



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff,

v.

- [1] VALERIE M. CINTRON-RIVERA, Counts: 1, 2, 39, 44
[2] MARIA T. RIVERA-FUENTES, Counts: 1, 2, 39, 44
[3] JAIME FIGUEROA-RAMOS, a/k/a "Jimmy" Counts: 1, 2, 40, 45
[4] ELISA CRUZADO-RAMOS, Counts: 1, 2, 40, 45
[5] NIVIA RIOS-MATOS, Counts: 1, 2, 40, 45
[6] RAUL MORERA-LLERA, Counts: 1, 2, 41, 46
[7] ENID M. RIVERA-ROSARIO, Counts: 1, 2, 41, 46
[8] GERARDO A. ROMERO-MARCANO, Counts: 1, 2, 42, 47
[9] SHEILA RODRIGUEZ-AGOSTO, Counts: 1, 2, 42, 47
[10] GABRIEL A. RODRIGUEZ-MALAVE, Counts: 1, 2, 43, 48
[11] ROSAIDA TORRES, Counts: 1, 2, 43, 48
[12] ALBERTO MELENDEZ-NIEVES, a/k/a "Bertin" Counts: 1, 17, 19, 36, 38
[13] ANGEL L. SANTIAGO-CRUZ, a/k/a "Aguacate" Counts: 1, 18, 37
[14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a "Guayacan", Counts: 1, 13, 32
[15] ERIC J. COLLAZO-RIVERA, a/k/a "Eric Mania" Counts: 1, 12, 31
[16] JAVIER E. ORTIZ-RIVERA, a/k/a "Tato", Counts: 1, 6, 16, 26, 35
[17] HOLVIN E. AVILES-CARMONA, a/k/a "Holvin", Counts: 1, 9, 29
[18] MARLON E. MARINO-LEAL, a/k/a "Chamo", Counts: 1, 3, 10, 20, 21, 22, 23

INDICTMENT

CRIMINAL NO. 24-346 (MAT)

VIOLATIONS:

Count 1: 18 U.S.C. § 371 (Conspiracy to Introduce Misbranded Drugs and to Defraud the United States)

Count 2: 18 U.S.C. § 1349 and 1347 (Conspiracy to Commit Healthcare Fraud)

Counts 3 - 19: 21 U.S.C. § 331(t), 353(e)(1)(A), 333(a)(2) and 333(b)(1)(D). (Unlicensed Wholesale Distribution of Prescription Drugs)

Counts 20-21: 21 U.S.C. § 331(a), 352(f) and 333(a)(2) (Misbranding of prescription drugs with intent to mislead and defraud)

Counts 22-23: 18 U.S.C. § 1341 (Mail Fraud)

Counts 24-38: 21 U.S.C. § 331(k), 352(f), 353(b)(4)(A) and 333(a)(2). (Misbranding of prescription drugs with intent to mislead and defraud)

Counts 39-43: 21 U.S.C. § 331(t), 360eee-1(d)(1)(A)(i), 360eee-1(d)(3) and 333(a)(2) (Unauthorized Trading Partner)

Counts 44-48: 21 U.S.C. § 331(k), 352(f)(1) and 333(a)(2) (Misbranding of prescription drugs with intent to mislead and defraud)

- [19] JOSE M. AMALBERT-ROHENA,  
a/k/a “Chema”  
Counts: 1, 11, 30
- [20] MIGUEL A. ROJAS-REYES,  
a/k/a “Dr. Hacienda”,  
Counts: 1, 12, 15, 31, 34
- [21] ROSA M. MENDEZ-GONZALEZ,  
a/k/a “Puruca”,  
Counts: 1, 8, 28
- [22] ANTONIO F. PORTILLA-ARZOLA,  
a/k/a “Portilla”  
Counts: 1, 4, 24
- [23] REYNALDO GUZMAN-MARTINEZ,  
a/k/a “Bebo Canales”,  
Counts: 1, 5, 25
- [24] MOISES O. HEREDIA-TINEO,  
a/k/a “Billy”,  
Counts: 1, 14, 33
- [25] JOSE A. GONZALEZ-MALDONADO,  
a/k/a “Potala”  
Counts: 1, 7, 27

Defendants.

FORTY-EIGHT COUNTS  
FORFEITURE ALLEGATIONS

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times material to this Indictment and within the District of Puerto Rico:

I. Background

1. From on or about 2018 to on or about the date of this indictment, defendants engaged in the unlicensed wholesale distribution of misbranded and diverted prescription drugs for financial gain. This unlicensed wholesale distribution included the sale of misbranded and diverted prescription drugs to local pharmacy employees and owners for subsequent sale to pharmacy customers, without their knowledge that the products were misbranded and diverted. Further, pharmacy owners and employees made material false and fraudulent claims on healthcare benefit

plans that the products sold to customers were authentic and obtained through licensed pharmaceutical distribution channels.

2. At no point did any defendant possess a wholesale distributor license for prescription drugs.

3. Defendants purchased and sold prescription drugs in resealable plastic bags without any labels, markings, lot numbers, expiration dates or adequate directions as required by law, creating a significant risk of harm to customers.

4. Defendants acquired, sold, and purchased misbranded and diverted prescription drugs outside legitimate distribution channels, including prescription drugs that were stored at personal residences.

5. Defendants and others engaged in this scheme unlawfully generated revenue in an amount exceeding **\$13,000,000** by selling and distributing misbranded and diverted prescription drugs.

6. Defendants who owned and worked at *Farmacia Monte Verde*, *Farmacia Santa Olaya*, *Farmacia Unity*, *Super Farmacia San Antonio* and *Farmacia Brisas del Mar* unlawfully enriched themselves by submitting and causing to be submitted false and fraudulent claims by the pharmacies to Medicare and Medicaid beneficiaries in total the amount of **\$7,657,158.44**.

The Food and Drug Administration

7. The Food and Drug Administration (“FDA”) was the federal agency charged with the responsibility of protecting the health and safety of the American public by, among other things, enforcing the provisions of the Federal Food, Drug, and Cosmetic Act (“FDCA”), 21 U.S.C. §§ 301, *et seq.* One purpose of the FDCA was to ensure that drugs sold for consumption or administration to humans were authentic, properly labeled, had been handled and maintained according to FDA requirements and industry standards, had been in the possession of properly licensed entities, and had a verified chain of custody.



8. “Diversion” refers to processes by which prescription drugs are removed from, and then reintroduced into the legitimate chain of licensed wholesale distribution. Once a prescription drug is diverted outside of the regulated distribution channels, it becomes difficult, if not impossible, for regulators such as the FDA, law enforcement, or end-users to know whether the prescription drug package actually contains the correct drug or the correct dose. Law enforcement officers, regulators, and end users would not know whether the prescription drug was altered, stored in improper conditions, or had its potency adversely affected.

9. Drug diverters use a number of different methods to obtain prescription drugs at discounted prices and reintroduce them at higher prices. In a practice known as “street diversion,” diverters repurchase dispensed medications from Medicaid or other patients, remove the patient labels, and distribute them to others. Another common form of diversion, using pharmacies that are not open to the public (known as “closed-door” pharmacies), involves the unauthorized resale of pre-retail drugs that manufacturers sell at steep discounts to hospitals and other healthcare entities.

