

3. The controlled substance involved in the offense were mixtures and substances containing a detectable amount of (i) 5-methoxy-N,N-diallyltryptamine, commonly referred to as 5-MeO-DALT, (ii) 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly referred to as UR-144, and (iii) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole, commonly referred to as AM-2201, all of which are Schedule I controlled substance analogues, as defined in 21 U.S.C. § 802(32), in violation of 21 U.S.C. §§ 813 and 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I have been a DEA Special Agent for approximately 10 years. During that time, I have participated in numerous investigations of unlawful drug distribution. During the course of those investigations, I have conducted or participated in surveillance, drug transactions with confidential informants and undercover officers ("UCs"), the introduction of informants and UCs, the execution of search warrants, debriefings of informants, and reviews of taped conversations and drug records. Through my training, education, and experience, I have become familiar with the manner in which illegal drugs are imported and distributed; the way in which illegal drugs are prepared, packaged, and sold on the street; some of the methods of payment for such drugs; and some of the methods that are used to disguise the source and nature of the profits made by narcotics dealers.

5. I make this Affidavit in part on personal knowledge based on my participation in the investigation and conversations with other DEA Special Agents and Task Force Officers ("TFOs"), and other law enforcement, including UCs; reviews of reports and other documents prepared by agents and others; and physical surveillance.

6. Throughout this Affidavit, where I assert that a statement was made, I was not the individual to whom the statement was made unless I specifically so state. Rather, information about the statement was provided by the specified law-enforcement officer (who may have had either direct or indirect knowledge of the statement) to whom I have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and they are set forth in substance and in part, unless otherwise indicated. Similarly,

the information in this Affidavit resulting from surveillance, except where otherwise specifically indicated, does not set forth my personal observations, but rather was provided to me by other law-enforcement officers who observed the events described, and to whom I have spoken or whose reports I have read.

7. Furthermore, the facts and circumstances of this investigation have been summarized for the specific purposes of this Application. I have not attempted to set forth the complete factual history of this investigation or all of its details. In making this Application, I rely only on the facts stated herein.

Overview of Investigation

8. Beginning in or about 2011, the DEA initiated an investigation of a drug trafficking organization (the "DTO") involving WILLIAM CHAVIS, JUSTIN GENSEL, KEVIN MATHERSON, and VINCENT CASHMAN, the defendants, among others, which was responsible for distributing large quantities of synthetic controlled substances, including, but not limited to mixtures and substances containing AM-2201, 5-MeO-DALT and UR-144, among other Schedule I analogues, which are commonly sold in forms referred to as synthetic marijuana, or "Spice." During the course of this investigation I have learned the following:

a. The DTO distributes these drugs, as well as paraphernalia used to ingest these drugs, through online sales on its website (the "DTO Website") to individuals and stores throughout the United States. The DTO markets their products as aromatic or herbal incense, and sells them in the form of various packaged products labeled as, for example, "Black Mamba," "FIRE," and "MR. SPICY GREEN." Since in or about early 2011, the DTO has sold thousands of units of such products containing various synthetic drugs, including those described in this Complaint.

b. In or about 2011, the DTO operated its narcotics trafficking business through a company called BMS Distributors LLC ("BMS"). BMS initially manufactured and shipped controlled substances from a warehouse in Tampa, Florida, and then, in or about mid-2011, shifted its manufacturing and distribution operations to a warehouse in Bay Shore, New York. Most recently, in or about early 2012, the DTO moved its distribution and manufacturing operations back to Tampa, Florida.

c. WILLIAM CHAVIS, JUSTIN GENSEL, and KEVIN MATHERSON, the defendants, have incorporated and act as managers and owners of several companies, including the two companies described in the following sub-paragraph, used to further the work of the DTO in distributing synthetic drugs.

d. The two principal companies used by the DTO are BMS and a sister company called Integrity Distributors LLC ("INTEGRITY DISTRIBUTORS"), which operate from the same locations and sell the same products, and are the same company for the purpose of the DTO's work. VINCENT CASHMAN, the defendant, is a trusted member of the DTO, who is responsible for coordinating internet orders placed through the DTO Website and shipping the DTO's synthetic drugs to customers throughout the United States

e. Additionally, the members of the DTO have opened multiple bank accounts and obtained the use of several properties using the names of these companies in order to facilitate the DTO's business of manufacturing and selling synthetic drugs. The members of the DTO use these bank accounts to receive the proceeds of their narcotics trafficking business and to distribute the funds amongst themselves.

f. The DTO, using BMS and INTEGRITY DISTRIBUTORS, has also opened accounts with the U.S. Postal Service ("USPS") and a national parcel shipping company ("Shipping Company-1"), which it has used to distribute over 9,000 parcels to customers throughout the United States in or about 2011 and 2012.

