

RECEIVED AND FILED
2017 JUL -7 AM 11:01
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

[1] MIGUEL HERNANDEZ MARQUEZ,
(Counts One, Two and Five)

[2] GUILLERMO TIRADO MENENDEZ,
(Counts One and Three)

[3] GILBERTO FIGUEROA TRINIDAD,
a.k.a. "Chino"

(Counts One and Two)

[4] REBECCA SIERRA LOPEZ, a.k.a.
"Rebe"

(Counts One and Two)

[5] WILLIAM VELEZ MONTES

(Counts One and Four)

[6] MYRNA NEVARES SOBRINO

(Count One, Four and Six)

Defendants.

INDICTMENT

CRIMINAL NO. 17- 415 (FAB)

Violations:

(COUNT ONE)

Title 21, United States Code, §§ 841(a)(1),
and 846

(COUNT TWO)

Title 21, United States Code, §§ 841(a)(1) and
Title 18, United States Code, § 2

(COUNT THREE)

Title 21, United States Code, §§ 841(a)(1)

(COUNT FOUR)

Title 21, United States Code, §§ 841(a)(1)
Title 18, United States Code, § 2

(COUNT FIVE)

Title 18, United States Code, §1956(h)

(COUNT SIX)

Title 18, United States Code, §1001

Narcotics Forfeiture Allegation

Title 21, United States Code, § 853 and
Federal Rules of Criminal Procedure, Rule
32.2(a)

(SIX COUNTS)

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Manufacture, Distribute or Dispense or Possess with Intent to Distribute or
Dispense a Controlled Substance)

Beginning on a date unknown, but no later than in or about the year 2009, and continuing
up to and until the return of the indictment, in the Municipality of Caguas and other areas nearby,

in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

[1] **MIGUEL HERNANDEZ MARQUEZ,**
[2] **GUILLERMO TIRADO MENENDEZ,**
[3] **GILBERTO FIGUEROA TRINIDAD, a.k.a. "Chino"**
[4] **REBECCA SIERRA LOPEZ, a.k.a. "Rebe"**
[5] **WILLIAM VELEZ MONTES**
[6] **MYRNA NEVARES SOBRINO**

the defendants herein, did knowingly and intentionally, combine, conspire, and agree with each other and with diverse other persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly and intentionally manufacture, distribute and dispense and possess with the intent to manufacture, distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, a controlled substance, that is, at least 70,000 units of Oxycodone (commonly known as Percocet), a Schedule II Controlled Substance and at least 40,000 units of Alprazolam (commonly known as Xanax), a Schedule IV Controlled Substance. All in violation of Title 21, United States Code Sections 841(a)(1) and 846.

I. INTRODUCTION

At all times material to this Indictment:

1. **Miguel Hernandez Marquez** incorporated Farmacia Condado Moderno Corp. in 2009. Hernandez Marquez's business included the operation of a pharmacy located in Caguas Puerto Rico named **Farmacia Condado Moderno**. On September 26, 2013, Miguel A. HERNANDEZ-Marquez incorporated FARMACIA FCM LLC.

2. **Guillermo Tirado Menendez** was a physician licensed by the Commonwealth of Puerto Rico. Tirado Menendez is specialized in internal medicine and has offices located in Caguas and Cidra, Puerto Rico.

3. **Rebecca Sierra Lopez** was employed as Guillermo Tirado Menendez's nurse

since 2009.

4. **William Velez Montes** was a pharmacist licensed by the Commonwealth of Puerto Rico who has worked as a pharmacist at Farmacia Condado since approximately October 2016.

5. **Myrna Nevares Sobrino** was a pharmacist licensed by the Commonwealth of Puerto Rico who worked at Farmacia Condado Moderno from approximately 2009 until approximately October 2016.

6. **Oxycodone** is a Schedule II controlled substance. It is a highly addictive prescription painkiller, the abuse of which may lead to severe psychological or physical dependence. Common brand names of Oxycodone include Roxicodone, OxyContin, Percocet, and Endocet. Oxycodone, when prescribed for a legitimate medical purpose, is typically used to treat moderate to severe pain.