10. Under the FDCA, the term “drug” included articles that (1) were intended to be used in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or (2) were intended to affect the structure or any function of the body of man. 21 U.S.C. §§ 321(g)(1)(B) and (C).

11. The FDCA defined “label” as “a display of written, printed, or graphic matter upon the immediate container of any article.” 21 U.S.C. § 321(k). The term “labeling” was defined as all labels and other printed or graphic matter upon any article or any of its containers or wrappers or accompanying such article. 21 U.S.C. § 321(m).

12. Under the FDCA, a “prescription drug” was any drug intended for use in humans that, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, was not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or was limited by an approved application

under section 21 U.S.C. § 355 for use under the professional supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1).

13. A drug was misbranded under the FDCA if its labeling (1) lacked “adequate directions for use;” or (2) failed to bear “adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner or form as are necessary for the protection of users.” 21 U.S.C. § 352(f). By regulation, the FDA defined “adequate directions for use” as directions under which the layman could use a drug safely and for the purposes for which it was intended. 21 C.F.R. § 201.5. No directions for use whatsoever was absolutely inadequate.

14. Moreover, because a prescription drug, by definition, is safe for use only under the supervision of a licensed practitioner, there are no directions that could enable a layman to use a prescription drug safely.

15. A prescription drug was exempt from the adequate directions for use requirement under 21 U.S.C. § 352(f)(1) if the drug was in the possession of a person regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs, in the possession of a retail, hospital, or clinic pharmacy regularly and lawfully engaged in dispensing prescription drugs, or in the possession of a practitioner licensed by law to administer or prescribe such drugs. 21 C.F.R. § 201.100(a)(1). Therefore, a prescription drug that was in the possession of a person *not* regularly and lawfully engaged in the wholesale distribution of prescription drugs (or not regularly and lawfully engaged in dispensing prescription drugs) would not have adequate directions for use and would be misbranded.

16. Additionally, a drug was misbranded if it was a prescription drug and was dispensed without a lawful written or oral order of a licensed practitioner. 21 U.S.C. § 353(b).

17. A prescription drug was also misbranded if, at any time prior to dispensing, the label of the drug failed to bear the phrase “Rx only.” 21 U.S.C. § 353(b)(4).

18. To prevent drug diversion, the wholesale distribution of prescription drugs in the United States is subject to regulation by the FDA. Regulating the wholesale market ensures that drugs dispensed to patients are authentic (i.e., not counterfeit), properly labeled, have been handled and maintained according to industry standards and FDA requirements, that they have been in the possession of properly licensed entities, have a verifiable chain of custody and are not expired.

19. Among other requirements, the FDCA prohibited any person from engaging in the wholesale distribution of a prescription drug in any State unless such person was (1) licensed by the State from which the drug was distributed; or (2) if the State from which the drug was distributed did not have a licensure requirement, was licensed by the Secretary of Health and Human Services. 21 U.S.C. § 353(e)(1)(A). The term “State” included the Commonwealth of Puerto Rico. 21 U.S.C. § 321(a)(1). Among other things, the wholesale distribution of prescription drugs meant distribution to someone other than a consumer or patient. 21 U.S.C. § 353(e)(4).

20. At all times relevant to this Indictment, Puerto Rico required wholesale prescription medication distributors to have a license by the Secretary of the Department of Health of the Government of Puerto Rico. PR Laws Title 1, §410i (PR Law 247 (2004)).

21. The FDCA also required product tracing for wholesale distributors and included a requirement that a wholesale distributor shall not accept ownership of a product unless the previous owner provided the following:

- (a) “Transaction Information,” including, among other things, (1) the proprietary or established name of the product; (2) the strength and dosage of the drug; (3) the national drug code for the product; (4) the container size; (5) the number of containers in the



transaction; (6) the lot number for the drugs; and (7) the date of the transaction. 21 U.S.C. §§ 360eee(26) and 360eee-1(c)(1)(A)(i)-(iii); and

(b) A “Transaction Statement,” in paper or electronic form, that the entity transferring ownership in a transaction, (1) is authorized as required under the law; (2) received the product lawfully; (3) received the “transaction information” and “transaction statement” from the prior owner of the product; (4) did not knowingly ship suspect or illegitimate product; (5) had systems and processes in place to comply with product verification requirements as dictated by the FDCA; (6) did not knowingly provide false “transaction information,” and (7) did not knowingly alter the history of the drug transaction. 21 U.S.C. §§ 360eee(27) and 360eee-1(c)(1)(A)(i)-(iii).

22. In addition to the requirements for wholesale distributors, the FDCA required “dispensers” of drugs, such as retail pharmacies, not to accept ownership of prescription drugs unless the previous owner provided the “transaction information” and “transaction statement,” as defined above. 21 U.S.C. § 360eee-1(d)(1)(A)(i)-(iii). A “dispenser” included a retail pharmacy, chain pharmacies, and any other person authorized by law to dispense or administer prescription drugs. 21 U.S.C. § 360eee(3).

23. A “dispenser,” such as a retail pharmacy, was also prohibited from purchasing prescription drugs other than from an authorized trading partner. 21 U.S.C. §§ 360eee-1(d)(3); 331(t). An authorized trading partner was, as relevant here, a wholesale distributor with a valid license under state law or with the Secretary of Health and Human Services. 21 U.S.C. § 360eee(2)(B).

24. The FDCA prohibited the doing and causing of the following acts:

- a. The introduction into interstate commerce of a misbranded drug. 21 U.S.C. § 331(a);
- b. The doing of any act to a drug, while the drug was held for sale, after the drug’s shipment in interstate commerce, which resulted in the drug being misbranded. 21 U.S.C. § 331(k);

- c. The unlicensed wholesale distribution of a prescription drug. 21 U.S.C. § 331(t);
- d. The failure of a “wholesale distributor” to receive from the previous owners and/or provide to subsequent purchasers an accurate “transaction statement” and “transaction information” prior to the sale of prescription drugs. 21 U.S.C. § 331(t);
- e. For a “dispenser,” accepting ownership of prescription drugs without an accurate “transaction information” and “transaction statement” from the seller. 21 U.S.C. § 331(t); and
- f. A “dispenser” to purchase prescription drugs from an unauthorized trading partner. 21 U.S.C. § 331(t).

25. Advair, Albuterol, Alphagan, Anoro Ellipta, Arnuity Ellipta, Aspen Dexamfetamine, Atripla, Atrovent, Azopt, Bepreve, Biktarvy, Breo Ellipta, Brilinta, Budesonide, Bumetanide, Byrdureon Pen, Cialis, Chloramphenicol, Collagenase Santyl, Combigan, Combivent Respimat, Daliresp, Delstrigo, Descovy, Dovato, Edurant, Eliquis, Enbrel, Entresto, Famotidine, Farxiga, Flavfour HFA, Flovent, Fluticasone, Fluticaton, Genvoya, Glyxambi, Humalog, Humira, Humulin, Hydroxyzine Hydrochloride, Incruse Ellipta, Invokamet, Invokana, Isentress, Janumet, Januvia, Jardiance, Jentadueto, Juluca, Ketorolac, Kombliglyze, Lantus, Latuda, Levalbuterol, Linzess, Lumigan, Malarone, Methimazole, Modafinil, Mounjaro, Naltrexone, Nebivolol, Neurin, Novolog, Odefsey, Onglyza, Ozempic, Pifeltro, Premarin, Prezista, Pro Air, Qvar, Restasis, Rinvoq, Rocklatan, Rosuvastatine, Rukobia, Rybelsus, Segluromet, Selegline, Silver, Soliqua, Spiriva, Steglatro, Stiolto Respimat, Stribild, Symbicort, Symtuza, Synjardy, Synthroid, Tivicay, Toujeo Pen, Tradjenta, Trelegy Ellipta, Tresiba, Trijardy, Triumeq, Trulicity, Ventolin, Victoza, Wixela, Xarelto, Xigduo, Zeal, among others, were approved by the FDA as prescription drugs pursuant to 21 U.S.C. § 355. All of the drugs listed above were manufactured outside of Puerto Rico.



