

U.S. Attorney's Office
Northern District of Texas

MAKING AN IMPACT



Biennial Review 2023 – 2024

ALL ABOUT

U.S. Attorney Leigha Simonton



A career federal prosecutor, Leigha Simonton was nominated for U.S. Attorney for the Northern District of Texas by President Joseph Biden on Nov. 14, 2022, confirmed unanimously by the U.S. Senate on Dec. 6, 2022, and sworn into office as United States Attorney on Dec. 10, 2022.

Ms. Simonton is the top-ranking federal law enforcement official in the Northern District of Texas, overseeing a staff of more than 200, including 100 attorneys and more than 100 support personnel.

Ms. Simonton began her career as an Assistant U.S. Attorney in the Office's Appellate Division. She argued more than 20 times before the Fifth Circuit Court of Appeals and acted as sole counsel in almost 400 criminal appeals.

In 2014, Ms. Simonton won the Director's Award from the Justice Department's Executive Office for U.S. Attorneys for her multi-year trial and appellate work on the Dallas City Hall corruption case involving former Mayor Pro Tem Don Hill. Prior to her confirmation as U.S. Attorney, Ms. Simonton served as the Chief of the Appellate Division, and before that, Deputy Chief.

"I started my NDTX career as a law school intern and am now U.S. Attorney. Being a part of this Office has been the gift and honor of a lifetime, and I am so proud of what we have accomplished for our North Texas communities."

Northern District of Texas

BY THE NUMBERS



1,863 Criminal Cases

From 2023 - 2024, we filed 1,863 criminal cases against 2,674 defendants. We also brought 59 criminal cases all the way to trial – the highest number in more than a decade.



6,132 Victims

From 2023 - 2024, the District's Victim/Witness Coordinators served more than 6,100 victims impacted by defendants charged in North Texas. Services included accompanying victims to court, direct contact, and connecting victims to outside services like counseling, community services, or legal aid.



226 Appeals

Over the past two years, we handled 226 appeals before the Fifth Circuit. The number of cases resolved in our favor rose from an impressive 97.3% in 2023 to a whopping 99.5% in 2024.



1,570 Civil Cases

We handled 1,570 civil cases in 2023 and 2024, including 104 in which the government was a plaintiff and 1,247 in which the government was a defendant. The Civil Division collected over \$125 million, including approximately \$45 million for crime victims, while the ACE Program brought in over \$80 million on fraud and controlled substances matters.



8 Million+ Texans Served

Established in 1879, the U.S. Attorney's Office for the Northern District of Texas has prosecutorial responsibility over 100 counties in Texas, encompassing nearly 96,000 square miles and a population in excess of 8 million.

CRIM CASE HIGHLIGHTS

Tackling Medical Malfeasance


U.S. v Raynaldo Ortiz, Jr.


A Dallas anesthesiologist who injected dangerous drugs into patient IV bags, leading to one death and numerous cardiac emergencies, was sentenced to 190 years in prison.



After eight days of trial, a jury convicted Raynaldo Ortiz, 60, of four counts of tampering with consumer products resulting in serious bodily injury, one count of tampering with a consumer product, and five counts of intentional adulteration of a drug.

Evidence presented at trial showed that Ortiz surreptitiously injected IV bags of saline with epinephrine, bupivacaine, and other drugs, placed them into a warming bin at the facility, and waited for them to be used in colleagues' surgeries, knowing their patients would experience dangerous complications.

 AUSAs John de la Garza, Errin Martin, & Gail Hayworth w/ CPB Trial Attorney Patrick Runkle

 FDA Office of Criminal Investigations

Cracking Down on Financial Fraud

U.S. v Christopher Kirchner

Slync founder Christopher Kirchner was sentenced to 20 years in federal prison for defrauding investors of tens of millions of dollars.

A jury convicted Mr. Kirchner, 37, of four counts of wire fraud and seven counts of engaging in monetary transactions in property derived from specified unlawful activity. In addition to his decades-long prison term, a judge ordered him to pay more than \$65 million in restitution.

Mr. Kirchner fraudulently raised millions from investors based on false promises about Slync's business operations and customers and fantastical revenue projections. He then wired millions into his personal bank account, using that money to buy a private jet, a suite at a sports stadium, several Rolex watches, and a Cartier necklace.

