

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 TAMRAL GUZMAN, also known as)
 “Tammy,” and)
 BRIAN DOWNEY,)
)
 Defendants.)

NO. 3:10-CR- 161
JUDGES VARLAN/SHIRLEY

INDICTMENT

The Grand Jury charges:

COUNT ONE

At all times relevant to this Indictment:

A. Introduction

1. The Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, governs the manufacture, distribution, and dispensing of various medications in the United States. Included in this regulation are certain drugs, other substances, and their immediate precursors, which are defined as “controlled substances” under 21 U.S.C. § 802(6). These controlled substances are listed within one of five established Schedules, Schedules I-V. 21 U.S.C. § 802(6).

2. Placement of a controlled substance within a Schedule depends on the drug’s medical use, potential for abuse, and risk of dependence. 21 U.S.C. § 812(b).

a. For example, Schedule I controlled substances are those drugs, substances, and immediate precursors with a high potential for abuse, no accepted medical use in the United States, and no accepted safety for use under medical supervision. 21 U.S.C. § 812(b)(1).

b. Schedule II drugs have a currently accepted medical use, or a use with severe restrictions, but also have a high potential for abuse. This abuse may lead to severe psychological or physical dependence. 21 U.S.C. § 812(b)(2).

c. Schedule III drugs have a currently accepted medical use, but a potential for abuse, albeit a lesser potential than the drugs in Schedules I and II. This abuse may lead to moderate or low physical dependence, or a high psychological dependence. Conversely, Schedule V drugs have a currently accepted medical use and a low potential for abuse relative to those drugs in Schedule IV, but abuse may lead to limited physical dependence or psychological dependence. 21 U.S.C. § 812(b)(3).

d. Schedule IV and V drugs each have a currently accepted medical use and a low potential for abuse. This abuse may lead to limited physical dependence or psychological dependence. The potential for abuse and severity of dependence for drugs in Schedule V are lesser than those in Schedule IV.

3. In contrast to controlled substances, some non-controlled drugs, substances, and immediate precursors are also subject to federal regulation. These are classified as “prescription drugs” and must be prescribed by a doctor, either due to their toxicity, or to their potentially harmful effects if not used under the supervision of a licensed practitioner. 21 U.S.C. § 353(b).

4. Controlled substances and prescription drugs may be dispensed lawfully by means of a “prescription,” if that prescription is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. 21 C.F.R. § 1306.04(a).

a. A “prescription” is an order for medication which is dispensed to or for an ultimate user. 21 C.F.R. § 1300.01(b)(35).

b. An “individual practitioner” is a physician, dentist, veterinarian, or other individual licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he or she practices, to dispense a controlled substance in the course of professional practice. 21 C.F.R. § 1300.01(b)(17).

c. No statutory definition of “legitimate medical purpose” and “usual course of professional practice” exists.

5. Under the CSA, therefore, “[a]n order purporting to be a prescription issued not in the usual course of professional treatment” is not a prescription. 21 C.F.R. § 1306.04(a). In other words, any person knowingly issuing a prescription for controlled substances without a legitimate medical purpose and not in the usual course of professional conduct is subject to the penalties provided for violations of the provisions of law relating to controlled substances. 21 C.F.R. § 1306.04(a).

6. Additionally, to be lawfully exempt from the prohibitions on distributing and dispensing, every practitioner who distributes or dispenses controlled substances must obtain a Drug Enforcement Administration Registration Number (“DEA Registration ”), which is issued by the Attorney General. 21 U.S.C. § 822(a)(2). The DEA Registration must be renewed every one to three years. 21 U.S.C. § 822(a)(2).

7. Accordingly, to issue lawful prescriptions for controlled substances, they must be (1) written by a practitioner registered with the DEA and (2) issued for a legitimate medical purpose in the course of the practitioner's professional practice.

B. The Unlawful Agreement

8. Beginning in or about August 2008, and continuing through on or about December 7, 2010, within the Eastern District of Tennessee, the defendant, **TAMRAL GUZMAN**, did combine, conspire, confederate, and agree with others to commit violations of Title 21, United States Code, Section 841(a)(1), that is, knowingly, intentionally, and without authority to distribute, and to possess with intent to distribute, a quantity of a mixture and substance containing oxycodone, a Schedule II controlled substance; a quantity of a mixture and substance containing hydrocodone, a Schedule II controlled substance; a quantity of a mixture and substance containing alprazolam, a Schedule IV controlled substance; a quantity of a mixture and substance containing diazepam, a Schedule IV controlled substance; and a quantity of a mixture and substance containing zolpidem, a Schedule IV controlled substance, all in violation of Title 21, United States Code, Section 846.