7. **Alprazolam** is a schedule IV controlled substance. It is a potent, short acting prescription anxiolytic. It possesses sedative, muscle relaxant and amnestic properties. Common brand name of Alprazolam includes Xanax. Alprazolam, when prescribed for a legitimate medical purpose, is typically used to treat anxiety disorders.

8. Federal law requires physicians and pharmacies manufacturing, distributing or dispensing a controlled substance to obtain and maintain a valid Drug Enforcement Administration (DEA) registration.

9. Federal law prohibits physicians and pharmacies from manufacturing, distributing, or dispensing a controlled substance unless expressly authorized to do so by a valid DEA registration and only in compliance with applicable rules, regulations, and laws of the states where the physicians and pharmacies are located or otherwise licensed.

10. The **Controlled Substances Act** (CSA) governs the manufacture, distribution, and dispensing of controlled substances within the United States. With limited exceptions for medical professionals, the CSA makes it unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense a controlled substance, or conspire to do so.

11. Medical professionals and pharmacies, including physicians and pharmacists, registered with the DEA are authorized under the CSA to write prescriptions, or to otherwise dispense, controlled substances, as long as they comply with the requirements under their DEA registration. To comply with the terms of their DEA registration, medical professionals cannot issue a prescription, or fill an order purporting to be a prescription for a controlled substance, unless it is “issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.”

12. **FARMACIA CONDADO MODERNO** was a controlled premise and maintained DEA authorization to store and dispense controlled substances.

13. **Guillermo Tirado Menendez** was a DEA registrant and maintained DEA authorization to dispense controlled substances.

II. OBJECT OF THE CONSPIRACY

The object of the conspiracy was the illegal distribution of Oxycodone (commonly known as Percocet), a Schedule II controlled substance and Alprazolam (commonly known as Xanax), a Schedule IV controlled substance for significant financial gain and profit.

III. MANNER AND MEANS OF THE CONSPIRACY

1. It was part of the conspiracy that since approximately the year 2009, [2] **Guillermo Tirado Menendez** would receive individuals in his medical offices who were seeking prescriptions for Oxycodone and Alprazolam. [2] **Tirado Menendez** would prescribe

Oxycodone (commonly known as Percocet) and Alprazolam (commonly known as Xanax) to those individuals without performing medical exams. [2] **Tirado Menendez** referred to those individuals as “Los Cristianos” (“The Christians”), because they were methadone patients. These individuals would in turn, sell their prescriptions to [3] **Gilberto Figueroa Trinidad**.

2. A typical prescription would consist of 90 Oxycodone (commonly known as Percocet) pills and 60 Alprazolam (commonly known as Xanax) pills and would cost from \$40 to \$100 per prescription.
3. At some time during the span of the conspiracy, due to the demeanor and behavior of “Los Cristianos” in Tirado Menendez’s medical offices, another individual who went to [2] **Tirado Menendez** for prescriptions, [3] **Gilberto Figueroa Trinidad**, offered to pick up the prescriptions belonging to “Los Cristianos” at [2] **Tirado Menendez**’s office.
4. [3] **Figueroa Trinidad** would call [2] **Tirado Menendez**’s nurse, [4] **Rebecca Sierra Lopez** and would give her the names of the “patients” that he would be picking up prescriptions for that day. [4] **Sierra Lopez** would print out the prescriptions and would give them to [2] **Tirado Menendez** for his signature. Once they were signed, [3] **Figueroa Trinidad** would pick them up and would take them to be filled at **Farmacia Condado Moderno**.
5. [3] **Figueroa Trinidad** had a deal with [1] **Miguel Hernandez Marquez** where [1] **Hernandez Marquez** agreed to lower the price per Oxycodone (commonly known as Percocet) if **Figueroa Trinidad** brought him more prescriptions, which he did. Each Oxycodone (commonly known as Percocet) pill was originally sold for \$2.00 and was eventually lowered to \$1.50 by [1] **Hernandez Marquez** due to the volume of

prescriptions that **[3] Figueroa Trinidad** was bringing him. Alprazolam (commonly known as Xanax) were sold for .60 each.

