

AO 91 (Rev. 11/11) Criminal Complaint

FILED

APR 16 2019

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

United States of America)
v.)
Christopher Edward Wray)
)
)
)
)
)

Case No.
19-mj-163-SGC

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 12/21/2018 through 2/11/2019 in the county of Madison in the Northern District of Alabama, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 843(a)(3)	Acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.


Complainant's signature

Sam Aikens, Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/16/2019


Judge's signature

City and state: Birmingham, Alabama

Staci G. Cornelius, United States Magistrate Judge

Printed name and title

FILED

APR 16 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)
) **Mag. No. 19-mj-163-SGC**
) **v.**)
) **UNDER SEAL**
CHRISTOPHER EDWARD WRAY)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sam Aikens, being first duly sworn, state that the following is true to the best of my knowledge and belief:

INTRODUCTION

1. I am a Task Force Officer (TFO) with the Department of Justice, Drug Enforcement Administration (DEA), Birmingham District Office (BDO), Tactical Diversion Squad (TDS), charged with investigating narcotics trafficking and money laundering offenses, specifically crimes related to the diversion of controlled substances. I am employed by the Alabama Law Enforcement Agency (ALEA) and have been employed by ALEA or one of ALEA's legacy agencies, since July 7, 2010. During my career, I have worked in patrol and investigative capacities and have conducted investigations into many aspects of criminal law, including illicit drug crimes. I was assigned to the DEA/BDO/TDS in October 2013, and have continued in this assignment since that time, where I have conducted investigations

involving the diversion of prescription scheduled controlled substances. I am an investigator or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510, that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I make this affidavit in support of an application under Rules 3 and 4 of the Federal Rules of Criminal Procedure for a warrant authorizing the arrest of Christopher Edward Wray (“WRAY”). As a Federal law enforcement officer, I am authorized to execute arrest warrants under Rule 4(c)(1) of the Federal Rules of Criminal Procedure.

3. I seek this warrant because, as explained below, there is probable cause to believe that an offense has been committed and that WRAY committed it. *See* Fed. R. Crim. P. 4(a).

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers 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.

APPLICABLE LAW

5. This investigation concerns alleged violations of 21 U.S.C. § 843, relating to

acquiring controlled substances by misrepresentation, fraud, forgery, and deception.

6. Title 21, United States Code, Section 843(a)(3) makes it a Federal crime to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. The elements of a violation of 21 U.S.C. § 843(a)(3) are as follows:

- a. The defendant knowingly and intentionally obtained or acquired a controlled substance; and
- b. The defendant did so by material misrepresentation, fraud, forgery, deception, or subterfuge.

7. The Controlled Substances Act (“CSA”) governs the manufacture, distribution, and dispensing of controlled substances in the United States. Medical practitioners who are authorized to prescribe controlled substances by the jurisdiction in which they are licensed to practice medicine, are authorized under the CSA to prescribe, or otherwise distribute, controlled substances, if they are registered with the Attorney General of the United States. 21 U.S.C. § 822(b); 21 C.F.R. § 1306.03. Upon application by the practitioner, the DEA assigns a unique registration number to each qualifying medical practitioner.

8. The CSA and its implementing regulations set forth which drugs and other substances are defined by law as “controlled substances,” and assign those controlled substances to one of five schedules (schedule I, II, III, IV, or V) depending on their potential for abuse, likelihood of physical or psychological dependency, accepted

medical use, and accepted safety for use under medical supervision.

9. A controlled substance assigned to schedule II means that the drug has a high potential for abuse, is highly addictive, and has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions. Abuse of a schedule II controlled substance can lead to severe psychological and/or physical dependence. A controlled substance assigned to schedule IV means that the drug or other substance has a lower potential for abuse than schedule II or III drugs or other substances, the drug or other substance has a currently accepted medical use in the United States, and abuse of the drug or other substances may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in the higher schedules.

10. Pursuant to the CSA and its implementing regulations, hydrocodone, oxycodone, methadone, and dextroamphetamine-amphetamine are schedule II controlled substances.