C. Object of the Conspiracy

9. It was the object of the conspiracy to generate large amounts of cash revenue through the unlawful sale of prescriptions for controlled substances.

D. Manner and Means

10. It was part of the manner and means of the conspiracy that the defendant, **TAMRAL GUZMAN (hereinafter "GUZMAN")** and others would and did knowingly open, use, operate, and maintain Maryville Pain Management, LLC (hereinafter "Maryville Pain"), for the purpose of unlawfully distributing and dispensing and causing the unlawful distribution and dispensing of

controlled substances. Maryville Pain was formed on or about August 14, 2008, and **GUZMAN** is its registered agent.

11. Maryville Pain operates on a cash-only basis and does not accept medical insurance.

12. A licensed nurse practitioner known to the Grand Jury (hereinafter “the nurse practitioner”) was employed by Maryville Pain from approximately December 1, 2008, through September 28, 2009. The nurse practitioner would review patient charts prior to the scheduled appointments and sign her name to blank prescriptions. The nurse practitioner would often not be present for the examinations, and indeed was typically at the office for an average two hours each day. **GUZMAN**, who is not a practitioner under 21 U.S.C. § 802(21) or 21 C.F.R. § 1301.01(b)(17) and is not registered under 21 U.S.C. § 822, would meet with the patients and write orders for controlled substances and other prescription drugs on the blank prescription forms the nurse practitioner had presigned. **GUZMAN** would increase the dosage unit or prescribe different drugs than she (the nurse practitioner) recommended in the charts.

13. The nurse practitioner resigned from Maryville Pain on September 28, 2009. Prior to her resignation, she presigned additional blank prescriptions that she left with **GUZMAN**.

14. From on or about September 28, 2009, to on or about October 19, 2009, no medical practitioner was employed by Maryville Pain. **GUZMAN** examined and wrote prescriptions for patients during that time using the presigned, blank prescriptions that the nurse practitioner had left.

15. On multiple occasions from June 2009 to October 2009, **GUZMAN** used the nurse practitioner’s DEA registration number, and at other times used the registration number of another employee, a licensed physician known to the Grand Jury (hereinafter “the physician”), on DEA Form 222s, which were used to order bulk controlled substances, including but not limited to oxycodone

and hydrocodone. At no time during the course of this conspiracy was Maryville Pain registered with the Drug Enforcement Administration to dispense controlled substances in-house.

16. Throughout the course of the conspiracy, the defendant, **TAMRAL GUZMAN**, and others known and unknown to the Grand Jury, knowingly:

- a. gave inadequate physical examinations or none at all;
- b. accepted false and/or outdated MRIs and other documentation of injuries;
- c. took no precautions against the misuse and diversion of controlled substances;
- d. did not regulate the dosage of controlled substances prescribed;
- e. failed to require adequate documentation of physical injuries;
- f. ordered bulk controlled substances without authorization to do so;
- g. accepted only cash for the services rendered (no insurance or other forms of payment were accepted);
- h. failed to act on information of addiction, drug abuse, drug selling, drug overdose, or other medical emergency conditions for patients seen at Maryville Pain when such information was provided to them; and
- i. did not monitor drug-seeking behavior, that is, ignoring the fact that many of the customers were from out of the county, state, and region,

all in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(C), and 841(b)(2).

FORFEITURE ALLEGATIONS

17. The allegations contained in Count One 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.

18. 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 defendant, **TAMRAL GUZMAN**,

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 offense. The property to be forfeited includes, but is not limited to, the following:

a. Real Property

- (1) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 2817 France Court, Maryville, Tennessee, which is more fully identified on the deed recorded on September 16, 2009, in Book 2244, Page 2589 in the Blount County Register of Deeds.
- (2) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 3536 Garner Circle, Maryville, Tennessee, which is more fully identified on the deed recorded on February 12, 2007, in Book 2144, Page 1893 in the Blount County Register of Deeds.
- (3) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 118 Parliament Drive, Maryville, Tennessee, which is more fully identified on the deed recorded on September 2, 1993, in Book 553, Page 457 in the Blount County Register of Deeds.
- (4) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 4171 Bear Hollow Loop, Louisville, Tennessee, which is more fully identified on the deed recorded on September 29, 2010, in Book 2275, Page 271 in the Blount County Register of Deeds.
- (5) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 2928 Patrick Avenue, Maryville, Tennessee, which is more fully identified on the

deed recorded on October 28, 2010, in Book 2278, Page 501 in the Blount County Register of Deeds.

b. Vehicles

2008 Tracker Deep-V Fishboat (Hull ID No. BUJ63861D808), a 2008 Mercury motor (serial number 1A312228) and a 2008 boat trailer (serial number 4TM12EJ208B001045)

c. Money Judgment

A personal money judgment in favor of the United States and against **TAMRAL GUZMAN** in an amount not less than \$1,627,948, representing the amount of money involved in the defendant's offenses in violation of Title 21, United States Code, Sections 846 and 841.

d. Bank Accounts

- (1) Contents of ORNL account, account number xxxx480, in the name of Tamral Guzman
- (2) Contents of ORNL account, account number xxxx481, in the name of Maryville Pain Management, LLC

19. 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).

