

FILED
VANESSA L. ARMSTRONG, CLERK

APR - 3 2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

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

UNITED STATES OF AMERICA

v.

INDICTMENT

NO.

3:19-CR-57-DJH

GARY GREEN

18 U.S.C. § 2

21 U.S.C. § 843(a)(4)(A)

21 U.S.C. § 853

The Grand Jury charges:

COUNT 1

(False or Fraudulent Material Omission)

Beginning no later than April 3, 2014, and continuing through on or about January 9, 2019, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **GARY GREEN**, defendant herein, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally furnish false and fraudulent material information in, and omit any material information from, any application, report, record, and other document required to be made, kept, and filed; to wit: **GARY GREEN** failed to inform the Drug Enforcement Administration (DEA) when he transferred Schedule II-IV controlled substances from closed pharmacies and stored the controlled substances in an unapproved commercial storage unit that **GARY GREEN** had leased, through Guaranteed Total Construction, for which **GARY GREEN** acted as the registered agent.

In violation of Title 21, United States Code, Sections 843(a)(4)(A), and Title 18, United States Code, Section 2.

The Grand Jury charges:

COUNT 2
(False or Fraudulent Material Omission)

Beginning no later than April 3, 2014, and continuing through on or about January 9, 2019, in the Western District of Kentucky, Jefferson County, Kentucky, and elsewhere, **GARY GREEN**, defendant herein, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally furnish false and fraudulent material information in, and omit any material information from, any application, report, record, and other document required to be made, kept, and filed; to wit: **GARY GREEN** failed to inform the Drug Enforcement Administration (DEA) when he transferred Schedule III-IV controlled substances and stored the controlled substances in the offices of Guaranteed Total Construction, for which **GARY GREEN** acted as the registerent agent.

In violation of Title 21, United States Code, Sections 843(a)(4)(A), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

As a result of committing violations of Title 21, United States Code, Sections 843 as alleged in this Indictment, **GARY GREEN**, defendant herein, shall forfeit to the United States any and all property constituting, or derived from proceeds defendant obtained, directly or indirectly, as a result of the offenses alleged in this Indictment, and any property which facilitated or was involved in such offenses, including but not limited to a Money Judgment for the proceeds of these offenses. It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL.



FOREPERSON

Russell M. Coleman

RUSSELL M. COLEMAN
UNITED STATES ATTORNEY

RCM:JRA/AK:20190402

UNITED STATES OF AMERICA v. GARY GREEN

PENALTIES

Counts 1-2: NM 4 yrs/\$250,000 fine/both/NM 1 yr. 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
At Louisville

THE UNITED STATES OF AMERICA

vs.

GARY GREEN

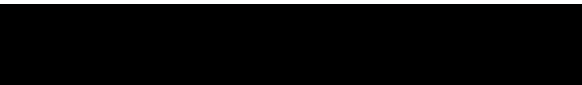
INDICTMENT

Counts 1 and 2

False or Fraudulent Material Omission
21 U.S.C. §§843(a)(4)(A) and 2

Forfeiture

A true bill.



Foreperson

FILED

Filed in open court this 3rd day of April, 2019.

APR - 3 2019

U.S. DISTRICT COURT
WESTERN DISTRICT KENTUCKY

Clerk

Bail, \$