Healthcare Benefit Programs

26. The Medicare Program (“Medicare”) was a federal health care program providing benefits to persons who were at least 65 years old or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services (“CMS”), a federal agency under the United States Department of Health and Human Services (“HHS”). Individuals who received benefits under Medicare were referred to as “beneficiaries”.

27. Medicare was divided into multiple parts. Medicare Part D provided prescription drug coverage to persons who were eligible for Medicare.

28. Medicare beneficiaries obtained Part D benefits in two ways: (a) by joining a prescription drug plan, which covered only prescription drugs, or (b) by joining a Medicare Advantage Plan, which covered both prescription drugs and medical services (collectively, “Part C Plans”). Part C Plans were operated by private companies, often referred to as drug plan ‘sponsors’, that were approved by Medicare (“Medicare Drug Plan Sponsors”).

29. Medicare and Medicare Drug Plan Sponsors were each a “healthcare benefit program”, as defined by Title 18, U.S.C., Section 24(b).

30. CMS assigned pharmacies a national provider identification number (“NPI”). Pharmacy dispensing medications to a beneficiary used its assigned NPI when submitting a claim for reimbursement under Medicare Part D. A pharmacy was permitted to submit claims for reimbursement under Part D only for medications that were legitimately obtained, medically necessary and actually dispensed. A pharmacy was required to maintain records verifying that it dispensed the medications.

31. The Medicaid Program (“Medicaid”) in Puerto Rico was a federally and state funded healthcare program providing benefits to individuals and families who met specified financial and other eligibility requirements, and to certain other individuals who lacked adequate resources to

pay for medical care. CMS was responsible for overseeing the Medicaid program in participating states, including Puerto Rico. Individuals who received benefits under Medicaid, like those who received benefits under Medicare, were referred to as “beneficiaries”.

32. In Puerto Rico, Medicaid provided prescription drug coverage to its beneficiaries. Medicaid beneficiaries could obtain their prescription drug benefits from pharmacies either through “fee-for-service” plans or through “Medicaid Managed Care Plans”, which were administered by private insurance companies that were paid by Medicaid.

33. Medicaid and Medicaid Managed Care Plans were each a “healthcare benefit program”, as defined by Title 18, U.S.C., Section 23(b).

34. A pharmacy could participate in the Medicare Part D program and Medicaid (collectively, the “Prescription Drug Plans”) by entering into an agreement: (a) directly with a Prescription Drug Plan; (b) with one of more Pharmacy Benefit Managers (“PBMs”); or with a Pharmacy Services Administration Organization (“PSAO”). A PBM acted on behalf of one or more Prescription Drug Plans. Through a Prescription Drug Plan’s PBM, a pharmacy could join a Prescription Drug Plan’s network. A PSAO contracted with PBMs on behalf of the pharmacy.

35. Typically, a beneficiary enrolled in a Prescription Drug Plan obtained prescription medications from a pharmacy authorized by the beneficiary’s Prescription Drug Plan. After filling a beneficiary’s prescription, the authorized pharmacy submitted the claim either directly to a Prescription Drug Plan or to a PBM that represented the Prescription Drug Plan. The pharmacy provided, among other things, the beneficiary’s identification number, the identification number of the medical professional who ordered the prescription and the pharmacy’s identification number, such as the NPI, with the claim. The Prescription Drug Plan or the PBM determined whether the

pharmacy was entitled to payment for each claim. Then, the Prescription Drug Plan or PBM, either directly or indirectly, reimbursed the pharmacy for the claim.

### Roles of the Co-Conspirators

#### Pharmacy Owners and Employees

36. All defendants identified below were pharmacy owners or employees who purchased drugs from unlicensed wholesale distributors and were involved in the buying and selling of misbranded and diverted prescription drugs.

[1] VALERIE M. CINTRON-RIVERA was the co-owner of FARMACIA MONTE VERDE in Bayamón, Puerto Rico.

[2] MARIA T. RIVERA-FUENTES was the co-owner of FARMACIA MONTE VERDE in Bayamón, Puerto Rico.

[3] JAIME FIGUEROA-RAMOS a/k/a “Jimmy” was the owner of FARMACIA SANTA OLAYA in Bayamon, Puerto Rico.

[4] ELISA CRUZADO-RAMOS was a pharmacist and employee of FARMACIA SANTA OLAYA in Bayamon, Puerto Rico.

[5] NIVIA RIOS-MATOS was a pharmacy technician and employee of FARMACIA SANTA OLAYA in Bayamon, Puerto Rico.

[6] RAUL MORERA-LLERA was the co-owner of FARMACIA UNITY in Aibonito, Puerto Rico.

[7] ENID M. RIVERA-ROSARIO was the co-owner of FARMACIA UNITY in Aibonito, Puerto Rico.

[8] GERARDO A. ROMERO-MARCANO was the co-owner of SUPER FARMACIA SAN ANTONIO in Canovanas, Puerto Rico.

[9] SHEILA RODRIGUEZ-AGOSTO was the co-owner of SUPER FARMACIA SAN ANTONIO in Canovanas, Puerto Rico.

[10] GABRIEL A. RODRIGUEZ-MALAVE was the co-owner of FARMACIA BRISAS DEL MAR in Luquillo, Puerto Rico.

[11] ROSAIDA TORRES was the co-owner of FARMACIA BRISAS DEL MAR in Luquillo, Puerto Rico.



Unlicensed Wholesale Distributors

37. All defendants listed below as unlicensed wholesale distributors were involved in the unlicensed wholesale distribution and selling of misbranded and diverted prescription drugs:

[12] ALBERTO MELENDEZ-NIEVES, a/k/a “Bertin”,

[13] ANGEL L. SANTIAGO-CRUZ, a/k/a “Aguacate”,

[14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a “Guayacan”,

[15] ERIC J. COLLAZO-RIVERA, a/k/a “Eric Mania”,

[16] JAVIER E. ORTIZ-RIVERA, a/k/a “Tato”,

[17] HOLVIN E. AVILES-CARMONA, a/k/a “Holvin”,

[18] MARLON E. MARINO-LEAL, a/k/a “Chamo”,

[19] JOSE M. AMALBERT-ROHENA, a/k/a “Chema”,

[20] MIGUEL A. ROJAS-REYES, a/k/a “Dr. Hacienda”,

[21] ROSA M. MENDEZ-GONZALEZ a/k/a “Puruca”

[22] ANTONIO F. PORTILLA-ARZOLA a/k/a “Portilla”

[23] REYNALDO GUZMAN-MARTINEZ a/k/a “Bebo Canales”

[24] MOISES O. HEREDIA-TINEO a/k/a “Billy”

[25] JOSE A. GONZALEZ-MALDONADO a/k/a “Potala”

Unindicted Co-Conspirator Not Charged Herein

38. UNINDICTED CO-CONSPIRATOR # 1 (UCC #1), was an unlicensed wholesale distributor of large amounts of misbranded and diverted prescription drugs who served as the supplier to other buyers, sub-suppliers and pharmacies who willingly engaged in the purchase of misbranded and diverted prescription drugs. UCC #1 was part of a network of individuals and pharmacy owners who managed to unlawfully acquire, sell, and purchase large amounts of misbranded and diverted prescription drugs.