11. Pursuant to the CSA and its implementing regulations, clonazepam and alprazolam are schedule IV controlled substances.

12. Chapter 21 of the Code of Federal Regulations, Section 1306.04 governs the issuance of prescriptions and provides, among other things, that a prescription for a controlled substance “must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.”

13. Alabama's prescription drug monitoring program ("PDMP") is a database that contains prescription data for all controlled substances dispensed by pharmacies in the State of Alabama. Pharmacies are required to report the patient's name, the particular controlled substance and dosage dispensed, the quantity dispensed, the number of days supplied, the prescribing physician's name, the date the prescription was issued, the dispensing pharmacy's name, the type of payment, and the date the controlled substances were dispensed.

PROBABLE CAUSE SHOWING

14. On February 13, 2019, an employee of Walgreen's Pharmacy contacted Guntersville Police Department regarding WRAY attempting to fill a forged or fraudulent prescription for hydrocodone. Guntersville PD interviewed L.K., an employee of Walgreen's Pharmacy, located at 1400 Gunter Avenue, in Guntersville, Alabama. L.K. reported that WRAY came into Walgreen's on February 11, 2019, and filled a prescription for alprazolam, purportedly written by Dr. V.W. According to L.K., WRAY came back to Walgreen's the next day, February 12, 2019, and attempted to fill a prescription for hydrocodone, again purportedly written by Dr. V.W. According to L.K., she thought the timing of the prescription was suspicious and attempted to verify its accuracy by calling the number listed on the prescription for Dr. V.W., but that the phone number was invalid. L.K. reported that the pharmacist gave the hydrocodone prescription back to WRAY and told WRAY the

pharmacy could not fill the prescription then, but that he should return the following day.

15. According to L.K., she made contact with Dr. V.W. on February 13, 2019, and confirmed that he had not written the alprazolam prescription WRAY filled on February 11, or the hydrocodone prescription WRAY attempted to fill on February 12.

16. When WRAY returned to Walgreen's on February 13, an employee called Guntersville PD. Guntersville PD Officers Ken Bubbett and John Harris responded to Walgreen's and detained WRAY. After Officer Bubbett obtained the forged hydrocodone prescription, Officer Harris placed WRAY under arrest. During a search of WRAY incident to his arrest, Officer Bubbett found a prescription bottle bearing a label that matched the alprazolam prescription that WRAY had filled at Walgreen's Pharmacy on February 11, 2019.

17. I interviewed L.A.L. and M.B. of the Guntersville Public Library (the "Library") on March 6, 2019. M.B. told me that she observed WRAY creating and printing prescriptions for controlled substances using the Library's public computer and printer. According to M.B., WRAY asked M.B. for help using the Library's printer. Wray attempted to conceal the contents of the document that he was printing, but M.B. saw what appeared to be a prescription for a controlled substance. M.B. stated that the Library's public printer is located in her workspace; as a result,

she has access to materials printed by patrons. M.B. reported that after she discovered what WRAY was doing, she decided to make copies of what WRAY printed. M.B. and L.A.L. identified WRAY out of a six-person photo lineup.

M.B. provided me with the copies that she made, which are ninety-five pages of purported prescriptions for controlled substances. The majority of the prescriptions were written as though they had been issued by Dr. V.W., with DEA # BW3071797, and “Wray, Christopher” is the patient named on the majority of the prescriptions.

18. I reviewed WRAY’s Alabama PDMP data and discovered that WRAY had filled prescriptions for the following controlled substances, purportedly written by Dr. V.W. (“Table 1”):

