

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

JUL 20 2010

United States District of New Mexico

United States of America)

v.)

Gloria E. Vigil)

Ashley Gray)

Angelica Ortega)

Defendant

med
MATTHEW J. DYKMAN

Case No. *10-MJ-2048*

CLERK

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 of 05-13-2010 in the county of Bernalillo in the United District of

New Mexico, the defendant violated 21 U. S. C. § 841(a)(1) and 846,

an offense described as follows:

did knowingly and unlawfully distribute and conspire to distribute a Schedule II
Controlled Substance

This criminal complaint is based on these facts:

See Attached Affidavit of Special Agent Erin Croft

Continued on the attached sheet.

Erin Croft

Complainant's signature

Erin Croft, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: JUL 20 2010

Lorenzo F. Garcia

Judge's signature

City and state: Albuquerque, New Mexico

Lorenzo F. Garcia, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF SPECIAL AGENT ERIN CROFT:

I, Erin Croft, Special Agent (SA), Drug Enforcement Administration (DEA), United States Department of Justice, being duly sworn, do depose and hereby state the following:

I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18 U.S.C § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18 U.S.C. § 2516. I have been employed by the DEA since January 2004. I am empowered to investigate, to make arrests with or without a warrant and to execute search warrants under the authority of Title 21 U.S.C. § 878.

This affidavit is made in support of the issuance of a Criminal Complaint charging Gloria VIGIL, NP, Ashley GRAY and Angelica ORTEGA with violation of Title 21, United States Code, Section 841(a)(1), possession with intent to distribute a controlled substance and Section 846, conspiracy. Because this Affidavit is written for the limited purpose of setting forth probable cause for the requested criminal complaints, I have not included every fact known to me through this investigation. I have set forth those facts I deem necessary to establish probable cause of the above listed offenses.

Beginning in October 2008, Diversion Investigator (DI) Lorena Rodriguez received information from New Mexico Board of Pharmacy (NMBOP) Investigator Bill Weast regarding Gloria VIGIL, NP. Inspector Weast informed DI Rodriguez that their office had received information from pharmacies concerning suspicious prescriptions written by VIGIL for narcotic controlled substances all for young males. Inspector Weast further stated that it appeared VIGIL was prescribing the controlled substances from her home residence and not a medical facility. Inspector Weast interviewed VIGIL regarding the prescriptions and VIGIL confirmed she had written the prescriptions and was currently seeing patients at her residence located at 1500 Central Ave SW, Apt 118, Albuquerque, NM at that time.

In mid 2009, DI Rodriguez received further information from NMBOP regarding VIGIL which NMBOP had received from Walgreens Pharmacy. A staff member at a local Walgreens Pharmacy had run a query on a group of 7-8 individuals who had been filling narcotic controlled substance prescriptions written by Gloria VIGIL. The query revealed all the subjects were utilizing the same phone number and similar addresses.

In September 2009, DI Rodriguez checked VIGIL's DEA controlled substances registration which revealed that VIGIL had recently updated her information indicating that she was currently working at CLINICA DE LA GLORIA located at 1720 Bridge BLVD, Suites H and I, Albuquerque, NM. A records check with the State of New Mexico revealed CLINICA DE LA GLORIA is a limited liability corporation located at 1720 Bridge Blvd SW, Suite F, Albuquerque, NM incorporated on January 29, 2010. The incorporation documents only show an organizer of Legalzoom.com, however, a

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computer indices check revealed Gloria VIGIL associated with the business and the Bernalillo County Assessor's Office showed VIGIL as the current owner for tax purposes at 1720 Bridge Blvd SW, Suite F1, Albuquerque, NM.

On November 9, 2009, agents and officers (hereafter referred to as agents) of the Albuquerque District Office established surveillance at CLINICA DE LA GLORIA located at 1720 Bridge Blvd SW, Suite F1, Albuquerque, NM. During the surveillance agents observed a red two door sedan, bearing a New Mexico license plate that registered to Ashley GRAY, arrive at the clinic. Agents observed GRAY coming and going from the clinic with another female identified as Angelica ORTEGA.

At approximately 3:06 PM, I observed GRAY exit the clinic and meet with the driver of a gray Mazda sedan. I observed the driver of the gray Mazda, later identified as Shawn SUBIA, hand something to GRAY which she placed in her pants pocket. I then observed GRAY enter her red sedan and both vehicles exit the parking lot with SUBIA following GRAY. Agents maintained surveillance on the vehicles and observed them travel to the Walgreens located at 1625 Rio Bravo Blvd SW, Albuquerque, NM. Agents observed GRAY exit her vehicle and enter the Walgreens and go to the pharmacy counter. Agents later observed GRAY exit the pharmacy and enter the driver's side of her red sedan. Agents then observed SUBIA enter the passenger side where he remained for approximately two minutes. SUBIA then exited GRAY's vehicle and entered his gray Mazda.

Surveillance was maintained on SUBIA's vehicle until Bernalillo County Sheriff's Department Deputy Justin Kimbrough initiated a traffic stop on the vehicle for an expired license plate. During Deputy Kimbrough's encounter with SUBIA he arrested SUBIA for an outstanding warrant. During a subsequent inventory of the vehicle, Deputy Kimbrough located an unlabeled pill vial containing approximately 78 blue pills identified as 30 mg Oxycodone. I spoke with Group Supervisor (GS) Eduardo Chavez who had remained at the Walgreens to obtain the prescription presented by GRAY. GS Chavez informed me GRAY had picked up a prescription for 120 tablets of 30mg Oxycodone which had been written by VIGIL for Angelica ORTEGA. SUBIA was booked by Deputy Kimbrough on the misdemeanor warrant and state charges for possession of a controlled substance.