**COUNT ONE**

**18 U.S.C. § 371**

**(Conspiracy to Introduce Misbranded Drugs and to Defraud the United States)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. From in or about April 2018 through on or about the date of this indictment, in the District of Puerto Rico and within the jurisdiction of this Honorable Court,

[1] VALERIE M. CINTRON-RIVERA,  
[2] MARIA T. RIVERA-FUENTES,  
[3] JAIME FIGUEROA-RAMOS, a/k/a “Jimmy”,  
[4] ELISA CRUZADO-RAMOS,  
[5] NIVIA RIOS-MATOS,  
[6] RAUL MORERA-LLERA,  
[7] ENID M. RIVERA-ROSARIO,  
[8] GERARDO A. ROMERO-MARCANO,  
[9] SHEILA RODRIGUEZ-AGOSTO,  
[10] GABRIEL A. RODRIGUEZ-MALAVE,  
[11] ROSAIDA TORRES,  
[12] ALBERTO MELENDEZ-NIEVES, a/k/a “Bertin”,  
[13] ANGEL L. SANTIAGO-CRUZ, a/k/a “Aguacate”,  
[14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a “Guayacan”,  
[15] ERIC J. COLLAZO-RIVERA, a/k/a “Eric Mania”,  
[16] JAVIER E. ORTIZ-RIVERA, a/k/a “Tato”,  
[17] HOLVIN E. AVILES-CARMONA, a/k/a “Holvin”,  
[18] MARLON E. MARINO-LEAL, a/k/a “Chamo”,  
[19] JOSE M. AMALBERT-ROHENA, a/k/a “Chema”,  
[20] MIGUEL A. ROJAS-REYES, a/k/a “Dr. Hacienda”,  
[21] ROSA M. MENDEZ-GONZALEZ, a/k/a “Puruca”,  
[22] ANTONIO F. PORTILLA-ARZOLA, a/k/a “Portilla”,  
[23] REYNALDO GUZMAN-MARTINEZ, a/k/a “Bebo Canales”,  
[24] MOISES O. HEREDIA-TINEO, a/k/a “Billy”, and  
[25] JOSE A. GONZALEZ-MALDONADO, a/k/a “Potala”,

the defendants herein and Unindicted Co-Conspirator #1 (UCC #1), did knowingly and willfully conspire, combine, confederate, and agree with each other and other persons, known and unknown to the Grand Jury:

- (a) to commit an offense against the United States, to wit, with the intent to defraud and mislead, to introduce and deliver for introduction into interstate commerce, and misbranded drugs, in violation of 21 U.S.C. §§ 331(a) and 333(a)(2);
- (b) to commit an offense against the United States, to wit, with intent to defraud and mislead, after shipment in interstate commerce, cause the misbranding of prescription drugs while they were held for sale, in violation of 21 U.S.C. §§ 331(k) and 333(a)(2).

The Conspiracy

3. It was the purpose and object of the unlawful conspiracy for defendants [1] VALERIE M. CINTRON-RIVERA, [2] MARIA T. RIVERA-FUENTES, [3] JAIME FIGUEROA-RAMOS, a/k/a “Jimmy”, [4] ELISA CRUZADO-RAMOS, [5] NIVIA RIOS-MATOS, [6] RAUL MORERA-LLERA, [7] ENID M. RIVERA-ROSARIO, [8] GERARDO A. ROMERO-MARCANO, [9] SHEILA RODRIGUEZ-AGOSTO, [10] GABRIEL A. RODRIGUEZ-MALAVE, [11] ROSAIDA TORRES, [12] ALBERTO MELENDEZ-NIEVES, a/k/a “Bertin”, [13] ANGEL L. SANTIAGO-CRUZ, a/k/a “Aguacate”, [14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a “Guayacan”, [15] ERIC J. COLLAZO-RIVERA, a/k/a “Eric Mania”, [16] JAVIER E. ORTIZ-RIVERA, a/k/a “Tato” [17] HOLVIN E. AVILES-CARMONA, a/k/a “Holvin”, [18] MARLON E. MARINO-LEAL, a/k/a “Chamo”, [19] JOSE M. AMALBERT-ROHENA, a/k/a “Chema”, [20] MIGUEL A. ROJAS-REYES, a/k/a “Dr. Hacienda”, [21] ROSA M. MENDEZ-GONZALEZ, a/k/a “Puruca”, [22] ANTONIO F. PORTILLA-ARZOLA, a/k/a “Portilla”, [23] REYNALDO GUZMAN-MARTINEZ, a/k/a “Bebo Canales”, [24] MOISES O. HEREDIA-TINEO, a/k/a “Billy”, [25] JOSE A. GONZALEZ-MALDONADO, a/k/a “Potala” and other co-conspirators to unlawfully enrich themselves by purchasing, selling and distributing



misbranded and diverted drugs as if they had been acquired through legitimate channels of distribution in the pharmaceutical market.

4. The prescription drugs distributed by the co-conspirators were considered misbranded, as the prescription drugs were dispensed without a prescription by a practitioner licensed by law to administer such drugs. 21 U.S.C. § 353(b)(1). Furthermore, the prescription drugs were misbranded under the FDCA as the labeling lacked “adequate directions for use” and the phrase “Rx only.” 21 U.S.C. §§ 352(f)(1); 353(b)(4)(A).

Manner and Means of the Conspiracy

5. It was part of the manner and means of the unlawful conspiracy that the co-conspirators [1] VALERIE M. CINTRON-RIVERA, [2] MARIA T. RIVERA-FUENTES, [3] JAIME FIGUEROA-RAMOS, a/k/a “Jimmy”, [4] ELISA CRUZADO-RAMOS, [5] NIVIA RIOS-MATOS, [6] RAUL MORERA-LLERA, [7] ENID M. RIVERA-ROSARIO, [8] GERARDO A. ROMERO-MARCANO, [9] SHEILA RODRIGUEZ-AGOSTO, [10] GABRIEL A. RODRIGUEZ-MALAVE, [11] ROSAIDA TORRES, [12] ALBERTO MELENDEZ-NIEVES, a/k/a “Bertin”, [13] ANGEL L. SANTIAGO-CRUZ, a/k/a “Aguacate”, [14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a “Guayacan”, [15] ERIC J. COLLAZO-RIVERA, a/k/a “Eric Mania”, [16] JAVIER E. ORTIZ-RIVERA, a/k/a “Tato” [17] HOLVIN E. AVILES-CARMONA, a/k/a “Holvin”, [18] MARLON E. MARINO-LEAL, a/k/a “Chamo”, [19] JOSE M. AMALBERT-ROHENA, a/k/a “Chema”, [20] MIGUEL A. ROJAS-REYES, a/k/a “Dr. Hacienda”, [21] ROSA M. MENDEZ-GONZALEZ, a/k/a “Puruca”, [22] ANTONIO F. PORTILLA-ARZOLA, a/k/a “Portilla”, [23] REYNALDO GUZMAN-MARTINEZ, a/k/a “Bebo Canales”, [24] MOISES O. HEREDIA-TINEO, a/k/a “Billy”, [25] JOSE A. GONZALEZ-MALDONADO, a/k/a “Potala”, and other co-conspirators sought to accomplish the objects and purpose of the conspiracy through the following manners and means:

a. UCC #1 and his/her co-conspirators acquired large quantities of diverted prescription drugs, that could be billed to health insurers for thousands of dollars.