When Slync, drained of funds, struggled to make payroll, Mr. Kirchner attempted to replace some of the money he had misappropriated by convincing investors to wire approximately \$850,000 to Slync as part of a purported Series C investment round never authorized by the Board.

Immediately following his suspension by the Board, Mr. Kirchner removed certain IT administrator privileges from key Slync employees and attempted to delete approximately 18 gigabytes of Slync data, including emails.

 AUSAs Joshua D. Detzky, Nashonme Johnson, & Jay Weimer

 FBI Dallas

CRIM CASE HIGHLIGHTS

Punishing Violent Crime

U.S. v Holly Elkins


A Rowlett woman who helped her fiancé orchestrate the brutal murder of his ex-girlfriend was sentenced to two consecutive life sentences.

After seven days of trial, a jury convicted Holly Elkins of conspiracy to stalk, stalking using a dangerous weapon resulting in death, and brandishing a firearm in relation to a crime of violence. Her former fiancé, Andrew Beard, previously plead guilty to stalking using a dangerous weapon resulting in death and discharging a firearm during a crime of violence.



According to evidence presented at trial, Ms. Elkins helped plot the Oct. 2, 2020 murder of 24-year-old Alyssa Ann Burkett, Mr. Beard's ex-girlfriend, with whom he shared a young daughter. Ms. Elkins also helped Mr. Beard compile materials to carry out the murder.

At the trial, Ms. Burkett's new boyfriend testified that he believed Ms. Elkins was the "puppet master" behind the murder.

 AUSAs Gary Tromblay, Rick Calvert, & Ryan Niedermair

 FBI Dallas

Confronting Fentanyl *Operation Wasted Daze*

NDTX opioid prosecutors charged 13 defendants tied to a rash of fentanyl overdoses that claimed the lives of four local middle and high schoolers and injured 10 more.




Those charged include street-level dealers, middlemen, and a Mexican source of supply with ties to the Sinaloa cartel.

One dealer blatantly ignored a text message, "another youngin dead bro," alerting him to multiple child overdoses, and continued to deal.

After he was arrested, his supplier continued to traffic fentanyl and even posted on Instagram under an ad for fentanyl pills, "Only thing that's gonna stop us is feds."

Eleven of the 13 defendants have been sentenced to date, racking up a combined 113 years in federal prison.

 AUSAs Rick Calvert & Phelesa Guy

 DEA Dallas & Carrollton PD

CRIMINAL / CIVIL PARALLEL ACTIONS

Holding Overprescribers Accountable

Cumbre Medical

The owners of Cumbre Medical Center, Dr. Leovares Mendez, 59, and Dr. Cesar Pena-Rodriguez, 56, were convicted of prescribing hydrocodone, alprazolam, and tramadol to “patients” including those brought to them by recruiter Jorge Hernandez.

They wrote the prescriptions for no legitimate medical purpose, without conducting medical exams, in return for cash payments of between \$200 and \$250.

In video and audio recordings introduced into evidence, undercover officers posing as patients requested medications by name and received prescriptions despite never having complained of pain. The undercover officers received the illegal prescriptions on multiple visits that spanned almost two years.

→ Before the criminal case was filed, the Civil Division secured a preliminary injunction barring the doctors from prescribing opioids. Following the resolution of the criminal case, the doctors agreed to a permanent injunction barring them from prescribing controlled substances and \$1.2 million in penalties.



Criminal AUSAs Donna Max, Marty Basu, & Renee Hunter; Civil AUSA Sarah Delaney w/ CPB Trial Attorney Scott Dahlquist

Safeguarding Government Insurers

Medoc Health Services

Seven individuals associated with Medoc Health Services, including Medoc cofounders Kevin Kuykendall and Mark David Schneider, were convicted of soliciting illegal kickbacks from Total RX, a Rowlett pharmacy that was struggling to stay afloat.

Medoc proposed Total RX convert from an infusion pharmacy into a compounding pharmacy and fill prescriptions for Medoc in return for a 50% commission for Medoc.

The initial agreement only covered prescriptions covered by private insurers, but eventually expanded to prescriptions covered by federal health insurance, disguised under a sham employment agreement.

