

Criminal Rules 5-210, 6-206

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT OF OTERO COUNTY  
12<sup>TH</sup> JUDICIAL DISTRICT Number

OTERO COUNTY

STATE OF NEW MEXICO

v.  
ANDREA LEE AKA HARRIS  
DOB  
SSN

M-38 FR 2004-00325-II

Number

*Bond*

*75,000  
no 1090*

**WARRANT FOR ARREST**

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:\*

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE HEREBY COMMANDED to arrest the above-named defendant and bring the defendant without unnecessary delay before me\*\* to answer the charge of

**CONTROLLED SUBSTANCE PROHIBITED ACT/FIFTEEN (15) COUNTS EACH A FOURTH DEGREE FELONY**

(here state common name and description of offense charged)

contrary to Section(s) 30 31 25.A.3 (NMSA 1978)

Dated this 4<sup>th</sup> day of June 2004.

*[Signature]*  
Judge

**RETURN WHERE DEFENDANT IS FOUND**

I arrested the above-named defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 2004, and served a copy of this warrant on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title (if any)

\*An Arrest Warrant may be directed to a full-time salaried state or county law enforcement officer, a municipal officer, a campus security officer, or an Indian tribal or pueblo law enforcement officer.

\*\* If the judge is unavailable, defendant must be brought forthwith before designee for setting of conditions of release. A defendant accused of a bailable offense may not be held without the setting of conditions of release. (Rules 5-401, 6-401)

White-Return of Service First Copy

Yellow-Defendant's Copy

Pink-Return of Service Second Copy

Approved: Supreme court, October 1, 1974; amended October 1, 1976; October 1, 1985.  
Criminal Form 9-210

Criminal Rules 5-308, 6-204

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT  
TWELFTH JUDICIAL DISTRICT  
OTERO COUNTY  
STATE OF NEW MEXICO

M 38FR 2004 - 00325 - II  
Number

v.

**ANDREA LEE AKA HARRIS**  
**DOB**  
**SSN**  
**NMO**

**AFFIDAVIT FOR ARREST WARRANT**

The undersigned, being duly sworn, on his oath, states that he has reason to believe that on or about the 6 day of **JANUARY 2003** in the county of **OTERO**, state of New Mexico, the above-named defendant(s) did commit the crime of: [ (state common name of offense(s)

**CONTROLLED SUBSTANCES PROHIBITED ACT/FIFTEEN (15) COUNTS EACH A FOURTH DEGREE FELONY**

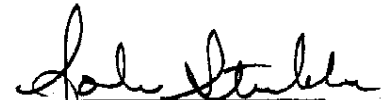
contrary to law of the state of **30-31-25.A.3.**

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant(s) committed the crime charged: (include facts in support of the credibility of any hearsay relied upon)

**See Attached Exhibit "A"**

Subscribed and sworn to before me in the above-named COUNTY of the state of New Mexico this 4<sup>th</sup> day of June, 2004

**JOHN C. STUBBE**

  
AFFIANT

Magistrate Judge, Notary or Other Officer  
Authorized to Administer Oaths

NOTE: Article II, Section 10 of the New Mexico Constitution provides that an Arrest Warrant may issue on a sworn written statement of facts showing probable cause. This Affidavit is to be used only when the Complaint does not set sufficient facts to establish probable cause.

White - Return of Service Copy

Yellow -

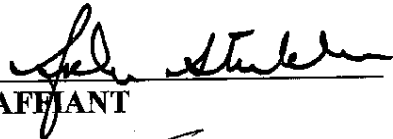
STATE OF NEW MEXICO  
VS  
ANDREA LEE A.K.A. HARRIS

MAGISTRATE COURT  
OTERO COUNTY

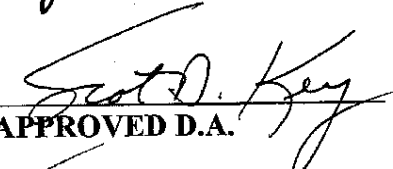
**AFFIDAVIT FOR ARREST WARRANT**

1. AFFIANT IS A FULL TIME SALARIED PEACE OFFICER WITH APPROXIMATELY FORTY FOUR YEARS OF EXPERIENCE AND IS CURRENTLY ASSIGNED TO THE OFFICE OF THE DISTRICT ATTORNEY FOR OTERO AND LINCOLN COUNTY STATE OF NEW MEXICO.
2. AFFIANT ON 06 01 2004 DID RECEIVE A INVESTIGATIVE REPORT #2004-063 FROM BEN KESNER NM STATE DRUG INSPECTOR ASSIGNED TO THE NEW MEXICO BOARD OF PHARMACY.
3. AFFIANT DID REVIEW THIS REPORT AND DID LEARN THAT MS GAIL WATTERS R.PH IS THE PHARMACIST IN CHARGE AT LOWES PHARMACY LOCATED AT 675 10<sup>TH</sup> STREET ALAMOGORDO NM.
4. AFFIANT FURTHER LEARNED THAT MS WATTERS REPORTED THAT LOWES PHARMACY HAD SOLD HYDROCODONE/APAP WHICH IS A SCHEDULE III CONTROLLED SUBSTANCE TO ALAMOGORDO PRIMATE FACILITY.
5. AFFIANT DID LEARN THAT DR SYNTHIA DOANE DVM DID COMPLETE A WRITTEN STATEMENT IN WHICH SHE ALLEGES THAT HER DRUG ENFORCEMENT ADMINISTRATION LICENSE WAS USED TO PURCHASE THE ABOVE MENTIONED CONTROLLED SUBSTANCES WITHOUT HER KNOWLEDGE OR APPROVAL.
6. AFFIANT FURTHER LEARNED THAT DR PAUL LANGNERS DEA LICENSE WAS USED TO PURCHASE HYDROCODONE/APAP WITHOUT HIS PERMISSION OR KNOWLEDGE.
7. AFFIANT LEARNED FROM AGENT KESNERS REPORT THAT HE DID TRAVEL TO LOWES PHARMACY AND DID FIND FIFTEEN (15) SALES OF HYDROCODONE/APAP AS INDICATED ON THE ATTACHED CRIMINAL COMPLAINT WHICH HAD BEEN SIGNED FOR BY DEFENDANT..

