

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-084

v.

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SECTION: "N"

DEREK CURTISS

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FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

On October 16, 2008, in the Eastern District of Louisiana, Deputy Shelly Liner of the Terrebonne Parish Sheriff's Office stopped Derek Curtiss ("**Curtiss**") while driving his pickup truck on Highway 90 in Terrebonne Parish for a window tint violation. Upon making contact with him, Deputy Liner advised **Curtiss** of his violation, and asked him where he was traveling. **Curtiss** replied that he was driving to Houma to have lunch with his friend. Deputy Liner then asked where he was coming from, and **Curtiss** advised that he was coming from Morgan City. He also stated that he had spent some time earlier that day in Lafayette attending a deposition. **Curtiss** also advised Deputy Liner that there may be an outstanding warrant for his arrest for a speeding ticket that he failed to resolve. At that juncture, Deputy Liner did not believe that he had driven from Austin, Texas, to Houma to have lunch, so he asked **Curtiss** if he was transporting large sums of currency

or illegal contraband, which he denied. Deputy Liner then asked **Curtiss** for consent to search his vehicle, but he declined. Deputy Liner then summoned a narcotics certified K-9 to the scene.

When Deputy Scales and his K-9 arrived on the scene, **Curtiss** asked what the K-9 was trained to detect. Deputy Scales told him that the K-9 was trained to detect the odor of narcotics. Deputy Scales then walked the K-9 around the exterior of **Curtiss's** vehicle. **Curtiss** then advised that someone had smoked marijuana in his truck about a month before. Moments later, Deputy Scales advised Deputy Liner that the K-9 made an alert on the driver's side of the vehicle. An interior search was then conducted, and the deputies recovered a white grocery bag containing forty vials and two, one-gallon jugs filled with a clear liquid substance. After discovering the contraband, Deputy Liner contacted DEA Task Force Agent Josh Champagne, and asked him to come to the scene to assist with the arrest of **Curtiss**.

Agent Champagne then responded to the scene and introduced himself to **Curtiss**. He then read **Curtiss** his Miranda rights, and questioned him about the vials and the liquid in the jugs. **Curtiss** acknowledged that the vials contained steroids, and that the jugs contained GBL. He also stated that the steroids were for his personal use. On 10/20/2008, Agent Champagne forwarded the vials of steroids and a sample of the GBL to the DEA lab for analysis. Senior Forensic Chemist, Erika Derks, has indicated in her laboratory report of November 20, 2008, that the forty vials contained approximately 92.2 net ml/93.8 net grams of Stanozolol; 303.2 ml/292.3 net grams of Nandrolone Decanoate; 18.9 net ml/18.6 net grams of Testosterone Cypionate. (The steroids are schedule III drug controlled substances.) The sample of the GBL that was taken from the one-gallon containers contained 56.2 net ml/66.4 net grams of gamma-Hydroxyrate (GHB). (GHB is a schedule I drug controlled substance, and is commonly known as "the date rape drug.")

On March 19, 2009, a Grand Jury indicted **Curtiss** in a two-count indictment for possession with the intent to distribute gamma hydroxybutyric acid and anabolic steroids. On March 24, 2009, DEA agents traveled to **Curtiss**' house located at 10308 Anahauc Trail Austin, Texas, to take him into custody. Shortly after arriving at the house, the agents made contact with **Curtiss** at his front door, and advised him that they were there to arrest him. **Curtiss** then allowed the agents to enter his residence. After advising him of his rights per Mirdana, **Curtiss** told the agents that he had some dope in his residence, and executed a written consent allowing the agents to search same. **Curtiss** then showed the agents where he stored his steroids. During the search, the agents found various types of steroids stored throughout the residence and \$18,920.00 in U.S. Currency.

The aforementioned steroids were subsequently shipped by the agents to the DEA lab for testing. The steroids that were seized from **Curtiss**' residence were tested by Erika Derks, Senior Forensic Chemist, on May 13, 2009, and April 22, 2009. The test results identified the specific weights and common names of the subject steroids: Testolactone (4,973 net grams); Testosterone Cypionate (20.1 net ml/18.7 net grams); Testosterone (19.0 net ml/19.0 net grams); Stanozol (143.2 net ml/147.7 net grams); Stanozol (54.8 net ml/56.3 net grams); Testoserone Cypionate (1.8 net ml/1.8 net grams); Testosterone Cypionate (.99 net ml/1.0 net gram s); Nandrolone Decanoate (6.4 net ml/6.0 net grams); Nadrolone Decanoate (11.3 net ml/10.4 net grams); Nadrolone Decanoate (33.8 net ml/31.2 net grams); and Trenbolone Enanthate (10.2 net ml/9.6 net grams). (These steroids are schedule III drug controlled substances.)

Following the search of his residence, **Curtiss** was read his Miranda rights, and he agreed to speak to Agents without his attorney present. The Agents then questioned **Curtiss** about his arrest in Terrebonne Parish. **Curtiss** advised the steroids and GHB that he had in his vehicle when he was

stopped on October 16, 2008, were destined for K.G. a known individual in Houma, Louisiana. He further advised that he had supplied K.G. with steroids on five or ten previous occasions, and that he would charge him \$45.00 per vial of steroids. **Curtiss** also indicated that he intended to sell the two, one-gallon containers of GHB to K.G.

Additionally, **Curtiss** admitted to the agents that he had been purchasing steroid powder on a monthly basis from a source in China for the last two years, and that a kilogram of the powdered steroids would cost him \$750 to \$2,000. **Curtiss** also described to the agents the steps that he followed to manufacture the steroids. He said that he would mix the steroid powder with vegetable oil and then heat it in a microwave. After it cooled, he would transfer the mixture to small vials and seal them. He would then create a product label called D-Pham, place it on the vials, and market/sell them to his regular customers.

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