

UNITED STATES DISTRICT COURT

JUL - 9 2019

for the

Western District of Virginia

JULIA S. DUDLEY, CLERK

BY: 

DEPUTY CLERK

United States of America

v.

Paulette G. TOLLER

Case No. 1:19MJ86

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2017 - June 2019 in the county of Pittsylvania in the  
Western District of Virginia, the defendant(s) violated:

Code Section

Offense Description

21 USC 841(a)(1)  
21 USC 843(a)(3)

Possession with Intent to Distribute Controlled Substance  
Obtaining controlled substances by fraud

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



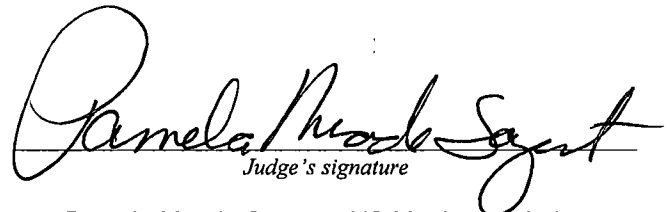
Complainant's signature

M Patrick Long, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 7/9/19



Judge's signature

City and state: Abingdon, Virginia

Pamela Meade Sargent, US Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**IN THE MATTER OF THE ARREST OF:    )**

Paulette G. TOLLER                                )

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT**

I, M. Patrick Long, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (hereinafter "DEA"), currently assigned to the Roanoke Tactical Diversion Squad (hereinafter "TDS") in the Washington Field Division. As a duly appointed Special Agent in the DEA, I am charged with the duty of enforcing the Controlled Substances Act, and am authorized under Title 21, United States Code, Section 878 to carry firearms, execute warrants, make arrests for offenses against the United States of America, and to perform other law enforcement duties as authorized by law.

2. I was employed by the DEA in 2005 as a Diversion Investigator, and later appointed a Special Agent of the DEA in 2009. I have attended basic training courses for both core series at the DEA Training Academy for thirteen weeks and nineteen weeks, respectively, during which time I received specialized training regarding federal law, surveillance (physical and electronic), undercover operations, pharmaceutical diversion, narcotics trafficking, and money laundering.

3. By virtue of the position as a Special Agent, your Affiant is a federal law enforcement officer empowered to conduct investigations concerning the unlawful possession, possession with intent to distribute, and unlawful distribution of controlled substances, and associated conspiracies, and to make arrests for violations of Title 21, United States Code, Sections 841 and 846. As a Diversion Investigator and as a Special Agent for the DEA, your Affiant has participated in multiple investigations involving the unlawful possession, manufacture, and distribution of controlled substances.

4. During the course of these investigations, I have debriefed defendants, informants, and witnesses who had personal knowledge regarding narcotics trafficking,

conducted physical surveillance, prepared affidavits for search warrants, participated in the execution of numerous search warrants, acted as an undercover agent, analyzed information received pursuant to grand jury subpoenas, analyzed evidence and information obtained from court-authorized pen register and trap and trace intercepts, telephone tolls, financial documents, reviewed and transcribed recorded calls, and provided testimony.

5. In connection with my duties, your Affiant makes this Application as part of a criminal investigation involving Paulette G. TOLLER (hereafter referred to as "TOLLER"), licensed pharmacy technician, for offenses related to the illegal possession of controlled substances with intent to distribute, in violation of Title 21, United States Code, Sections 841(a)(3) and obtaining controlled substances by fraud, in violation of Title 21, United States Code 843(a)(3).

6. This affidavit is made in support of an application for an arrest warrant for TOLLER, and contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by your Affiant or known to the government.

7. The facts and information contained in this affidavit are based upon your Affiant's personal knowledge of the investigation, information provided to your Affiant by other law enforcement officers and agents, information provided by cooperating individuals, and other information gathered during the course of the investigation.

8. TOLLER has been a registered pharmacy technician with the Virginia Department of Health Professions, under license number 0230004204, since 02/20/2004. TOLLER has been employed at Sovah Health Danville (hereinafter "Sovah") as a pharmacy technician since 09/24/2001. TOLLER'S employment at Sovah Health was suspended on June 13, 2019. After being confronted by hospital management, she confessed to diverting controlled substances from the hospital since approximately June 2017.

9. As a pharmacy technician, TOLLER's duties include removing controlled substances from the main pharmacy automated dispensing system (hereinafter "ADS") and placing the controlled substances in various ADS machines throughout the hospital. Sovah's software program tracks both parts of this transaction, and the usual transaction would include a review by the on-duty pharmacist.

10. On June 12, 2019, Sovah's Director of Pharmacy contacted DEA in regards to the theft of controlled substances. The Director stated that it had been discovered on June 11, 2019,

that Toller had found a "loophole" in the software program that allowed her to withdraw controlled substances from the hospital's ADS under previous codes that were now invalid. (Example: the "OB" nursing unit was previously labeled the "OBG" nursing unit). Due to a discrepancy of Percocet 5mg over the weekend shift, a thorough review was conducted to determine the cause of the discrepancy. During this review, it was noted that TOLLER had used an invalid nursing code; therefore, all of TOLLER's transactions were reviewed. Sovah pharmacy staff provided a computer generated report showing all the transactions TOLLER conducted under the inactive codes, which is attached hereto and incorporated herein by reference. The report shows that TOLLER illegally obtained two syringes of oxycodone liquid and a total of 13,422 controlled substance pills, including:

Schedule II narcotics

5,246 hydrocodone pills;  
6,088 oxycodone pills;  
65 hydromorphone pills;

Schedule III narcotics

760 codeine pills;

Schedule IV benzodiazepines

270 alprazolam pills;  
20 clonazepam pills;  
713 lorazepam pills;  
20 temazepam pills; and

Schedule IV sedatives

240 zolpidem tartrate pills.

11. Based on training and experience, your Affiant knows that the above listed controlled substances are desirable in the illicit market, and the quantities pilfered by TOLLER are consistent with unlawful distribution activity.

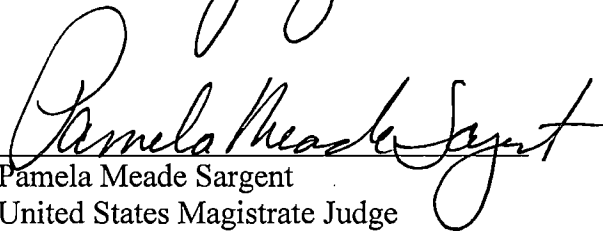
12. During a normal transaction, the pharmacist on duty would review anything pulled by a pharmacy technician before releasing it from the pharmacy. However, Sovah pharmacy staff and security staff reviewed video footage from the hospital's surveillance system and witnessed TOLLER accessing the ADS when the pharmacist stepped out of the room.

13. On June 13, 2019, Sovah's Director of Pharmacy, Director of Security, and Pharmacy Technician Supervisor, confronted TOLLER about the use of the invalid codes. TOLLER stated she had started diverting controlled substances from Sovah dating back to approximately June 2017 for personal use due to knee pain.

  
M. Patrick Long, Special Agent (DEA)

7/9/2019  
Date

Subscribed and sworn to before me, this the 9th day of July 2019 in Abingdon, Virginia.

  
Pamela Meade Sargent  
United States Magistrate Judge  
Western District of Virginia