b. Co-conspirators exchanged misbranded medications and subsequently paid each other in bulk for previously exchanged misbranded medications.

c. Co-conspirators repackaged these drugs and falsified their packaging, product tracing, and other labeling to make it appear as though the drugs had been properly acquired through legitimate and regulated channels of distribution.

d. After shipment in interstate commerce, co-conspirators sold and distributed the misbranded and diverted drugs to other co-conspirators at steep discounts, far below the pricing available when the drugs were sold through legitimate channels of distribution.

e. UCC #1 and other co-conspirators, during the period of April 2018 to May 4, 2024, unlawfully enriched themselves in the amount of **\$13,954,271.30** by selling and distributing misbranded and diverted drugs.

f. UCC #1 and co-conspirators resold, delivered, and shipped these misbranded and diverted drugs to pharmacies located throughout Puerto Rico, who in turn billed health care benefit programs for the drugs and dispensed the drugs to unsuspecting consumers. None of the unlicensed wholesalers provided accurate transaction information and transaction statements to the pharmacies prior to the sales, as was required by law. Additionally, the pharmacies purchased prescription drugs from unauthorized trading partners.

g. UCC #1 and co-conspirators used the proceeds for their own benefit, and the benefit of others, and to further the conspiracy.

h. Co-conspirators used false identifiers for the purpose of executing and concealing the conspiracy and unlicensed wholesale distribution, and in doing so, knowingly engaged in acts that were designed to evade detection.

i. Co-conspirators knowingly caused to be sent and delivered by the United States Postal Service or by a private or commercial interstate carrier, letters, packages, and other communications containing materially false and fraudulent representations and statements, including but not limited to misbranded and diverted medications.

j. Co-conspirators communicated with each other via telephone and text messages to coordinate with the illegal distribution and the sale of misbranded and diverted prescription drugs.

k. Co-conspirators sold prescription drugs in resealable clear plastic bags without any labels and adequate directions as required by law.

l. Co-conspirators paid each other in cash and check for the misbranded and diverted prescription drugs.

m. Co-conspirators received a receipt with an “order number” from UCC #1 for the misbranded prescription drugs purchases.

n. Co-conspirators directed pharmacy employees on how to refill the prescription drug medicine bottles with the diverted and misbranded medications obtained from the unlicensed wholesalers, which were unauthorized trading partners.

o. Co-conspirators sent shipments of diverted drugs via the postal service, as well as private and commercial carriers using fictitious names and addresses.

p. Co-conspirators met and discussed the sale of the misbranded and diverted prescription drugs at steeply discounted prices.

q. Co-conspirators transported and delivered the misbranded and diverted prescription drugs to the pharmacy owners and their representatives.



Overt Acts

6. In furtherance of the conspiracy, and to achieve its objects, at least one member of the conspiracy committed and caused to be committed, in the District of Puerto Rico, and elsewhere, at least one of the following overt acts:

a. Co-conspirators purchased misbranded and diverted prescription drugs from UCC #1 on numerous dates, including the following dates:

DEFENDANT	PURCHASE DATE	ORDER NUMBER
[1] VALERIE M. CINTRON-RIVERA	9/15/2023	70964
[2] MARIA T. RIVERA-FUENTES	7/7/2023	70954
[3] JAIME FIGUEROA-RAMOS, a/k/a "Jimmy"	2/2/2021	553925
[4] ELISA CRUZADO-RAMOS	7/26/2023	182637
[5] NIVIA RIOS-MATOS	6/26/2023	182633
[6] RAUL MORERA-LLERA	1/21/2021	112028
[7] ENID M. RIVERA-ROSARIO	9/13/2021	140741
[8] GERARDO A. ROMERO-MARCANO	6/28/2021	252399
[9] SHEILA RODRIGUEZ-AGOSTO	11/30/2021	937698
[10] GABRIEL A. RODRIGUEZ-MALAVE	5/9/2022	179353
[11] ROSAIDA TORRES	12/6/2021	937699
[12] ALBERTO MELENDEZ-NIEVES, a/k/a "Bertin"	1/18/2022	140790
[13] ANGEL L. SANTIAGO-CRUZ, a/k/a "Aguacate"	12/7/2022	362896
[14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a "Guayacan"	9/21/2020	252213
[15] ERIC J. COLLAZO-RIVERA, a/k/a "Eric Mania"	5/6/2023	261505
[16] JAVIER E. ORTIZ-RIVERA, a/k/a "Tato"	1/5/2023	331065
[17] HOLVIN E. AVILES-CARMONA, a/k/a "Holvin"	8/22/2023	70505

b. Co-conspirators called and texted UCC #1 to coordinate the delivery of misbranded and diverted prescription drugs from UCC #1 on numerous dates, including the following:

DEFENDANT	CALL or TEXT DATE	FROM PHONE NUMBER
[18] MARLON E. MARINO-LEAL, a/k/a "Chamo"	10/20/2023	407-529-XXXX
[19] JOSE M. AMALBERT-ROHENA, a/k/a "Chema"	1/17/2022	787-373-XXXX
[20] MIGUEL A. ROJAS-REYES, a/k/a "Dr. Hacienda"	6/12/2023	787-390-XXXX
[21] ROSA M. MENDEZ-GONZALEZ, a/k/a "Puruca"	7/6/2023	787-554-XXXX
[22] ANTONIO F. PORTILLA-ARZOLA, a/k/a "Portilla"	8/22/2023	787-459-XXXX
[23] REYNALDO GUZMAN-MARTINEZ, a/k/a "Bebo Canales"	7/7/2023	787-310-XXXX
[24] MOISES O. HEREDIA-TINEO, a/k/a "Billy"	9/14/2023	787-219-XXXX
[25] JOSE A. GONZALEZ-MALDONADO, a/k/a "Potala"	9/18/2023	787-525-XXXX

All in violation of 18 U.S.C. § 371.

**COUNT TWO**  
**18 U.S.C. §§ 1349 and 1347**  
**(Conspiracy to Commit Healthcare Fraud)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. From in or about January 2021 through on or about the date of this indictment, in the District of Puerto Rico and within the jurisdiction of this Honorable Court,

[1] VALERIE M. CINTRON-RIVERA,  
[2] MARIA T. RIVERA-FUENTES  
[3] JAIME FIGUEROA-RAMOS, a/k/a "Jimmy",  
[4] ELISA CRUZADO-RAMOS,  
[5] NIVIA RIOS-MATOS,  
[6] RAUL MORERA-LLERA,  
[7] ENID M. RIVERA-ROSARIO,  
[8] GERARDO A. ROMERO-MARCANO,  
[9] SHEILA RODRIGUEZ-AGOSTO,  
[10] GABRIEL A. RODRIGUEZ-MALAVE, and  
[11] ROSAIDA TORRES,

the defendants herein, did knowingly and willfully conspire and agree with each other and others known and unknown to the Grand Jury to commit an offense against the United States, that is, having devised a scheme and artifice to defraud a healthcare benefit program, as defined in 18 U.S.C. § 24(b), that is Medicare and Medicaid, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money and property owned in whole or in part by, and under the custody of said healthcare benefit programs, that is, the defendants knowingly submitted and caused to be submitted to Medicare and Medicaid, through MCS, MMM and SSS, Medicare Part C carriers and Medicaid carriers, false and fraudulent claims for services such as the sale of misbranded medications for Medicare and Medicaid beneficiaries that were purportedly sold as legitimate when in fact they were not, a violation of 18 U.S.C. § 1347; all in violation of the 18 U.S.C. § 1349.