COUNT TWO

20. The Grand Jury further charges that on or about November 13, 2009, within the Eastern District of Tennessee, the defendant, **TAMRAL GUZMAN**, did knowingly, intentionally, and without authority possess with the intent to distribute a quantity of a mixture and substance containing a detectable oxycodone, a Schedule II controlled substance; a quantity of a mixture and substance containing hydrocodone, a Schedule II controlled substance; a quantity of a mixture and substance containing alprazolam, a Schedule IV controlled substance; a quantity of a mixture and substance containing diazepam, a Schedule IV controlled substance; and a quantity of a mixture and substance containing zolpidem, a Schedule IV controlled substance.

[Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 841(b)(2)]

COUNT THREE

(Money Laundering Conspiracy - 18 U.S.C. § 1956(h))

21. The allegations contained in Counts One and Two are incorporated herein by reference.

22. The Grand Jury further charges that, beginning in or about August 2008 and continuing through on or about December 7, 2010, in the Eastern District of Tennessee, the defendants, **TAMRAL GUZMAN and BRIAN DOWNEY**, did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons known and

unknown to the Grand Jury to commit certain offenses against the United States in violation of Title 18, United States Code, Sections 1956 and 1957, to wit:

a. to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce, which transactions involved the proceeds of specified unlawful activity, that is, the distribution of controlled substances, in violation of Title 21, United States Code, Section 841, in order to avoid a transaction reporting requirement under state or federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii); and

b. to knowingly engage and attempt to engage, in monetary transactions by, through or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is United States currency, such property having been derived from a specified unlawful activity, that is, the distribution of controlled substances, in violation of Title 18, United States Code, Section 1957.

MANNER AND MEANS

23. The manner and means used to accomplish the objectives of the conspiracy included, among others, the following:

a. The March 19, 2009 deposit of the sum of \$10,300 in a manner intended to avoid transaction reporting requirements, to wit: Six separate deposits in the amount of \$1,300, \$1,400, \$1,100, \$1,400, \$1,500, and \$1,600 into ORNL Federal Credit Union account number XXX6481, and one deposit of \$2,000 into ORNL Federal Credit Union account number XXX6480, the full account numbers being known to the Grand Jury.

b. The May 4, 2009 deposit of the sum of \$12,300 in a manner intended to avoid transaction reporting requirements, to wit: Five separate deposits in the amount of \$2,000, \$1,500,

\$1,400, \$1,300, and \$1,700 into ORNL Federal Credit Union account number XXX6481, and one deposit of \$4,400 into ORNL Federal Credit Union account number XXX6480.

c. The February 16, 2010 deposit of the sum of \$16,376 in a manner intended to avoid transaction reporting requirements, to wit: Three separate deposits in the amount of \$6,836, \$4,920, and \$4,620 into ORNL Federal Credit Union account number XXX6481.

d. The May 8, 2009 purchase of a 2008 Tracker Deep-V fishboat, along with a 2008 Mercury motor and a 2008 boat trailer, from Tracker Marine Boat Center in Kodak, Tennessee, a financial institution as defined by 31 U.S.C. § 5312(a)(2)(T), for the sum of \$30,008.32.

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

FORFEITURE ALLEGATIONS

24. The allegations contained in Count Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 982(a)(1).

25. Pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of an offense in violation of Title 18, United States Code, Section 1956 or 1957, the defendants, **TAMRAL GUZMAN and BRIAN DOWNEY**, shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

a. Real Property

- (1) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 2817 France Court, Maryville, Tennessee, which is more fully identified on the

deed recorded on September 16, 2009, in Book 2244, Page 2589 in the Blount County Register of Deeds.

