts 2-4:**

**Health Care Fraud - Conspiracy:**  
18 U.S.C. §§1347 and 1349

**Counts 5-7:**

**Aggravated Identity Theft:**  
18 U.S.C. §§2 and 1028A(a)(1)

**Forfeiture**

*A true bill.*

[Redacted Signature]

*Foreperson*

*Filed in open court this 24<sup>th</sup> day of May, 2018.*

**FILED**  
VANESSA L. ARMSTRONG, CLERK

MAY 24 2018

*Clerk*

*Bail, \$*

**U.S. DISTRICT COURT  
WEST'N. DIST. KENTUCKY**