Controlled Substance Prescriptions Filled by WRAY (Source: Alabama PDMP)			
Date Filled	Controlled Substance (Schedule)	# of Pills	Dispensing Pharmacy
12/28/2018	Dextroamp-Amphetamin (II)	60	Pill Box Pharmacy
12/28/2018	Clonazepam (IV)	90	Pill Box Pharmacy
12/31/2018	Methadone (II)	120	Sorter's Pharmacy
1/2/2019	Hydrocodone (II)	180	Pill Box Pharmacy
1/25/2019	Hydrocodone (II)	180	Pill Box Pharmacy
1/26/2019	Dextroamp-Amphetamin (II)	90	Pill Box Pharmacy
1/26/2019	Clonazepam (IV)	90	Pill Box Pharmacy
1/26/2019	Methadone (II)	150	Pill Box Pharmacy
2/4/2019	Alprazolam (IV)	90	Pill Box Pharmacy
2/5/2019	Oxycodone (II)	180	Pill Box Pharmacy
2/7/2019	Oxycodone (II)	120	Pill Box Pharmacy
2/11/2019	Alprazolam (IV)	90	Walgreens Pharmacy

I retrieved all of the original prescriptions detailed in Table 1 from the dispensing pharmacy.

19. I interviewed Dr. V.W. on April 4, 2019. Dr. V.W. told me that WRAY was his former patient, but that Dr. V.W. had not seen WRAY since December 21, 2018. I showed Dr. V.W. the prescriptions obtained from Pill Box Pharmacy, Sorter's Pharmacy, and Walgreen's Pharmacy, which are described in Table 1. According to Dr. V.W., he did not write or sign any of the prescriptions.

20. On February 25, 2019, I visited Pill Box Pharmacy, located at 8425 US Highway 431, in Albertville, Alabama, and retrieved ten prescriptions for controlled substances purportedly issued by Dr. V.W. for WRAY. The information on the ten prescriptions matches the information contained in the PDMP data for WRAY, as

detailed in Table 1.

21. I interviewed Pill Box Pharmacy employee B.M. on March 6, 2019. B.M. identified WRAY in a six-person photo lineup. According to B.M., she remembers WRAY coming in numerous times between late December 2018 and February 2019.

22. I interviewed J.S., Pharmacist of Pill Box Pharmacy, on February 25, 2019. J.S. told me that he attempted to contact Dr. V.W.'s office in order to verify the authenticity of the prescriptions WRAY used at Pill Box Pharmacy. According to J.S., he called the phone number listed on the prescription—256-837-2270—but that the number was out of service. I confirmed that the phone number for Dr. V.W. on WRAY's prescriptions filled at Pill Box Pharmacy was inaccurate. The final digit had been changed from a "1" to a "0."

23. On February 25, 2019, I visited Sorter's Pharmacy, located at 8095 Alabama Highway 69, in Guntersville, Alabama, and retrieved one prescription for methadone purportedly issued by Dr. V.W. for WRAY. The information on the prescription matches the information contained in the PDMP data for WRAY, as detailed in Table 1. On April 4, 2019, I interviewed S.U., an employee of Sorter's Pharmacy. S.U. identified WRAY in a six-person photo lineup and remembered WRAY filling a prescription at Sorter's Pharmacy on December 31, 2018.

24. On February 25, 2019, I visited Walgreen's Pharmacy, located at 1400 Gunter Avenue, in Guntersville, Alabama, and retrieved one prescription for Alprazolam

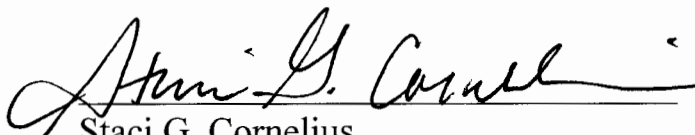
purportedly issued by Dr. V.W. for WRAY. The information on the prescription matches the information contained in the PDMP data for WRAY, as detailed in Table 1.

CONCLUSION

25. Based on the foregoing, I have probable cause to believe that Christopher Wray has committed the offense of acquiring or obtaining a controlled substance by misrepresentation, fraud, forgery, deception, and subterfuge, in violation of Title 21, United States Code, Section 843(a)(3), as charged in the accompanying criminal complaint.


Task Force Officer Sam Aikens
Drug Enforcement Administration

Sworn to me this 16th day of April 2019.


Staci G. Cornelius
United States Magistrate Judge
Northern District of Alabama