- (2) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 3536 Garner Circle, Maryville, Tennessee, which is more fully identified on the deed recorded on February 12, 2007, in Book 2144, Page 1893 in the Blount County Register of Deeds.
- (3) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 118 Parliament Drive, Maryville, Tennessee, which is more fully identified on the deed recorded on September 2, 1993, in Book 553, Page 457 in the Blount County Register of Deeds.
- (4) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 4171 Bear Hollow Loop, Louisville, Tennessee, which is more fully identified on the deed recorded on September 29, 2010, in Book 2275, Page 271 in the Blount County Register of Deeds.
- (5) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 2928 Patrick Avenue, Maryville, Tennessee, which is more fully identified on the deed recorded on October 28, 2010, in Book 2278, Page 501 in the Blount County Register of Deeds.

b. Vehicles

2008 Tracker Deep-V Fishboat (Hull ID No. BUJ63861D808), a 2008 Mercury motor (serial number 1A312228) and a 2008 boat trailer (serial number 4TM12EJ208B001045)

c. Money Judgment

A personal money judgment in favor of the United States and against **TAMRAL GUZMAN and BRIAN DOWNEY**, jointly and severally, in a amount not less than \$1,107,015, representing the amount of money involved in the defendants' offenses in violation of Title 18, United States Code, Sections 1956 and 1957.

d. Bank Accounts

- (1) Contents of ORNL account, account number xxxx480, in the name of Tamral Guzman
- (2) Contents of ORNL account, account number xxxx481, in the name of Maryville Pain Management, LLC

26. 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), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

COUNTS FOUR THROUGH TEN

(Structuring - 31 U.S.C. §§ 5324(a)(1) and 5324(d) and 31 C.F.R. Part 103)

27. The allegations contained in Counts One and Two are incorporated herein by reference.

28. The Grand Jury further charges that on or about the dates set forth below, in the Eastern District of Tennessee, the defendants, as named below in each Count Four through Ten, aided and abetted by each other, knowingly and for the purpose of evading the reporting requirements of section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, did cause and attempt to cause a domestic financial institution to fail to file a report required under section 5313(a) of Title 31, and any regulation prescribed under any such section, and did so while violating another law of the United States, and as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period:

<i>Count</i>	<i>Defendants</i>	<i>Date</i>	<i>Description</i>
4	TAMRAL GUZMAN and BRIAN DOWNEY	March 18, 2009	Deposit of \$10,300, consisting of separate deposits of \$1,300, \$1,400, \$1,100, \$1,400, \$1,500, and \$1,600 to ORNL Federal Credit Union (“ORNL”) account number XXX6481 and one deposit of \$2,000 to ORNL account number XXX6480.
5	TAMRAL GUZMAN and BRIAN DOWNEY	March 30, 2009	Deposit of \$15,100, consisting of a deposit of \$10,000 to ORNL account number XXX6480 and separate deposits of \$1,300, \$1,200, \$1,500, and 1,100 to ORNL account number XXX6481.

6	TAMRAL GUZMAN and BRIAN DOWNEY	April 1, 2009	Deposit of \$10,300, consisting of a deposit of \$3,000 to ORNL account number XXX6480 and separate deposits of \$1,600, \$1,700, \$1,100, \$1,500 and 1,400 to ORNL account number XXX6481.
7	TAMRAL GUZMAN and BRIAN DOWNEY	May 4, 2009	Deposit of \$12,300, consisting of a deposit of \$4,400 to ORNL account number XXX6480 and separate deposits of \$2,000, \$1,500, \$1,400, \$1,300 and 1,700 to ORNL account number XXX6481.
8	TAMRAL GUZMAN and BRIAN DOWNEY	October 20, 2009	Deposit of \$30,100, consisting of separate deposits of \$10,000 and \$100 to ORNL account number XXX6480 and two separate deposits of \$10,000 to ORNL account number XXX6481.
9	TAMRAL GUZMAN and BRIAN DOWNEY	February 16, 2010	Deposit of \$16,276, consisting of separate deposits of \$6,836, \$4,920, and \$4,620 to ORNL account number XXX6481.
10	TAMRAL GUZMAN and BRIAN DOWNEY	March 15, 2010	Deposit of \$11,263, consisting of separate deposits of \$4,878 and \$6,385 to ORNL account number XXX6481.

All in violation of Title 31, United States Code, Sections 5324(a)(1) and 5324(d), Title 18, United States Code, Section 2, and Title 31, Code of Federal Regulations, Part 103.