#### OBJECT OF THE CONSPIRACY

3. The object of the conspiracy was for co-conspirators [1] VALERIE M. CINTRON-RIVERA, [2] MARIA T. RIVERA-FUENTES, [3] JAIME FIGUEROA-RAMOS, a/k/a “Jimmy”, [4] ELISA CRUZADO-RAMOS, [5] NIVIA RIOS-MATOS, [6] RAUL MORERA-LLERA, [7] ENID M. RIVERA-ROSARIO, [8] GERARDO A. ROMERO-MARCANO, [9] SHEILA RODRIGUEZ-AGOSTO, [10] GABRIEL A. RODRIGUEZ-MALAVE, [11] ROSAIDA TORRES, and others to unlawfully enrich themselves by submitting false and fraudulent claims to Medicare and Medicaid through submissions to MCS, MMM and SSS for misbranded medications for Medicare and Medicaid beneficiaries, causing to be submitted to Medicare and Medicaid through MCS, MMM and SSS, approximately \$7,657,158.44 for misbranded and diverted medications, detailed per pharmacy in the table below, said amount contains Medicare disbursements of approximately \$4,757,399.52 and Medicaid disbursements of approximately \$2,389,413.20 for such claims.



PHARMACY	SHORTAGE AMOUNT
FARMACIA MONTE VERDE	\$2,803,049.13
FARMACIA SANTA OLAYA	\$1,757,749.20
FARMACIA UNITY	\$1,319,779.56
FARMACIA BRISAS DEL MAR	\$1,127,866.92
SUPER FARMACIA SAN ANTONIO	\$648,713.64
<b>TOTAL</b>	<b>\$7,657,158.44</b>

4. The manner and means of the conspiracy set forth in paragraph 5 of Count One of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

All in violation of 18 U.S.C. § 1349.

**COUNTS THREE THROUGH NINETEEN**  
**21, U.S.C. §§ 331(t), 353(e)(1)(A), 333(a)(2) and 333(b)(1)(D)**  
**(Unlicensed Wholesale Distribution of Prescription Drugs)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed in the table below, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court, the defendants listed therein, did knowingly, and with intent to defraud and mislead, engage in the wholesale distribution of prescriptions drugs in Puerto Rico without being licensed in Puerto Rico nor with the Secretary of Health and Human Services as a wholesale distributor of prescription drugs:

COUNT	DEFENDANT	DATE	PRESCRIPTION DRUGS
3	[18] MARLON E. MARINO-LEAL, a/k/a "Chamo"	11/28/2023	Breo Ellipta Spiriva HandiHaler Trelegy Ellipta Lantus Trulicity Eliquis Jardiance
4	[22] ANTONIO F. PORTILLA-ARZOLA, a/k/a "Portilla"	12/4/2023	Lantus Solostar Humalog Junior KwikPen Trelegy Ellipta Atrovent HFA Flovent HFA Ozempic Lantus Humulin R Humulin N Humulin 70/30 Triumeq Jardiance Delstrigo Tradjenta
5	[23] REYNALDO GUZMAN-MARTINEZ, a/k/a "Bebo Canales"	12/4/2023	Spiriva Respimat Flovent HFA Lantus Humalog Humulin Farxiga
6	[16] JAVIER E. ORTIZ-RIVERA, a/k/a "Tato"	12/5/2023	Xarelto Eliquis Jardiance Diazepam
7	[25] JOSE A. GONZALEZ-MALDONADO, a/k/a "Potala"	12/5/2023	Humalog Humulin 70/30 Humulin R Humulin Mix 75/25 Humalog Junior KwikPen Lantus Solostar Lantus Trelegy Ellipta Flovent HFA Symbicort Budesonide and Formoterol Fumarate Dihydrate
8	[21] ROSA M. MENDEZ-GONZALEZ, a/k/a "Puruca"	12/6/2023	Synthroid Lantus

<b>9</b>	[17] HOLVIN E. AVILES-CARMONA, a/k/a "Holvin"	12/6/2023	Symbicort Atrovent HFA Wixela Inhub Synthroid Brilinta Humulin N Humalog Mix 75/25 Humalog 70/30 Jardiance
<b>10</b>	[18] MARLON E. MARINO-LEAL, a/k/a "Chamo"	12/8/2023	Flovent Symbicort Ventolin Lantus Solostar Eliquis Latuda Januvia Jardiance
<b>11</b>	[19] JOSE M. AMALBERT-ROHENA, a/k/a "Chema"	12/8/2023	Spiriva Respimat Spiriva Handihaler Flovent HFA Humulin 70/30 Lantus
<b>12</b>	[15] ERIC J. COLLAZO-RIVERA, a/k/a "Eric Mania"  [20] MIGUEL A. ROJAS-REYES, a/k/a "Dr. Hacienda"	12/8/2023	Flovent HFA Lantus Humulin 70/30
<b>13</b>	[14] EDDIN ORLANDO SANTIAGO- CORDERO, a/k/a "Guayacan"	3/29/2023	Eliquis Farxiga Flovent HFA Invokana Janumet Janumet XR Jardiance Lantus Pen Tradjenta Xarelto
<b>14</b>	[24] MOISES O. HEREDIA-TINEO, a/k/a "Billy"	12/12/2023	Farxiga
<b>15</b>	[20] MIGUEL A. ROJAS-REYES, a/k/a "Dr. Hacienda"	1/12/2024	Flovent HFA Lantus Humulin 70/30 Humalog Triumeq Biktarvy
<b>16</b>	[16] JAVIER E. ORTIZ-RIVERA, a/k/a "Tato"	1/16/2024	Xarelto Eliquis
<b>17</b>	[12] ALBERTO MELENDEZ-NIEVES, a/k/a "Bertin"	2/13/2024	Farxiga Jardiance Tradjenta



<b>18</b>	[13] ANGEL L. SANTIAGO-CRUZ, a/k/a "Aguacate"	2/16/2024	Xarelto Eliquis Synthroid Farxiga
<b>19</b>	[12] ALBERTO MELENDEZ-NIEVES, a/k/a "Bertin"	3/4/2024	Symtuza Genvoya

Each count listed above constituting a separate and distinct violation of 21 U.S.C. §§ 331(t), 353(e)(1)(A), 333(a)(2), and 333(b)(1)(D).

