

ALSD Local 91 (Rev. 5/18) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Alabama

United States of America  
v.  
WALTER AMACKER AND  
MICHELLE DESIRE NICHOLAS,  
aka MICHELLE BELL

Case No. 18-mj-72

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2016 - December 2017 in the county of Mobile in the  
Southern District of Alabama, the defendant(s) violated:

Code Section

Title 21 USC 846

Offense Description

Conspiracy to possess with intent to distribute a Controlled Substance

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

TFO William Givens, DEA

Printed name and title

Sworn to before me and attestation acknowledged pursuant to Fed. R. Crim. P. 4.1.

Date: June 19, 2018

Judge's signature

City and state: Mobile, AL

P, Bradley Murray, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR AN ARREST WARRANT**

I, William (Billy) Givens, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

I make this affidavit in support of an application for an arrest warrant for **Walter AMACKER** and **Michelle Desire NICHOLAS, aka Michelle Bell**, for a violation of Title 21 United State Code, Section 846.

I am a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA), and have been since 2012. Prior to my assignment as a TFO with DEA, I was a Detective with the Mobile Sheriff's Department, in Mobile, Alabama for approximately eight years. I have received extensive training during my career in law enforcement narcotics investigations. I am familiar with the ways in which drug traffickers conduct their business, including, but not limited to, their methods of obtaining and distributing controlled substances, to include pharmaceutical controlled substances.

The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of 21 USC 846 has been committed by **Walter AMACKER** and Desire **Michelle NICHOLAS, aka Michelle Bell**, for a violation of Title 21 United State Code, Section 846.

In December of 2017, Dr. L. was interviewed by investigators with the DEA Mobile Resident Office. Dr. L., a physician at a medical practice (the Practice) in Mobile, Alabama, verified the following prescriptions were fraudulently issued to **Michelle NICHOLAS**, a physician's assistant where Dr. L worked at that time, under Dr. L's DEA Registration number:

03/08/17 - 240 tablets of Tramadol 50 mg, Schedule IV  
03/08/17 - 120 tablets of Oxycodone 15 mg, Schedule II  
04/05/17 - 120 tablets of Oxycodone 15 mg, Schedule II  
05/03/17 - 120 tablets of Oxycodone 15 mg, Schedule II  
05/29/17 - 120 tablets of Oxymorphone 10 mg, Schedule II  
06/20/17 - 120 tablets of Oxycodone 15 mg, Schedule II

These prescriptions were filled at Semmes Pharmacy in Semmes, Alabama. A Pharmacist there verified **NICHOLAS** picked up the prescriptions.

On December 20, 2017, **NICHOLAS** voluntarily agreed to an interview with DEA investigators. **NICHOLAS** admitted to writing all of the prescriptions with the intention of having Dr. L sign them. She claimed the Oxymorphone prescription is the only one Dr. L did not sign for her. **NICOLAS** claimed she did not know how the prescriptions were filled at Semmes Pharmacy. **NICHOLAS** claimed the prescriptions for Tramadol, Oxycodone and Oxymorphone were not documented in



her medical file because she did not want others in the office to know what prescriptions she was receiving. She claimed that others “judged you” for taking pain medication. **NICHOLAS** acknowledged she wrote the prescriptions and the handwriting was hers, but insisted Dr. L signed them. All of the prescriptions listed above were identified as fraudulent by Dr. L. The prescriptions did not list Dr. L as a provider in the printed text of the prescriptions. The prescriptions also have practitioners listed on the printed text who are were no longer employed at the Practice at the time they were forged, thus they were written on older prescription pads.