COUNTS ELEVEN THROUGH FIFTEEN

(Structuring - 31 U.S.C. §§ 5324(a)(3) and 5324(d) and 31 C.F.R. Part 103)

29. The allegations contained in Counts One and Two are incorporated herein by reference.

30. The Grand Jury further charges that on or about the dates set forth below, in the Eastern District of Tennessee, the defendants, as named below in each of Counts Eleven through Fifteen, aided and abetted by each other, knowingly and for the purpose of evading the reporting requirements of section 5313(a) of Title 31, United States Code, and the regulations promulgated thereunder, did structure, assist in structuring, attempt to structure and assist in structuring, the following transactions with a domestic financial institutions, and did so while violating another law of the United States, and as part of a pattern of illegal activity involving more than \$100,000 in a twelve-month period:

<i>Count</i>	<i>Defendants</i>	<i>Date</i>	<i>Description</i>
11	TAMRAL GUZMAN and BRIAN DOWNEY	May 21, 2009 - May 22, 2009	Deposit of \$17,400, consisting of separate deposits of \$1,300, \$1,050, \$950, 1,000, \$1,100, \$900, and \$1,500 on May 21 to ORNL account number XXX6480, and a deposits of \$9,600 on May 22 to ORNL account number XXX6481.
12	TAMRAL GUZMAN and BRIAN DOWNEY	June 17, 2009 - June 19, 2009	Deposit of \$17,500, consisting of \$1,000 deposited to ORNL account number XXX6480 on June 17, and deposits of \$5,000 on June 17, \$5,500 on June 18, and \$6,000 on June 19 to ORNL account number XXX6481.
13	TAMRAL GUZMAN and BRIAN DOWNEY	July 13, 2009 - July 17, 2009	Deposit of \$37,920, consisting of separate deposits to ORNL account number XXX6481 of \$4,000 and \$4,920 on July 13, \$7,000 on July 14, \$7,000 on July 15, \$6,000 on July 16, and \$7,000 on July 17, and a deposit of \$2,000 on July 16 to ORNL account number XXX6480.

14	TAMRAL GUZMAN and BRIAN DOWNEY	July 20, 2009 - July 23, 2009	Deposit of \$23,000, consisting of separate deposits to ORNL account number XXX6481 of \$5,000 on July 20, \$7,000 on July 21, \$6,000 on July 22, and \$5,000 on July 23.
15	TAMRAL GUZMAN and BRIAN DOWNEY	January 4, 2010 - January 5, 2010	Deposit of \$11,750, consisting of deposits of \$5,000 on January 4, \$1,750 on January 4, and \$5,000 on January 5 to ORNL account number XXX6481.

All in violation of Title 31, United States Code, Sections 5324(a)(3) and 5324(d), Title 18, United States Code, Section 2, and Title 31, Code of Federal Regulations, Part 103.

FORFEITURE ALLEGATION

31. The allegations contained in Counts Four through Fifteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 31, United States Code, Section 5317.

32. Pursuant to Title 31, United States Code, Section 5317, upon conviction of an offense in violation of Title 31, United States Code, Section 5324, the defendants, **TAMRAL GUZMAN and BRIAN DOWNEY**, shall forfeit to the United States of America all property, real or personal, involved in the offenses and any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

a. Real Property

- (1) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 2817 France Court, Maryville, Tennessee, which is more fully identified on the deed recorded on September 16, 2009, in Book 2244, Page 2589 in the Blount County Register of Deeds.

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- (5) All that lot and parcel of land, together with all buildings, appurtenances, improvements, fixtures, attachments, and easements thereon, and all rights appertaining thereto, located at 2928 Patrick Avenue, Maryville, Tennessee, which is more fully identified on the deed recorded on October 28, 2010, in Book 2278, Page 501 in the Blount County Register of Deeds.

b. Vehicles

2008 Tracker Deep-V Fishboat (Hull ID No. BUJ63861D808), a 2008 Mercury motor (serial number 1A312228) and a 2008 boat trailer (serial number 4TM12EJ208B001045)

c. Money Judgment

A personal money judgment in favor of the United States and against **TAMRAL GUZMAN and BRIAN DOWNEY**, jointly and severally, in a amount not less than \$1,107,015, representing the amount of money involved

in the defendants' offenses in violation of Title 18, United States Code, Section 5324.

d. Bank Accounts

(1) Contents of ORNL account, account number xxxx480, in the name of Tamral Guzman

(2) Contents of ORNL account, account number xxxx481, in the name of Maryville Pain Management, LLC

33. 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), as incorporated by Title 31, United States Code, Section 5317(c) and by Title 28, United States Code, Section 2461(c).

A TRUE BILL:

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

WILLIAM C. KILLIAN
UNITED STATES ATTORNEY

s/ Alexandra Hui
ALEXANDRA HUI
Assistant United States Attorney

s/ Frank M. Dale, Jr.
FRANK M. DALE, JR.
Assistant United States Attorney