**COUNTS TWENTY THROUGH TWENTY-ONE**  
**21 U.S.C. §§ 331(a), 352(f) and 333(a)(2)**  
**(Misbranding of prescription drugs with intent to mislead and defraud)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed in the table below, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court, the defendants listed therein, with intent to defraud and mislead, delivered and caused to be delivered for introduction into interstate commerce, misbranded drugs, that is, prescription drugs that lacked adequate directions for use, warnings against use, adequate warnings as to dosage, and were dispensed without a valid prescription, as detailed in the table below:

COUNT	DEFENDANT	DATE	PRESCRIPTION DRUGS
20	[18] MARLON E. MARINO-LEAL, a/k/a "Chamo"	11/28/2023	Breo Ellipta
21	[18] MARLON E. MARINO-LEAL, a/k/a "Chamo"	12/8/2023	Flovent

Each count listed above constituting a separate and distinct violation of 21 U.S.C. §§ 331(a), 352(f), 353(b)(1), and 333(a)(2).

**COUNTS TWENTY-TWO THROUGH TWENTY-THREE**  
**18 U.S.C. § 1341**  
**(Mail Fraud-Frauds and Swindles)**

1. The General Allegations portion of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed in the table below, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court,

[18] MARLON E. MARINO-LEAL, a/k/a “Chamo”,

the defendant herein, with the intent to defraud, knowingly used the mail in furtherance of the scheme to defraud, and thereby violated 18 U.S.C. § 1341. Defendant knowingly caused to be sent and delivered by the United States Postal Service (“USPS”) or by a private or commercial interstate carrier, letters, packages, and other communications containing materially false and fraudulent representations and statements, including but not limited to shipping a parcel box containing misbranded and diverted prescription drugs identified with USPS tracking numbers listed below:

COUNT	DATE	USPS TRACKING NUMBER	FROM	TO
22	11/28/2023	EI323749149US	“Eric Leal”	“AC”
23	12/8/2023	EI323749135US	“Eric Leal”	“RM”

Each count listed above constituting a separate and distinct violation of 18 U.S.C. § 1341.

**COUNTS TWENTY-FOUR THROUGH THIRTY-EIGHT**  
**21 U.S.C. §§ 331(k), 352(f), 353(b)(4)(A) and 333(a)(2)**  
**(Misbranding of prescription drugs with intent to mislead and defraud)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed in the table below, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court, the defendants listed therein, after shipment in interstate commerce, with intent to defraud and mislead, caused the alteration, mutilation, destruction, obliteration, and removal of the whole and any part of the labeling of a drug, and did any act to a drug, while held for sale, which resulted in the prescription drug being deemed misbranded, to wit: the prescription drugs lacked adequate directions for use, warnings against use and adequate warnings as to dosage, and lacked the statement “Rx only,” as detailed in the table below:

COUNT	DEFENDANT	DATE	PRESCRIPTION DRUGS
24	[22] ANTONIO F. PORTILLA-ARZOLA, a/k/a “Portilla”	12/4/2023	Lantus Solostar
25	[23] REYNALDO GUZMAN-MARTINEZ, a/k/a “Bebo Canales”	12/4/2023	Spiriva Respimat
26	[16] JAVIER E. ORTIZ-RIVERA, a/k/a “Tato”	12/5/2023	Xarelto
27	[25] JOSE A. GONZALEZ-MALDONADO, a/k/a “Potala”	12/5/2023	Humalog
28	[21] ROSA M. MENDEZ-GONZALEZ, a/k/a “Puruca”	12/6/2023	Synthroid
29	[17] HOLVIN E. AVILES-CARMONA, a/k/a “Holvin”	12/6/2023	Symbicort
30	[19] JOSE M. AMALBERT-ROHENA, a/k/a “Chema”	12/8/2023	Spiriva Respimat
31	[15] ERIC J. COLLAZO-RIVERA, a/k/a “Eric Mania” [20] MIGUEL A. ROJAS-REYES, a/k/a “Dr. Hacienda”	12/8/2023	Flovent HFA
32	[14] EDDIN ORLANDO SANTIAGO-CORDERO, a/k/a “Guayacan”	3/29/2023	Eliquis
33	[24] MOISES O. HEREDIA-TINEO, a/k/a “Billy”	12/12/2023	Farxiga
34	[20] MIGUEL A. ROJAS-REYES, a/k/a “Dr. Hacienda”	1/12/2024	Flovent HFA
35	[16] JAVIER E. ORTIZ-RIVERA, a/k/a “Tato”	1/16/2024	Xarelto
36	[12] ALBERTO MELENDEZ-NIEVES, a/k/a “Bertin”	2/13/2024	Farxiga



37	[13] ANGEL L. SANTIAGO-CRUZ, a/k/a "Aguacate"	2/16/2024	Xarelto
38	[12] ALBERTO MELENDEZ- NIEVES, a/k/a "Bertin"	3/4/2024	Symtuza

Each count listed above constituting a separate and distinct violation of 21 U.S.C. §§ 331(k), 352(f), 353(b)(4)(A), and 333(a)(2).

**THIRTY-NINE THROUGH FORTY-THREE**  
**21 U.S.C. §§ 331(t), 360eee-1(d)(1)(A)(i), 360eee-1(d)(3), and 333(a)(2), and 18 U.S.C. § 2**  
**(Unauthorized Trading Partner)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.

2. On or about the dates listed in the table below, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court, the defendants listed therein, aiding and abetting each other, with intent to defraud and mislead, purchased and caused the purchase of prescription drugs from an unauthorized trading partner, and accepted ownership of prescription drugs without obtaining the complete transaction statement and transaction information, as detailed in the table below:

COUNT	DEFENDANTS	DATES	ORDER NUMBERS
39	[1] VALERIE M. CINTRON-RIVERA,	11/3/2023	70978
		10/26/2023	70977
		10/6/2023	70968
	[2] MARIA T. RIVERA-FUENTES	9/15/2023	70965
		9/8/2023	70963
40	[3] JAIME FIGUEROA-RAMOS, a/k/a "Jimmy"	9/12/2023	182650
		9/6/2023	182649
		8/29/2023	182647
	[4] ELISA CRUZADO-RAMOS	8/23/2023	182646
		8/22/2023	182645
	[5] NIVIA RIOS-MATOS	8/15/2023	182643
		8/4/2023	182641
		8/3/2024	182640
		8/1/2023	182639

		8/1/2023	182638
		7/20/2023	182635
		7/6/2023	182634
41	[6] RAUL MORERA-LLERA [7] ENID M. RIVERA-ROSARIO	8/23/2023	70507
42	[8] GERARDO A. ROMERO-MARCANO [9] SHEILA RODRIGUEZ-AGOSTO	10/7/2023	70516
43	[10] GABRIEL A. RODRIGUEZ-MALAVE [11] ROSAIDA TORRES	6/30/2023 6/25/2023	71025 71023

Each count listed above constituting a separate and distinct violation of 21 U.S.C. §§ 331(f), 360eee-1(d)(1)(A)(i), 360eee-1(d)(3), 333(a)(2), and 18 U.S.C. § 2.