→ In parallel proceedings, the Civil Division intervened and filed its own complaint in a qui tam lawsuit filed by relator Mark Adams. As part of the resolution of these civil claims, Kevin and Sabrina Kuykendall paid \$4 million. In addition, Mark and Michael Schneider stipulated to entry of a \$3 million civil judgment and Total RX owner Cuong “Michael” Nguyen to a \$2.25 million civil judgment.



Criminal AUSAs Donna Max, Doug Brasher, Nick Bunch, & Matthew Smid; Civil AUSAs Kenneth Coffin, Richard Guiltinan, Beverly Chapman, Katie Carr Jacobs, & Clayton Mahaffey

PROJECT SAFE NEIGHBORHOODS

Project Safe Neighborhoods is a nationwide initiative that brings together federal, state, and local law enforcement officials, prosecutors, and community leaders to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them. Attorney General Merrick Garland identified four pillars key to the success of PSN: community engagement, prevention and intervention, focused and strategic enforcement, and accountability. The Northern District of Texas' PSN efforts have borne fruit in multiple Branch Offices:

↓ 22%

Violent Crime fell 22% in PSN **Dallas's** Forest/Audelia neighborhood year-over-year.

121

121 violent criminals taken off the streets in PSN **Lubbock's** hotspot in the center of the city.

0.8

The fentanyl overdose rate fell from around 5 per month before a takedown of major traffickers to just 0.8 afterwards in **Abilene's** PSN area.

↓ 42%

Firearm incidents decreased 42% in PSN **Fort Worth's** Stop Six neighborhood during the annual summer crime surge.

OP TEXAS KILL SWITCH

In June 2024, U.S. Attorneys for the Northern, Southern, Eastern, and Western Districts of Texas announced “Operation Texas Kill Switch,” a statewide initiative targeting illegal machinegun conversion devices, colloquially known as “switches.”

The day kicked off with a joint op-ed in the *Austin-American Statesman*. Then, at simultaneous press conferences throughout the state, U.S. Attorneys Leigha Simonton, Alamdar Hamdani, Damien Diggs, and Jaime Esparza, joined by ATF Special Agents in Charge Jeffrey Boshek and Michael Weddel, lambasted switches, which transform commercially available firearms into fully automatic weapons capable of firing faster than military-grade M4s.



“

“We’re here to talk about a roughly one-inch piece of plastic. It looks innocuous enough, a little like a lego or a k’nex block. But this one-inch piece of plastic is killing people.” - U.S. Attorney Simonton

”

The press conferences were followed by shooting demonstrations, contrasting the rate of fire of a regular Glock and a switch-equipped Glock. Pockmarked targets showed the inaccuracy of switch-equipped pistols.

“

“One of our biggest fears in ATF is the fear of a mass shooting with one of these devices.” - Jeff Boshek

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The initiative also included a partnership with CrimeStoppers programs statewide, which offered rewards for information leading to the apprehension of those who possess switches or 3D printers used to manufacture them. The partnership led to numerous actionable tips and several prosecutions.

Operation Texas Kill Switch built on the successes of “Operation Take Aim,” an initiative launched by U.S. Attorney Leigha Simonton in 2023 to curb violent crime by federally prosecuting recidivists, particularly those who commit crimes with firearms. Take Aim also bolstered federal involvement in deterrence programs, which provide services to those likely to reoffend, and community outreach.

U.S. ATTORNEY'S AWARDS

The 2024 Law Enforcement Awards honored law enforcement officers and agents who exceed the call of duty to keep their communities safe.

Case	Agency
<i>U.S. v Boukamp</i>	Lubbock Police Department
<i>U.S. v Brown</i>	Texas Department of Public Safety
<i>U.S. v Duberek</i>	Texas Department of Public Safety & FBI
<i>U.S. v Granados</i>	IRS - Criminal Investigative Division
<i>U.S. v Andrew Johnson</i>	FBI
<i>U.S. v Anthony Johnson</i>	Homeland Security Investigations
<i>U.S. v Johnny Johnson</i>	FBI
<i>U.S. v Kay</i>	DEA

