

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

AUG 09 2017

for the

District of New Mexico

MATTHEW J. DYKMAN

CLERK

United States of America

v.

Roy G. Heilbron

Case No. 17 MJ 2054

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 August 4, 2017 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1001

18 U.S.C. § 1001 (using a false document in a federal matter) and

18 U.S.C. § 1512

18 U.S.C. § 1512 (obstruction of an official proceeding)

This criminal complaint is based on these facts:

See attached affidavit


☒ Continued on the attached sheet.

Complainant's signature

Raymond Mauk, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/09/2017City and state: Albuquerque, New Mexico

Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT OF Raymond Mauk

Your Affiant, Raymond Mauk, having been first duly sworn, does hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed in this capacity since 2005. I am currently assigned to the Albuquerque Division of the FBI, White Collar Crime Squad, and have a primary investigative responsibility for financial crimes. Throughout my career as a Special Agent with the FBI, I have conducted complex financial crimes to include cases involving wire fraud, mail fraud, health care fraud, money laundering.

2. Your Affiant submits this affidavit will show there is probable cause in support of a criminal complaint and arrest warrant against Roy G. Heilbron, date of birth January 26, 1964, social security number 593-01-7762, for a violation of 18 USC § ^{1512 *in violation*} ~~1509~~, Obstruction of An Official Proceeding and a violation of USC § 1001, using a False Document in a Federal Matter.

3. The statements contained in this affidavit are based upon your Affiant's investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your Affiant has not included each and every fact known to your Affiant concerning this investigation. Your Affiant has set forth only the facts which your Affiant believes are necessary to establish probable cause to support a criminal complaint and arrest warrant against Roy G. Heilbron, in violation of 18 USC § ^{1512 *in violation*} ~~1509~~, Obstruction of An Official Proceeding and USC § 1001, using a False Document in a Federal Matter.

4. 18 USC § 1512 prohibits making or using any false writing or document in a federal matter. 18 USC § 1512 prohibits obstructing, influencing, or impeding and official proceeding or attempting to do so.

5. On February 17, 2017, Heilbron appeared in U.S. District Court for the District of New Mexico in Albuquerque and pleaded guilty to one count of a violation of 18 U.S.C. § 1347(a)(2), Health Care Fraud.

6. On August 7, 2017, Heilbron through his attorney filed a motion to continue a previously

scheduled sentencing set for August 28, 2017.

7. On August 4, 2017, Heilbron sent an email to United States Probation Officer Michael Bartholomew, asking for a postponement of his sentencing hearing until after November 20, 2017, due to scheduled prostate cancer chemotherapy treatments that were allegedly set to begin on August 14, 2017, in Costa Rica.

8. In this email Heilbron stated a need to travel to Costa Rica because he did not have health insurance and the cost of treatment was cheaper in Costa Rica than in the United States. According to Heilbron, his father was paying the \$12,000 cost, and Heilbron would stay with family in Costa Rica. Heilbron expressed a desire to have a holistic doctor treat him. Heilbron requested a delay in sentencing until after his alleged chemotherapy treatments. Heilbron stated that a delay in treatments, even a few months, could result in his death.

9. Bartholomew provided documents that Heilbron provided him in support of Heilbron's request.

10. Heilbron provided a "timeline" that he authored. This timeline stated Heilbron began to develop symptoms of prostate cancer in early March 2017. The timeline stated Heilbron was tested and diagnosed in May of 2017 by Dr. Oscar Paniagua. Heilbron described Paniagua as a "very rare" holistic urologist.

11. On August 9, 2017, your Affiant, researched the address that Heilbron provided for Dr. Paniagua in Florida and it came back as a "virtual office."

12. Heilbron provided a document that described a treatment protocol allegedly provided by Dr. Paniagua.

13. On August 8, 2017, your Affiant viewed the properties of the treatment protocol Word document file which listed Heilbron as the author and as the last individual to modify it. The document had a creation date and a last modified date of August 3, 2017.

14. Heilbron provided a clinical summary with the letterhead of Dr. Paniagua. The address on the letterhead returned to Hospital Clínica Bíblica in San Jose, Costa Rica.

15. On August 9, 2017, your Affiant called Hospital Clínica Bíblica. The receptionist after

reviewing the directory, stated no Dr. Oscar Paniagua was listed.

16. On August 9, 2017, your Affiant viewed the properties of the clinical summary Word document file which listed Heilbron as the author and the last individual to modify it. The document had a creation date and a last modified date of August 3, 2017.

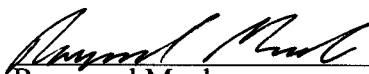
17. On August 9, 2017, your Affiant conducted a National Plan & Provider Registry search on the Centers for Medicare and Medicaid Services website for Ocsar Paniagua. The search identified only one provider with that name, with a primary practice address of 703 S. Fleishel Ave, Suite 4000, Tyler, Texas and a telephone number (903) 606-7000.

18. On August 9, 2017, your Affiant called the Dr. Oscar Paniagua identified in the search of Centers for Medicare and Medicaid Services website. Your Affiant spoke with the Release of Information Tech, who searched for Heilbron, by his name and date of birth. The Release of Information Tech stated no one by the name of Roy Heilbron was ever a patient of the Dr. Paniagua identified during the search of Centers for Medicare and Medicaid Services website.

19. Based on the aforementioned facts, your Affiant submits there is probable cause to believe that Roy G. Heilbron committed violations of 18 USC § ^{1512 MM KBM} ~~1509~~, Obstruction of An Official Proceeding and USC § 1001, using a False Document in a Federal Matter.

I swear that this information is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,



Raymond Mauk
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn to
before me, this 9th day of August, 2017



United States Magistrate Judge
Albuquerque, New Mexico