**COUNTS FORTY-FOUR THROUGH FORTY-EIGHT**  
**21 U.S.C. §§ 331(k), 352(f)(1) and 333(a)(2), and 18 U.S.C. § 2**  
**(Misbranding of prescription drugs with intent to mislead and defraud)**

1. The General Allegations of this indictment are hereby re-alleged and incorporated by reference as though fully set forth herein.
2. On or about the dates listed in the table below, in the District of Puerto Rico and elsewhere within the jurisdiction of this Court, the defendants listed therein, aiding and abetting each other, after shipment in interstate commerce, with intent to defraud and mislead, caused the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of a drug, or did any act to a drug, while held for sale, which resulted in the prescription drug being deemed misbranded, to wit: the prescription drugs lacked adequate directions for use, as detailed in the table below:

COUNT	DEFENDANT	DATE	PRESCRIPTION DRUGS
44	[1] VALERIE M. CINTRON-RIVERA,	11/3/2023	Breo Ellipta
		10/26/2023	Eliquis
	[2] MARIA T. RIVERA-FUENTES	10/6/2023	Breo Ellipta
		9/15/2023	Eliquis
		9/8/2023	Breo Ellipta
45	[3] JAIME FIGUEROA-RAMOS, a/k/a "Jimmy"	9/12/2023	Brilinta
		9/6/2023	Eliquis
	[4] ELISA CRUZADO-RAMOS	8/29/2023	Eliquis
		8/23/2023	Synthroid
	[5] NIVIA RIOS-MATOS	8/22/2023	Eliquis
		8/15/2023	Arnuity Ellipta
		8/4/2023	Synthroid
		8/3/2023	Farxiga
		8/1/2023	Eliquis
		8/1/2023	Janumet XR
46	[6] RAUL MORERA-LLERA [7] ENID M. RIVERA-ROSARIO	7/20/2023	Breo Ellipta
		7/6/2023	Brilinta
47	[8] GERARDO A. ROMERO-MARCANO [9] SHEILA RODRIGUEZ-AGOSTO	8/23/2023	Brilinta
		10/7/2023	Brilinta
48	[10] GABRIEL A. RODRIGUEZ-MALAVE	6/30/2023	Advair HFA
		6/25/2023	Advair HFA
	[11] ROSAIDA TORRES		

Each count listed above constituting a separate and distinct violation of 21 U.S.C. §§ 331(k), 352(f)(1) and 333(a)(2), and 18 U.S.C. § 2.

**FORFEITURE ALLEGATION**  
**21 U.S.C. § 334 and 28 U.S.C. § 2461**  
**Seized Misbranded Drugs**

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which defendants, [1] VALERIE M. CINTRON-RIVERA, [2] MARIA T.



RIVERA-FUENTES, [3] JAIME FIGUEROA-RAMOS a/k/a “Jimmy”, [4] ELISA CRUZADO-RAMOS, [5] NIVIA RIOS-MATOS, [6] RAUL MORERA-LLERA, [7] ENID M. RIVERA-ROSARIO, [8] GERARDO A. ROMERO-MARCANO, [9] SHEILA RODRIGUEZ-AGOSTO, [10] GABRIEL A. RODRIGUEZ-MALAVE, [11] ROSAIDA TORRES, [12] ALBERTO MELENDEZ-NIEVES a/k/a “Bertin”, [13] ANGEL L. SANTIAGO-CRUZ a/k/a “Aguacate”, [14] EDDIN ORLANDO SANTIAGO-CORDERO a/k/a “Guayacan”, [15] ERIC J. COLLAZO-RIVERA a/k/a “Eric Mania”, [16] JAVIER E. ORTIZ-RIVERA a/k/a “Tato”[17] HOLVIN E. AVILES-CARMONA a/k/a “Holvin”, [18] MARLON E. MARINO-LEAL a/k/a “Chamo”, [19] JOSE M. AMALBERT-ROHENA a/k/a “Chema”, [20] MIGUEL A. ROJAS-REYES a/k/a “Dr. Hacienda”, [21] ROSA M. MENDEZ-GONZALEZ a/k/a “Puruca”, [22] ANTONIO F. PORTILLA-ARZOLA a/k/a “Portilla”, [23] REYNALDO GUZMAN-MARTINEZ a/k/a “Bebo Canales”, [24] MOISES O. HEREDIA-TINEO a/k/a “Billy”, [25] JOSE A. GONZALEZ-MALDONADO a/k/a “Potala”, has an interest.

2. Upon conviction of any violation of Title 21, United States Code, Section 331, as alleged in this Indictment, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461(c), the defendants shall forfeit to the United States any article of food, drug, device, or cosmetic that is misbranded when introduced into or while in interstate commerce or while held for sale after shipment in interstate commerce.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, 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 subdivided without difficulty;

the United States shall be entitled to the forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. §2461(c).

**FORFEITURE ALLEGATION**  
18 U.S.C. §982(a)(7) and 18 U.S.C. §982(a)(1)

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures, pursuant to 18 U.S.C. §982(a)(7).

2. Upon conviction of the offenses in violation of 18 U.S.C §§ 1347 and 1349, set forth in Counts , One and Two, of this Indictment, the defendants, [1] VALERIE M. CINTRON-RIVERA, [2] MARIA T. RIVERA-FUENTES, [3] JAIME FIGUEROA-RAMOS a/k/a “Jimmy”, [4] ELISA CRUZADO-RAMOS, [5] NIVIA RIOS-MATOS, [6] RAUL MORERA-LLERA, [7] ENID M. RIVERA-ROSARIO, [8] GERARDO A. ROMERO-MARCANO, [9] SHEILA RODRIGUEZ-AGOSTO, [10] GABRIEL A. RODRIGUEZ-MALAVE, [11] ROSAIDA TORRES, [12] ALBERTO MELENDEZ-NIEVES a/k/a “Bertin”, [13] ANGEL L. SANTIAGO-CRUZ a/k/a “Aguacate”, [14] EDDIN ORLANDO SANTIAGO-CORDERO a/k/a “Guayacan”, [15] ERIC J. COLLAZO-RIVERA a/k/a “Eric Mania”, [16] JAVIER E. ORTIZ-RIVERA a/k/a “Tato”[17] HOLVIN E. AVILES-CARMONA a/k/a “Holvin”, [18] MARLON E. MARINO-LEAL a/k/a “Chamo”, [19] JOSE M. AMALBERT-ROHENA a/k/a “Chema”, [20] MIGUEL A. ROJAS-REYES a/k/a “Dr. Hacienda”, [21] ROSA M. MENDEZ-GONZALEZ a/k/a “Puruca”, [22] ANTONIO F. PORTILLA-ARZOLA a/k/a “Portilla”, [23] REYNALDO GUZMAN-MARTINEZ a/k/a “Bebo Canales”, [24] MOISES O. HEREDIA-TINEO a/k/a “Billy”, [25] JOSE A. GONZALEZ-MALDONADO a/k/a “Potala”, shall forfeit to the United States of America, pursuant to 18 U.S.C. §982(a)(7), any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense(s). The

property to be forfeited includes, but is not limited to, the following: Money Judgement in the amount of THIRTEEN MILLION DOLLARS NINE HUNDRED FIFTY-FOUR THOUSAND TWO HUNDRED SEVENTY-ONE WITH THIRTY CENTS (\$13,954,271.30)

3. If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, 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 subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. §853(p), as incorporated by 18 U.S.C., §982(b)(1) and 28 U.S.C. §2461(c).

All pursuant to 18 U.S.C. §982(a)(7) and 28 U.S.C. §2461(c).

TRUE BILL



FOREPERSON

Date: September 19, 2024

W. STEPHEN MULDROW  
United States Attorney



Seth A. Erbe  
Assistant United States Attorney  
Chief, Financial Fraud &  
Public Corruption Section



Wallace A. Bustelo  
Special Assistant United States Attorney