Case	Agency
<i>U.S. v Keihn</i>	FBI & U.S. Department of Agriculture OIG
<i>Operation End of the Road</i>	DEA, ATF, & Irving Police Department
<i>Operation Boats & Faux</i>	FBI
<i>U.S. v Rahimi</i>	ATF
<i>Operation Double Eagle</i>	DEA
<i>U.S. v Salmanzadeh</i>	FBI
<i>U.S. v Settle</i>	Homeland Security Investigations w/ Dallas Police Department



CIVIL HIGHLIGHTS

Enforcing Export Control Laws *3D Systems*

The Civil Division negotiated a \$4.5 million settlement with a 3D printing company that allegedly transmitted technical data to China in violation of export control laws.

According to a settlement agreement, South Carolina-based 3D Systems — through its Quickparts subsidiary — completed on-demand manufacturing projects both directly and indirectly on contracts issued by DOD and NASA, including for projects involving technical or other data potentially classified under and controlled by the International Emergency Economic Powers Act, the Arms Export Control Act, the Export Administration Regulations, and/or the International Traffic in Arms Regulations.



In parallel agreements also related to alleged export violations, the company has agreed to a \$20 million administrative settlement with the U.S. Department of State, and a \$2.77 million administrative settlement with the U.S. Department of Commerce.



AUSA Kenneth Coffin

Cracking Down on Medical Kickbacks *Innovasis*

Spinal device manufacturer Innovasis Inc. and senior executives Brent Felix and Garth Felix agreed to pay a total of \$12 million to resolve allegations that they violated the False Claims Act by paying kickbacks to spine surgeons to induce their use of Innovasis's spinal devices.

The settlement announced today resolves allegations that from Jan. 1, 2014, through Dec. 31, 2022, Innovasis provided improper remuneration to 17 orthopedic surgeons and neurosurgeons to induce them to use Innovasis spinal implants, devices, and other equipment in medical procedures the physicians performed on Medicare beneficiaries, in violation of the Anti-Kickback Statute.

The improper remuneration was allegedly provided in the form of consulting fees, intellectual property acquisition and licensing fees, registry payments, and performance shares in Innovasis, as well as travel to a luxury ski resort, lavish dinners, and holiday parties for surgeons, their office staff and family members.

The civil settlement included the resolution of claims brought under the qui tam or whistleblower provisions of the False Claims Act by Robert Richardson, a former Regional Sales Director for Innovasis.



AUSAs Andrew S. Robbins, & George M. Padis w/ DOJ Civil Division Trial Attorneys Jessica Krieg, Olga Yevtukhova, & Adam DiClemente

APPELLATE HIGHLIGHTS

Upholding Righteous Convictions

UDF

The Appellate Division successfully defended the convictions of four UDF executives who misled investors and the SEC about their investment fund's performance.

The Fifth Circuit upheld the convictions, citing the government's "avalanche of evidence" proving its case.

After the Fifth Circuit denied rehearing en banc, the UDF executives asked the Supreme Court to review their case. The Supreme Court denied cert without comment, allowing the Fifth Circuit decision to stand.

 AUSAs Amy Burch, Amy Mitchell, Elise Aldendifer, & Brian McKay

Upholding Just Sentences

U.S. v Thomas Boukamp

The Appellate Division also persuaded the Fifth Circuit to affirm the life sentence of a Michigan man who stalked, transported, and sexually assaulted a 14-year-old girl.

The Fifth Circuit ruled that the defendant was competent to stand trial, noting that — although he was often unwilling to consult with an attorney — he was not unable to do so and

concluding that the defendant's belief that his victim might testify that she was in love with him did not, in fact, indicate a loss of contact with reality.

The Court also rejected the defendant's eight other grounds for relief, including the claim that the District Court had erred in purportedly commenting on his decision not to testify at trial.

 AUSA Stephen Gilstrap

No Double Jeopardy in Bribery Case

U.S. v Ruel Hamilton

The Appellate Division convinced the Fifth Circuit that a retrial on all 18 U.S.C. § 666 counts in the Ruel Hamilton real estate bribery case would not violate Double Jeopardy principles.

