

FILED
At Albuquerque NM

JUN 30 2016

MATTHEW J. DYKMAN
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**PAMELA SUNIGA, and
BARBARA HUSSEY,**

Defendants.

CRIMINAL NO. 16-2940MV

Count 1: 21 U.S.C. § 846: Conspiracy;

Counts 2-4: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(E): Distribution of Hydrocodone;

Counts 5 and 6: 21 U.S.C. §§ 841(a)(1)
and (b)(1)(C): Distribution of
Hydrocodone;

Counts 7 and 8: 21 U.S.C. § 843(a)(3):
Acquiring Controlled Substance by Fraud;

Count 9: 18 U.S.C. § 1001(a)(3):
False Statement;

Count 10: 18 U.S.C. § 1028A(a)(1):
Aggravated Identity Theft;

Count 11: 18 U.S.C. § 669:
Misapplication of Health Care Benefits.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about May 11, 2015, and continuing to on or about October 20, 2015, in Valencia County, in the District of New Mexico, and elsewhere, the defendants, **PAMELA SUNIGA** and **BARBARA HUSSEY**, unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense against

the United States, specifically, distribution of a controlled substance, hydrocodone, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

In violation of 21 U.S.C. § 846.

Count 2

On or about July 11, 2012, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, unlawfully, knowingly and intentionally distributed a Schedule III controlled substance, hydrocodone.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(E).

Count 3

On or about July 23, 2012, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, unlawfully, knowingly and intentionally distributed a Schedule III controlled substance, hydrocodone.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(E).

Count 4

On or about August 14, 2012, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, unlawfully, knowingly and intentionally distributed a Schedule III controlled substance, hydrocodone.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(E).

Count 5

On or about October 15, 2014, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, unlawfully, knowingly and intentionally distributed a Schedule II controlled substance, hydrocodone.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 6

On or about December 16, 2014, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, unlawfully, knowingly and intentionally distributed a Schedule II controlled substance, hydrocodone.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 7

On or about August 13, 2015, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, knowingly and intentionally obtained and acquired a controlled substance, a Schedule II controlled substance, hydrocodone, by misrepresentation, fraud, forgery, deception and subterfuge, to wit by creating a forged prescription in the name of "Joe Wilson, D.D.S." and presenting the prescription to the Walmart Pharmacy in Belen, New Mexico.

In violation of 21 U.S.C. § 843(a)(3).

Count 8

On or about August 20, 2015, in Valencia County, in the District of New Mexico, the defendant, **BARBARA HUSSEY**, knowingly and intentionally obtained and acquired a controlled substance, a Schedule II controlled substance, hydrocodone, by misrepresentation, fraud, forgery, deception and subterfuge, to wit by creating a forged prescription in the name of "Joe Wilson, D.D.S." and presenting the prescription to the Walmart Pharmacy in Belen, New Mexico.

In violation of 21 U.S.C. § 843(a)(3).

Count 9

On or about October 7, 2015, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, did willfully and knowingly make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the executive branch of the Government of the United States, by submitting a forged prescription for 7.5 milligrams of hydrocodone, having forged the signature of Dr. Joseph R. Wilson, D.D.S. thereon, to the pharmacist at Walmart in Belen, New Mexico, well knowing and believing that Dr. Joseph R. Wilson, D.D.S. did not authorize or sign such prescription.

In violation of 18 U.S.C. § 1001(a)(3).

Count 10

On or about October 7, 2015, in Valencia County, in the District of New Mexico, the defendant, **PAMELA SUNIGA**, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c)(4); to wit: Title 18 United States Code, Section 1001(a)(3), False Statements, as charged in Count 9 above, did knowingly use and possess, without lawful authority, a means of identification of another person.

In violation of 18 U.S.C. § 1028A(a)(1).

Count 11

From on or about December 17, 2014 and continuing through October 19, 2015, in Valencia County, in the District of New Mexico, and elsewhere, the defendant, **PAMELA SUNIGA**, knowingly and willfully embezzled, stole, and converted without authority to the use of a person other than the rightful owner and did intentionally misapply, approximately \$17,319.55 of the monies, funds, premiums, credits, and other assets of various Dental Health

Insurance Plans, health care benefit programs as defined in Title 18, United States Code, Section 24(b).

In violation of 18 U.S.C. § 669.

FORFEITURE ALLEGATION

Count 11 of this indictment is incorporated as part of this section of the Indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 982(a)(7).

Upon conviction of the federal health care offense alleged in Count Ten of this Indictment, the defendant, **PAMELA SUNIGA**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(7), all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

The property to be forfeited to the United States includes, but is not limited to, the following:

1. MONEY JUDGMENT

A sum of money representing the value of property, which constitutes or is derived from proceeds traceable to the offense, or a conspiracy to commit such offense;

2. SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

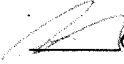
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant 18 U.S.C. § 982(a)(7), to seek forfeiture of any other property of the defendant, **PAMELA SUNIGA**, up to the value of the forfeitable property described above.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

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