

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED 10-17-2018
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 18-138
v. * SECTION: I
LUIS ROLANDO CABRERA, JR. *
* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the government in Count 1 of the indictment now pending against the defendant, **LUIS ROLANDO CABRERA, JR.**, charging him with a violation of Title 21, United States Code, Sections 846, 843(a)(3), 841(a)(1), and 841(b)(1)(C), namely, conspiracy to acquire or obtain possession of oxycodone by fraud and to possess with the intent to distribute, and to distribute oxycodone.

1. The Controlled Substances Act (“CSA”), Title 21, United States Code, Section 801, *et seq.*, and its implementing regulations set forth which drugs and other substances are defined by law as “controlled substances.” Those controlled substances are then assigned 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. A substance listed on Schedule I has a higher abuse potential than a substance on Schedule II. The abuse potential decreases as the Schedule numbers increase. Schedule II drugs or substances have some accepted medical use, but with severe restrictions, and

DOJ Trial Attorney SLH
Defendant [Signature]
Defense Counsel [Signature]

have a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous, and abuse can lead to addiction, overdose, and sometimes death.

2. Oxycodone is classified as a Schedule II controlled substance. Oxycodone is the generic name for a highly addictive prescription analgesic. The use of oxycodone in any form can lead to physical and/or psychological dependence, and abuse of the drug may result in addiction. Oxycodone is sold generically or under a variety of brand names, including OxyContin and Roxicodone.

3. In or around April 2017, the defendant, a resident of Jefferson Parish, Louisiana, was introduced to Danielle Lesslie, who was known to the defendant to create fictitious prescriptions for oxycodone using a prescription template that had been stolen from an area physician ("Physician 1"). The defendant was not a patient of Physician 1 and had never been examined by Physician 1.

4. The defendant supplied his personal identifying information (name, date of birth, telephone number) ("PII") to Lesslie for the purpose of having Lesslie create fictitious prescriptions in the defendant's name for oxycodone. After the defendant supplied Lesslie with his PII, Lesslie created and returned the fictitious prescriptions to him. The defendant then filled the prescriptions at pharmacies located in the Eastern District of Louisiana. After the defendant filled the prescriptions, the defendant delivered a portion of the pills to Lesslie and kept the remainder of the pills. The defendant would then sell a portion of the pills that he received on the black market in the Eastern District of Louisiana.

5. Beginning in or around April 2017 and continuing through in or around July 2017, in the Eastern District of Louisiana, the defendant filled at least six fictitious prescriptions for

oxycodone that Lesslie had created and sold a portion of the oxycodone pills that he obtained with the fictitious prescriptions on the black market.

6. Specifically, on or about April 25, 2017, May 4, 2017, May 22, 2017, June 29, 2017, July 15, 2017, and July 24, 2017, the defendant filled fictitious prescriptions for oxycodone that Lesslie had created. After providing a portion of the pills that the defendant obtained using the fictitious prescriptions to Lesslie, the defendant sold a portion of the pills that he kept for himself on the black market.

7. In addition to filling the fictitious prescriptions himself, the defendant also knew and had access to individuals willing to provide their PII to Lesslie for the purpose of having Lesslie create fictitious prescriptions in their names for oxycodone (collectively "Co-conspirators"). The defendant supplied Lesslie with the PII of Co-conspirators, and Lesslie created and returned the fictitious prescriptions to Co-conspirators, who then filled the prescriptions at pharmacies located in the Eastern District of Louisiana.

8. After Co-Conspirators filled the fictitious prescriptions, Co-conspirators delivered a portion of the pills to Lesslie and a portion of the pills to the defendant, and kept the remainder. In turn, the defendant would then sell the portion of the pills that he received on the black market in the Eastern of District Louisiana. The defendant also knew that certain Co-conspirators also sold the pills that they obtained on the black market.

9. Beginning in or around April 2017, and continuing through in or around August 2017, in the Eastern District of Louisiana, the defendant referred at least seven Co-conspirators to Lesslie, none of which were patients of, or ever examined by Physician 1.

10. Specifically, on or about May 12, 2017 and May 16, 2017, Co-conspirator J.C., whose PII the defendant provided to Lesslie, filled fictitious prescriptions for oxycodone that

Lesslie created using the stolen template from Physician 1. Co-conspirator J.C. provided a portion of the oxycodone pills that Co-conspirator J.C. obtained from using these prescriptions to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

11. On or about June 5, 2017 and July 7, 2017, Co-conspirator R.F., whose PII the defendant provided to Lesslie, filled fictitious prescriptions for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator R.F. provided a portion of the oxycodone pills that Co-conspirator R.F. obtained from using these prescriptions to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

12. On or about May 26, 2017 and June 23, 2017, Co-conspirator S.K., whose PII the defendant provided to Lesslie, filled fictitious prescriptions for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator S.K. provided a portion of the oxycodone pills that Co-conspirator S.K. obtained from using these prescriptions to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

13. On or about July 3, 2017 and August 1, 2017, Co-conspirator B.L., whose PII the defendant provided to Lesslie, filled fictitious prescriptions for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator B.L. provided a portion of the oxycodone pills that Co-conspirator B.L. obtained from using these prescriptions to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

14. On or about July 11, 2017 and August 9, 2017, Co-conspirator M.M., whose PII the defendant provided to Lesslie, filled a fictitious prescription for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator M.M. provided a portion of the oxycodone pills that Co-conspirator M.M. obtained from using this prescription to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

15. On or about April 3, 2017, June 27, 2017, and July 26, 2017, Co-conspirator W.R., whose PII the defendant provided to Lesslie, filled fictitious prescriptions for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator W.R. provided a portion of the oxycodone pills that Co-conspirator W.R. obtained from using these prescriptions to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

16. On or about August 3, 2017, Co-conspirator M.W., whose PII the defendant provided to Lesslie, filled a fictitious prescription for oxycodone that Lesslie created using the stolen template from Physician 1. Co-conspirator M.W. provided a portion of the oxycodone pills that Co-conspirator M.W. obtained from using this prescription to the defendant, who in turn, sold a portion of those oxycodone pills on the black market.

17. In total, between April 2017 and August 2017, the defendant conspired and was aided and abetted Co-conspirators in acquiring and obtaining possession of approximately 20,850 milligrams of oxycodone by fraud and distributing and reselling the same on the back market.


18. In sum, the Government's evidence would prove the defendant, **LUIS ROLANDO CABRERA, JR.**, conspired to acquire and obtain possession of oxycodone by fraud, and to possess with the intent to distribute, and distribute oxycodone, a Schedule II controlled substance.

Limited Nature of Factual Basis


This proffer of evidence is not intended to constitute a complete statement of all facts known by **CABRERA**, and/or the government, and it is not a complete statement of all facts described by **CABRERA** to the Government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the pleas of guilty to the charged offenses by **CABRERA**.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, *inter alia*, Special Agents and forensic examiners from the Federal Bureau of Investigation and the United States Department of Health and Human Services – Office of the Inspector General, Drug Enforcement Administration, and admissible tangible exhibits in the custody of the FBI, HHS, and DEA.

READ AND APPROVED:



LUIS ROLANDO CABRERA, JR.
Defendant



BRUCE G. WHITTAKER
Counsel for Defendant



JARED L. HASTEN
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