6. At times during the span of the conspiracy, **[3] Figueroa Trinidad** would go to **[2] Tirado Menendez's** office every fifteen days to pick up prescriptions that he would then take to **Condado Moderno**. Other times during the conspiracy he would go once a month or more frequently.
7. Payment was always made in cash to **[2] Tirado Menendez** and to **[1] Hernandez Marquez**.
8. Licensed pharmacists **[5] William Velez Montes** and **[6] Myrna Nevares Sobrino** would dispense the Oxycodone (commonly known as Percocet) and Alprazolam (commonly known as Xanax) pills to **[3] Figueroa Trinidad**, even though he was not the "patient" to whom the prescription was made out to. At times, pharmacy technicians would dispense the Oxycodone (commonly known as Percocet) and Alprazolam (commonly known as Xanax) pills to **[3] Figueroa Trinidad** in the absence of the licensed pharmacists and **[5] Velez Montes** and **[6] Nevares Sobrino** would then process them the following day as if they had dispensed them.
9. **[3] Figueroa Trinidad** would then resell the Oxycodone (commonly known as Percocet) and Alprazolam (commonly known as Xanax) pills in housing projects in the metropolitan area of Puerto Rico for a profit. He would pay each of the individuals that the prescriptions were made out to ("patients") \$70 per prescription. At times, he would pay nurse **[4] Sierra Lopez** \$30 per prescription.

COUNT TWO

(Aiding and Abetting in the Possession with Intent to Distribute a Controlled Substance)

Beginning on a date unknown, but no later than in or about the year 2009, and continuing up to and until the return of the indictment in the Municipality of Caguas and other areas nearby, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court,

**[1] MIGUEL HERNANDEZ MARQUEZ,
[3] GILBERTO FIGUEROA TRINIDAD, a.k.a. "Chino"
[4] REBECCA SIERRA LOPEZ, a.k.a. "Rebe"**

the defendants herein, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute at least 70,000 units of Oxycodone (commonly known as Percocet), a Schedule II Controlled Substance and at least 40,000 units of Alprazolam (commonly known as Xanax), a Schedule IV Controlled Substance. All in violation of Title 21, United States Code Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE

(Possession with Intent to Dispense a Controlled Substance outside the scope of professional practice and not for a legitimate medical purpose)

Beginning on a date unknown, but no later than in or about the year 2009, and continuing up to and the return of the indictment, in the Municipality of Caguas and other areas nearby, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court,

[2] GUILLERMO TIRADO MENENDEZ,

the defendant herein, a registrant authorized to dispense controlled substances did knowingly and intentionally possess with intent to dispense outside the scope of professional practice and not for a legitimate medical purpose at least 70,000 units of Oxycodone (commonly known as Percocet), a Schedule II Controlled Substance and at least 40,000 units of Alprazolam (commonly known as Xanax), a Schedule IV Controlled Substance. All in violation of Title 21, United States Code,

Section 841(a)(1).

COUNT FOUR

(Possession with Intent to Dispense a Controlled Substance Outside the Scope of Professional Practice and Not for a Legitimate Medical Purpose)

Beginning on a date unknown, but no later than in or about the year 2009, and continuing up to and the return of the indictment, in the Municipality of Caguas and other areas nearby, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court,

[5] WILLIAM VELEZ MONTES
[6] MYRNA NEVARES SOBRINO

the defendants herein, registrants authorized to dispense controlled substances aiding and abetting each other, did knowingly and intentionally possess with intent to dispense outside the scope of professional practice and not for a legitimate medical purpose detectable amounts of Oxycodone (commonly known as Percocet), a Schedule II Controlled Substance and detectable amounts of Alprazolam (commonly known as Xanax), a Schedule IV Controlled Substance. All in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT FIVE

(Conspiracy to Commit Money Laundering)

Beginning on a date unknown, but no later than in or about the year 2009, and continuing up to and until the return of the indictment, in the Municipality of Caguas and other areas nearby, in the District of Puerto Rico, elsewhere and within the jurisdiction of this Court,