**NICHOLAS** admitted **AMACKER** was her boyfriend and that she knew he filled a prescription in his mother's name in June 2017. Alabama Prescription Drug Monitoring Program (PDMP) data indicates a prescription for 60 tablets of Oxycodone 30 mg was filled for **AMACKER's** mother under Dr. S's DEA registration number, on June 18, 2017. Dr. D. is another physician in the practice. **NICHOLAS** stated **AMACKER** was going to bring his mother in to see her for a new patient visit at the Practice. **NICHOLAS** admitted she filled out his mother's new patient paperwork and issued a prescription prior to the mother's appointment. **NICHOLAS** claimed the prescription was not signed and the mother never showed up for the appointment. When asked how the prescription she admitted filling out ended up getting dispensed at a pharmacy, **NICHOLAS** claimed she did not

know. She denied knowing how the prescription was signed, taken to the pharmacy and filled. **NICHOLAS** claimed that later **AMACKER** sent her a saying he was responsible for everything. **NICHOLAS** stated that a pharmacy called Dr. S about the prescription and that Dr. S brought a copy of the prescription to **NICHOLAS** and asked if it was her handwriting. **NICHOLAS** admitted she told Dr. S it was. Dr. S verified that the prescription was not authorized.

According to **NICHOLAS**, individuals called **AMACKER** to get pills. **NICHOLAS** identified an individual (Individual #1), who had passed a forged prescription for a controlled substance, and claimed Individual #1 brought her a prescription to determine if it was filled out correctly before passing it. When asked about another individual (Individual #2) who had passed a forged prescription for a controlled substance, **NICHOLAS** stated she knew Individual #2 filled a fraudulent prescription under Dr. L's DEA registration. Dr. L verified that Individuals # 1 and #2 are not patients of any practitioner at the Practice. PDMP data indicates the following four prescriptions were filled for Individuals # 1 and #2 under DEA registration numbers for Dr. L and Dr. S, practitioners at the Practice:

- 09/28/16 - Issued to Individual #2 for 60 tablets of Oxycodone 30mg.
- 10/22/16 - Issued to Individual #1 for 120 tablets of Oxycodone 30mg.
- 11/01/16 - Issued to Individual #2 for 120 tablets of Oxycodone 30mg.
- 11/11/16 - Issued to Individual #1 for 120 tablets of Oxycodone 30mg

Dr. S. verified the following prescriptions, purporting to have been issued under Dr. S's DEA registration, were fraudulent:

9/23/2016 issued to Individual #2 for 120 tabs of oxycodone 30mg,

10/07/2016, for 90 tabs of oxycodone 30mg issued to **AMACKER**,

10/20/2016 issued to Individual #2 for 120 tabs of oxycodone 30mg,

10/28/2016 issued to Individual #3 for 120 tabs of oxycodone 30mg,

12/02/2016, for 120 tabs of oxycodone 30mg. issued to **AMACKER**,

Dr. S stated the prescriptions issued to Individuals #1 and #2, and **AMACKER** are consistent with prescriptions issued from the Practice's electronic medical records system and from old prescription pads previously utilized by practitioners of the Practice.

On January 24, 2018, Walter **AMACKER** was interviewed regarding his involvement in a fraudulent prescription drug organization operating in Mobile, and Baldwin County, Alabama areas. **AMACKER** admitted **NICHOLAS'** role was to overlook/proof read the prescriptions to ensure that they were filled out correctly. **AMACKER**, admitted pursuant to a proffer, that he obtained the prescription paper from the Practice after **NICHOLAS** told him where the controlled prescription paper was stored and where the prescription pad was located. **AMACKER** confirmed that **NICHOLAS** signed more than 10

prescriptions between July 4, 2017 thru the end of September 2017 in Dr. C's name. Dr. C is another physician at the Practice.

Respectfully submitted,

W. L.

William Givens, Task Force Officer  
Drug Enforcement Administration

THE ABOVE AGENT HAS ATTESTED  
TO THIS AFFIDAVIT PURSUANT TO  
FED. R. CRIM. P. 4.1(b)(2)(B) THIS 18th  
DAY OF JUNE 2018

**P. BRADLEY MURRAY**  
UNITED STATES MAGISTRATE JUDGE