After the first trial, a jury convicted Hamilton on the three Section 666 bribery counts but acquitted him on a Travel Act count. That mixed verdict was vacated in the first appeal because the District Court's jury instructions did not clearly require the requisite *quid pro quo*. When the government decided to retry Hamilton on the three bribery counts, he moved to dismiss the one related to the acquitted Travel Act count on Double Jeopardy grounds.

In this interlocutory appeal before retrial, the Fifth Circuit found that Mr. Hamilton's acquittal on the Travel Act count did not preclude the Government from retrying him on the related bribery count, as the jury had not "necessarily decided" any fact against the Government that was an essential element to a bribery conviction.

 AUSA Stephen Gilstrap

DETERRENCE EFFORTS

In the past two years, U.S. Attorney Simonton restarted and expanded the Office's "Re-Entry Nights," events designed to reduce recidivism by educating recent state parolees and probationers about the difference between the federal and state criminal justice systems. The program has served more than 3,500 attendees across the District during that time.

The program also provides free resources for parolees/probationers and their families, from job opportunities to housing, healthcare, mental health and substance abuse treatment, education, mentoring, and community courts. Classes are held once a month in Dallas and Fort Worth, and quarterly in Amarillo. Lubbock classes are in development.

"Re-Entry Nights are designed to discourage state offenders from committing serious crimes that would land them in federal prison and to provide resources so they can live law-abiding, healthy, successful lives."

– U.S. Attorney Leigha Simonton



Youth Outreach

"Stronger Together" Bash

Local & federal law enforcement meet-and-greet with community members, hosted by the Lake Highlands Project Improvement District.

Book Fair @ Thurgood Marshall Elementary

A partnership between Project Safe Neighborhoods & the Dallas Rotary Club, staffed by federal law enforcement and prosecutors.

"National Night Out"

Kids explore the FBI Mobile Command Center, and DEA / ATF / HSI tactical vehicles.

Trunk-or-Treat

Providing a safe space in crime ridden areas for kids to celebrate Halloween. USAO won first in decor!

"Holiday on Forest"

Federal prosecutors distribute toys and winter coats to kids in the community.

VULNERABLE POPULATIONS

Domestic Violence Victims

In 2023 and 2024, the Office continued to aggressively target violent domestic offenders, highlighted by a notable success at the Supreme Court that stemmed from a domestic violence prosecution in the Northern District.

On June 21, 2024, the U.S. Supreme Court upheld the conviction of NDTX defendant Zackey Rahimi, whom the Office prosecuted under a federal statute prohibiting individuals subject to a domestic violence restraining order from possessing a firearm. Because Mr. Rahimi, who assaulted and threatened the mother of his child, had been “found by a court to pose a credible threat to the physical safety of another,” the Court found, he could be “temporarily disarmed consistent with the Second Amendment.”



U.S. Attorney Leigha Simonton lauded the decision at the first-ever “Justice Briefing” hosted by the Texas Council on Family Violence. “Firearms are the leading cause of death for domestic violence victims... *Rahimi* means that we can move forward with these protective order prosecutions. It’s full steam ahead,” she said.

The Justice Briefing, which featured U.S. Attorneys from all four Texas districts, wasn’t the

only domestic violence outreach by the Office.

U.S. Attorney Simonton — who helped create the Office’s Domestic Violence Initiative, which targets offenders like Rahimi for federal prosecution — also hosted a series of webinars explaining how the feds can prosecute armed abusers and those who stalk partners or former partners.

Houses of Worship & Faith Communities

As the Israel-Palestine conflict raged, both Muslim and Jewish faith communities became fearful of hate-based violence. The U.S. Attorney’s Office partnered with FBI Dallas to hold seminars for Rabbis, Imams, and other Jewish and Muslim faith leaders. They covered high-profile hate crime incidents, hate crime reporting and investigations, and safety precautions.

Assistant U.S. Attorneys also affirmed the DOJ’s support of all religious communities at the Muslim Jewish Advisory Council. “No person or community should have to live in fear of hate-fueled violence and discrimination,” said one AUSA.