Interview of William Chavis in December 2011

9. From speaking with a Special Agent ("Agent-1") with the Department of Homeland Security, Homeland Security Investigations ("HSI"), I have learned the following:

a. On or about December 8, 2011, an individual later identified as WILLIAM CHAVIS, the defendant, was traveling on a flight that arrived at an airport in Tampa, Florida. CHAVIS was approached by HSI agents concerning a large amount of U.S. currency contained within his carry-on bag. CHAVIS consented to being interviewed by HSI agents, and stated the following:

i. CHAVIS stated that he was returning to Tampa, Florida, where he resided, from a business trip.

ii. CHAVIS said that he used to sell marijuana but stopped selling that drug after a prior arrest. CHAVIS stated that he now sold synthetic cannabinoids, which I know, based on my training and experience, refers to a class of synthetic drugs that are produced by applying liquid chemicals, including the Schedule I analogues known as AM-2201, 5-MeO-DALT and UR-144, to dried plant matter, which is then smoked in a manner similar to marijuana. This type of product is commonly referred to as synthetic marijuana or, alternatively, "Spice."

iii. CHAVIS stated that his current business was called "BMS Distributors" ("BMS") and that he used the business to sell synthetic drugs to others, which drugs CHAVIS claimed were legal. CHAVIS said that, during the course of the business trip he just completed, he had collected the cash he was carrying from a customer of BMS who had previously purchased synthetic drugs from BMS.

iv. CHAVIS said that, at the time, two of his partners in BMS were KEVIN MATHERSON and JUSTIN GENSEL, the defendants. CHAVIS stated that, in 2011, BMS had brought in approximately \$4 million from sales of synthetic drugs and other paraphernalia.

BMS Distributors and Integrity Distributors

10. I have reviewed records from the United States Postal Service ("USPS") relating to a shipping account ("Shipping Account-1") held by BMS, and learned the following:

a. From in or about July 2011 through in or about early July 2012, BMS used Shipping Account-1 to ship approximately 6,252 parcels from an address located in the vicinity of Bay Shore, New York (the "NY Address"), to locations throughout the United States, including to California, New York, New York, Georgia, Utah, Ohio, New Mexico, and elsewhere. For each such shipment, the return address was listed as the NY Address, and the "return company" was listed as "BMS Distributors Inc."

b. From in or about early February 2012 through in or about July 2012, BMS used Shipping Account-1 to ship approximately 2,873 parcels from an address located in the vicinity of Jackson Avenue in Tampa, Florida (the "FL Shipping

Address"), to locations throughout the United States. For each such shipment, the return address was listed as the FL Shipping Address, and the "return company" was listed as "Integrity Distributors LLC" (hereinafter, "INTEGRITY DISTRIBUTORS").

c. Shipping Account-1 is held in the name of "BMS DISTRIBUTORS INC.," and has two stored credit cards on the account: (i) a credit card in the name of "Justin Gensel," with a billing address at the FL Shipping Address, and (ii) a credit card in the name of "William Chavis," with a billing address also at the FL Shipping Address.

11. I have also reviewed records from Shipping Company-1 relating to a shipping account ("Shipping Account-2") held by BMS, and learned that BMS also used Shipping Account-2 to ship thousands of parcels throughout the United States in or about 2011 and early 2012.