[1] MIGUEL HERNANDEZ MARQUEZ,

the defendant herein, did knowingly and intentionally conspire, combine, and agree with others known and unknown to the Grand Jury, to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, to wit:

(b) to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, manufacturing, distributing, and dispensing and possessing with the intent to manufacture, distribute and dispense a controlled substance outside the scope of professional practice and not for a legitimate medical purpose knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, §1956(a)(1)(B)(i);

MANNER AND MEANS OF THE CONSPIRACY

It was the object of the conspiracy to obtain large amounts of United States currency (cash) in exchange for illegally dispensing controlled substances at Farmacia Condado Moderno. It was part of the conspiracy that defendant, [1] **MIGUEL HERNANDEZ-MARQUEZ**, and others known and unknown to the Grand Jury would receive cash payments for the illegal sale of Oxycodone and Alprazolam pills at Farmacia Condado Moderno. The proceeds of the illegal sale of Oxycodone and Alprazolam pills would be used to pay the salaries of Farmacia Condado Moderno employees. At times, those payments were made in cash and without withholdings. Illegal drug proceeds were also deposited in Farmacia Condado Moderno's banks accounts to be used for further operation of the business, such as but not limited to, the purchase of more Oxycodone and Alprazolam pills from wholesale distributors for further illegal distribution at Farmacia Condado Moderno. Those illegal drug proceeds were commingled in Farmacia

Condado Moderno's bank accounts with proceeds of legitimate business income in order to conceal the illegal proceeds.

It was further a part of the conspiracy that part of the illegal proceeds were used by [1] **MIGUEL HERNANDEZ-MARQUEZ** to purchase real estate, of which at least one property was at times used to generate rental income. As part of the scheme, [1] **HERNANDEZ-MARQUEZ** would receive rent payment checks and would deposit the checks in his bank account. [1] **HERNANDEZ-MARQUEZ** would then make cash payments on his mortgages.

All in violation of Title 18, United States Code, Section 1956(h)

COUNT SIX

(False Statements to the Federal Government)

On or about February 2, 2017, in the District of Puerto Rico, defendant,

[6] MYRNA NEVARES SOBRINO

did knowingly and willfully make a false, fictitious, and fraudulent statement and representation as to a material fact in a matter within the jurisdiction of the Drug Enforcement Administration ("DEA"), an agency and department of the United States of America, in that she falsely stated to agents of the DEA that no pharmaceutical controlled substances were being dispensed at Farmacia Condado Moderno when she was not present at the pharmacy, when in truth and in fact, [6] **MYRNA NEVARES SOBRINO** well knew, that pharmaceutical controlled substances were being dispensed at Farmacia Condado Moderno when she was not present at the pharmacy.

All in violation of Title 18, United States Code, Section 1001.

Narcotics Forfeiture Allegation
(21 U.S.C. §§ 841, 846)

1. The allegations contained in Counts ONE through FOUR of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.
2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 846, the defendants, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses. The property to be forfeited includes, but is not limited to, the following:
 - a. A sum of money equal to the amount of proceeds obtained as a result of any of the offenses described in the instant Indictment, to wit: \$1,000,000.00.
3. If any of the property described above, as a result of any act or omission of the defendants:
 - 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,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

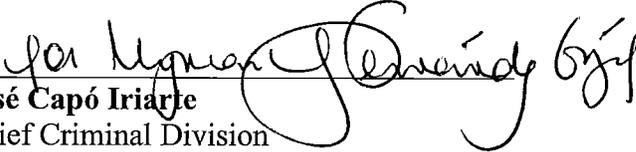
All in accordance with Title 21, United States Code, Section 853 and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

TRUE

FOREPE.

Date: 7/7/17

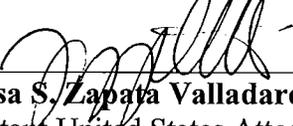
ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney



José Capó Iriarte
Chief Criminal Division



Alberto R. Lopez Rocafort
Assistant United States Attorney
Deputy Chief, Narcotics Unit



Teresa S. Zapata Valladares
Assistant United States Attorney
Narcotics Unit