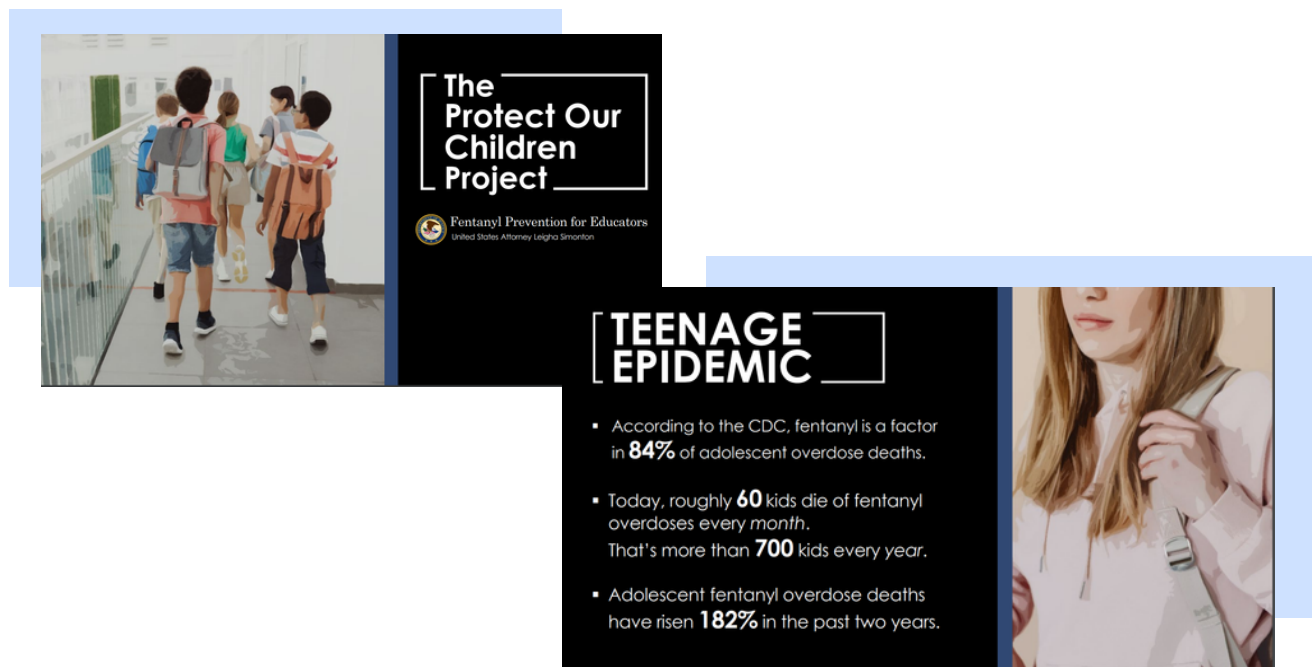


In addition, U.S. Attorney Simonton hosted a webinar entitled “Combatting Hate Crimes,” which covered how to recognize, de-escalate, and report hate crimes, as well as a Q&A session.

PROTECT OUR CHILDREN PROJECT

Following a spate of juvenile fentanyl overdoses that tragically took the lives of four local middle and high schoolers and injured 10 more, U.S. Attorney Leigha Simonton launched the Protect Our Children Project, designed to bring federal law enforcement resources to bear on the issues schools and parents care about most, from curbing student fentanyl use to preventing mass violence.

As part of this Project, in the fall of 2023, U.S. Attorney Simonton partnered with Parkland Hospital Chief Medical Officer Dr. Joseph Chang and DEA Dallas Special Agent in Charge Eduardo Chavez to host fentanyl webinars for educators across the state. The webinars — which covered the dangers of fentanyl, how to respond to an overdose, and how to discourage teens from using the drug — noted that roughly 60 kids die of fentanyl overdoses every month in the United States.



The Protect Our Children Project

Fentanyl Prevention for Educators
United States Attorney Leigha Simonton

TEENAGE EPIDEMIC

- According to the CDC, fentanyl is a factor in **84%** of adolescent overdose deaths.
- Today, roughly **60** kids die of fentanyl overdoses every *month*. That's more than **700** kids every year.
- Adolescent fentanyl overdose deaths have risen **182%** in the past two years.

Hundreds of school administrators, teachers, nurses, coaches, and counselors tuned into the stream, which included a Q&A component and was later archived on YouTube. Afterwards, attendees were given a toolkit with graphics to share with students and parents as well as a PSA to play at school assemblies or during health classes.



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