On May 13, 2010, agents established surveillance at CLINICA DE LA GLORIA, located at 1720 Bridge Blvd SW, Suite F1, Albuquerque, NM. Agents observed a red Altima which agents had previously identified as belonging to Angelica ORTEGA. Agents observed ORTEGA and GRAY exit the clinic and ORTEGA enter the driver's side of the Altima and GRAY enter the front passenger side. Agents observed the Altima exit the parking lot and drive to the K-Mart located at the intersection of Central and Atrisco in Albuquerque, NM. Agents observed the Altima meet with an off white Cadillac sedan being driven by Armando MONTANO. TFO Andrew Sadler had previously observed the Cadillac drive through the parking lot of CLINICA DE LA GLORIA.

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Surveillance was maintained on the Cadillac and agents observed the Cadillac drive to the Wal Mart located at 301 San Mateo Blvd SE, Albuquerque, NM. Agents observed MONTANO exit the vehicle and enter the Wal Mart and walk to the pharmacy where he provided the staff with a prescription to be filled. After MONTANO left the Wal Mart, GS Chavez was informed by the pharmacy staff that MONTANO had dropped off a prescription in the name of Donald Stanley, written by Gloria VIGIL, for Percocet 10/325mg and pharmacy staff had told him it would be ready in approximately 30 minutes. Agents maintained surveillance at the Wal Mart until MONTANO returned and picked up the filled prescription which he paid cash for.

Agents approached MONTANO after he picked up the prescription and inquired about the circumstances of the prescription. During a subsequent interview with MONTANO, MONTANO stated he had obtained the prescription from GRAY and ORTEGA and had paid them \$150 US Currency for the prescription. MONTANO stated \$50 was ORTEGA and GRAY's fee and the remaining \$100 would go to VIGIL. Agents located a piece of notebook paper with approximately 15 names and dates of birth written on it in MONTANO's wallet. MONTANO confirmed that the list was names of individuals that he used to obtain prescriptions from VIGIL. I checked a prescription monitor report for VIGIL and located the names from the list on the report as obtaining controlled substances from VIGIL.

In June 2010, I interviewed CS-10-135530 (hereafter referred to as CS) regarding the CS's knowledge of VIGIL's prescription writing practices. The CS stated the CS had been obtaining prescriptions from VIGIL in several different names of individuals for a cash fee. The CS stated the CS usually obtained the prescriptions for 180 tablets of 30mg Oxycodone which the CS paid \$250 for each written prescription. The CS provided me with a several names the CS had used which I located on a prescription monitor report for VIGIL. The CS stated the CS knew of other individuals who also went to VIGIL and paid cash to obtain multiple prescriptions. The CS stated VIGIL would write as many prescriptions as someone wanted as long as they only used a name approximately once every four weeks.

On June 17, 2010, the CS went to CLINICA DE LA GLORIA to see VIGIL at my direction. I provided the CS with \$1250 US Currency and two names of individuals for the CS to get prescriptions for. I also directed the CS to obtain prescriptions in two names the CS had previously used. I obtained a video/audio recording of the CS meeting with VIGIL in which the CS was able to obtain two prescriptions in names the CS had previously used and two prescriptions in names that I provided to the CS. I observed from the video that the CS met with VIGIL in an office located at CLINICA DE LA GLORIA. I heard the CS tell VIGIL that the CS was giving VIGIL \$1250. I heard VIGIL tell the CS that due to the investigation (referring to the Medicaid fraud investigation) VIGIL was changing the prescriptions from 180 tablets to 120 tablets. I also heard VIGIL tell the CS that she was adding Flexeril to one of the prescriptions to make it look better but that it was cheap to fill and would only cost the CS about \$4.00 additional.

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On June 29, 2010, the CS went to CLINICA DE LA GLORIA to see VIGIL at my direction. I provided the CS with \$1250 US Currency to obtain prescriptions from VIGIL. The CS provided me with a piece of paper containing four names the CS was going to use to obtain the prescriptions, which I noted for future reference. I obtained a video/audio recording of the CS meeting with VIGIL in which the CS was able to obtain prescriptions for the four names the CS had showed to me prior to meeting with VIGIL along with a fifth name that VIGIL had obtained from a file for the CS. I observed from the video that the CS met with VIGIL in an office located at CLINICA DE LA GLORIA. I heard the CS tell VIGIL that the CS was giving VIGIL \$1250 for the prescriptions. I also heard VIGIL asking for direction from the CS on what dates to write on the prescriptions so they would be written approximately a month since the last prescription in that name.

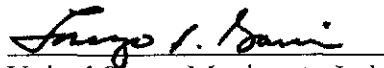
This Affidavit was reviewed and approved by Assistant United States Attorney John Anderson.

Based on the foregoing, I believe that probable cause exists that Gloria VIGIL, during the time period of November 2009 through June 29, 2010, did knowingly and unlawfully distribute and conspire to distribute a controlled substance outside the scope of any legitimate medical practices in violation of Title 21 U.S.C. Section 841(a)(1) and Section 846 and that Angelica ORTEGA and Ashley GRAY, during the time period of November 2009 through May 13, 2010, did knowingly and unlawfully distribute and conspire to distribute a controlled substance in violation of Title 21 U.S.C. Section 841(a)(1) and Section 846.

Subscribed to and sworn before me this 20th day of July 2010 in Albuquerque, New Mexico.



Erin Croft
Special Agent
Drug Enforcement Administration



United States Magistrate Judge
Lorenzo F. Garcia