- 8. AFFIANT FURTHER LEARNED FROM AGENT KESNERS REPORT THAT EACH OF THE SALES WAS MADE TO DEFENDANT BY SIGNATURE, IN THE NAME OF ALAMOGORDO PRIMATE FACILITY.
- 9. AFFIANT FURTHER LEARNED THAT MS WATTERS DOES KNOW DEFENDANT AS AN EMPLOYEE OF ALAMOGORDO PRIMATE FACILITY AND IS THE SAME PERSON WHO PICKED UP THE HYDROCODONE/APAP FROM THE PHARMACY.
- 10. AFFIANT LEARNED THAT AGENT KESNER DID OBTAIN A COPY OF THE CONTROLLED SUBSTANCE INVENTORY TAKEN ON 02 12 2004 FROM THE ALAMOGORDO PRIMATE FACILITY AND THAT NO HYDROCODONE/APAP IS LISTED AND THAT THE FACILITY DOES NOT USE HYDROCODONE/APAP.
- 11. AFFIANT PRAYS FOR ISSUANCE OF WARRANT OF ARREST FOR DEFENDANT FOR VIOLATION OF NMSA 30 31 23/FIFTEEN (15) COUNTS, EACH A FOURTH DEGREE FELONY.

  
 AFFIANT

6/14/04  
 DATE

  
 APPROVED D.A.

6/3/04  
 DATE

  
 MAGISTRATE JUDGE

6/4/04 8:45 AM  
 DATE

IN THE MAGISTRATE COURT  
COUNTY OF OTERO  
STATE OF NEW MEXICO

OTERO COUNTY  
04 JUL -2 PM 3:59

NUMBER: M-38-FR 2004-00325-II

STATE OF NEW MEXICO,  
Plaintiff,

vs.

ANDREA LEE,  
Defendant.

DOB:  
SSN:  
ADDRESS

CRIME:  
STN:

Count 1 - 15: Controlled Substances-Prohibited Acts, NMSA 1978 §30-31-25(A)(3), a 4th degree felony

CRIMINAL COMPLAINT

The undersigned, being duly sworn upon oath, complains and says:

That in Otero County, the above named defendant did:

Count 1: on or about January 06, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 2: on or about April 14, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 3: on or about April 21, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);



Count 4: on or about August 01, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 5: on or about September 12, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 6: on or about September 16, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 7: on or about October 20, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 8: on or about October 24, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 9: on or about November 20, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 10: on or about December 01, 2003, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud, forgery, deception or subterfuge, contrary to NMSA 1978 §30-31-25(3);

Count 11: on or about January 15, 2004, intentionally acquire or obtain, or attempt to acquire or obtain possession of a controlled substance, to-wit: Hydrocodone, by misrepresentation, fraud,

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
JUL 15 2004  
FBI - DENVER

+



8-401]

STATE OF NEW MEXICO

FR-2004-00325

IN THE MAGISTRATE COURT

COUNTY OF Otero

State of New Mexico

No. 525-00836442

Charge: 15 cts controlled  
Subs Prohibited

v.

Andrea S. Lee, Defendant

DOB:

SS:

RELEASE ORDER AND BOND

It is ordered that the defendant be released from custody subject to the following conditions:

(check and complete applicable alternatives)

- Personal recognizance
- Unsecured appearance bond of \$ \_\_\_\_\_
- Third party custodian: \_\_\_\_\_ (name)  
 \_\_\_\_\_ (address)  
 \_\_\_\_\_ (city & zip code)  
 \_\_\_\_\_ (telephone)

- Secured bond of \$ 25,000.00
  - cash at \_\_\_\_\_ % of a bond
  - bail bond executed on Form 9-304
  - property bond executed on Form 9-304

I agree to appear before the court on Call of cl., 192004 at \_\_\_\_\_ located at 263 Robert Bradley Dr. and thereafter at such times and places required in this case by any court. Alamogordo

I further agree:

- not to possess firearms or dangerous weapons;
- not to possess or consume alcohol or enter liquor establishments;
- not to violate any federal, state or local criminal law;
- to notify the court of any change of address;
- not to leave the (county of Otero) (State of New Mexico) without prior permission of the Court
- to maintain contact with my attorney;
- to avoid all contact with the alleged victim or anyone who may testify in this case;
- (other conditions) to waive extradition from any State or country

Judicial approval of conditions:

Dated: July 2, 192004

ESR  
(Judge) (Clerk)

Distribution Instructions

1 copy - Court 1 copy - Defendant

[Supreme Court Approved, September 30, 1994; adopted, effective January 1, 1995.]

**ant's approval of conditions:**

I UNDERSTAND THE ABOVE CONDITIONS OF RELEASE AND AGREE TO THEM.

If I fail to appear or if I violate a condition of release, I understand that bond will be forfeited and I agree to pay the amount of the bond to the state. I understand that additional criminal charges may be filed if I violate conditions of release.

Dated: July 2, 19 2004

X Andrea Lee  
Defendant's signature  
Andrea S. Lee  
Name (print)

7/2/04  
Date of release

1630  
Time of release

Telephone number

Distribution Instructions

1 copy - Court      1 copy - Defendant

[Supreme Court Approved, September 30, 1994; adopted, effective January 1, 1995.]