12. I have reviewed corporate records maintained by the State of Florida, and learned the following:

a. BMS is a corporation registered with the State of Florida.

b. KEVIN MATHERSON, the defendant, is identified as the President of BMS. WILLIAM CHAVIS and JUSTIN GENSEL, the defendants, are identified as Vice Presidents of BMS.

c. BMS lists its mailing address as a residence located in Oldsmar, Florida (the "Oldsmar Address"). From reviewing driver's registration records from Florida, I have learned that JUSTIN GENSEL, the defendant, lists the Oldsmar Address as his home address.

d. BMS identifies its principal place of business as a warehouse located in the vicinity of 10th Avenue in Tampa, Florida (the "FL 10th Ave. Address").

e. INTEGRITY DISTRIBUTORS is also a corporation registered with the State of Florida, with its address listed as the FL Shipping Address.

f. KEVIN MATHERSON and JUSTIN GENSEL, the defendants, are identified as the sole managing members of INTEGRITY DISTRIBUTORS.

g. WILLIAM CHAVIS, JUSTIN GENSEL, VINCENT CASHMAN and KEVIN MATHERSON, the defendants, are the sole officers of another Florida corporation known as "Nightcap Marketing Inc."

13. I have reviewed records provided by a nationwide retailer of home furnishing and repair products ("Store-1"), and learned the following:

a. Purchase records and receipts provided by Store-1 reflect that, beginning in or about January 2011 through in or about January 2012, WILLIAM CHAVIS, JUSTIN GENSEL, and KEVIN MATHERSON, the defendants, and a co-conspirator not named as a defendant herein ("CC-1"), purchased dozens of gallons of acetone from Store-1 locations in Tampa, Florida, and Deer Park, New York.

b. At Store-1 locations in Tampa, Florida:

(i) on or about January 27, February 24, and May 24, an individual identifying himself as "William Chavis" purchased a total of approximately 27 gallons of acetone; and

(ii) on or about May 4 and May 31, 2011 and January 5, 2012, an individual identifying himself as "Kevin Matherson" purchased a total of approximately 46 gallons of acetone.

c. At Store-1 locations in Deer Park and Bay Shore, New York:

(i) on approximately six occasions between in or about September 2011 and in or about January 2012, an individual identifying himself as "William Chavis" purchased a total of approximately 149 gallons of acetone;

(ii) on approximately nine occasions between in or about June 2011 and in or about January 2012, an individual identifying himself as "Kevin Matherson" purchased a total of approximately 161 gallons of acetone;

(iii) on approximately four occasions between in or about August 2011, and in or about January 2012, an individual identifying himself by the name used by CC-1 purchased a total of approximately 86 gallons of acetone; and

(iv) in or about January 2012, an individual identifying himself as "Justin Gensel" made on purchase of a total of approximately 15 gallons of acetone.

d. From reviewing bank records for accounts held by BMS with a Florida bank ("Bank-1"), I have learned the the credit and debit cards used to make each of the purchases described above in paragraphs 13(a)-(c) were cards associated with BMS accounts held at Bank-1.

e. I have also reviewed a surveillance photograph taken by law enforcement in or about November 2011, in the parking lot of a Home Depot in Deer Park, New York, on which an individual I recognize as WILLIAM CHAVIS, based on a CHAVIS's driver's license photograph, can be seen loading containers of what appears to be acetone into a vehicle.

f. Based on my training and experience in investigating offenses involving the production and distribution of synthetic marijuana, and other synthetic drugs, I know that acetone is a necessary ingredient for producing synthetic marijuana, and other synthetic drugs. Specifically, acetone, which is a List II chemical, is a flammable solvent that is typically mixed with other chemical narcotics and applied to dried plant materials, which are then packaged and sold as synthetic marijuana.

e. The purchases described above consisted of a total of approximately 411 gallons of acetone from Store-1 locations in Tampa, Florida and Deer Park and Bay Shore, New York, which are all locations in the vicinity of the respective locations of BMS's and INTEGRITY DISTRIBUTORS's manufacturing and distribution facilities in Florida and New York.

January 2012 Seizure

14. On or about January 10, 2012, while conducting surveillance at the NY Address for BMS, other agents and I observed the following:

a. The NY Address is a warehouse. On or about January 10, 2012, agents observed several individuals entering and exiting the NY Address.

b. At approximately 4:10 p.m., I observed a co-conspirator not named as a defendant herein ("CC-2") exit the NY Address carrying a large cardboard box (the "Box"), and drive to

a United States Post Office (the "Post Office") located in the vicinity of Deer Park, New York.

c. CC-2 walked to the rear of the Post Office and left the Box on a loading dock attached to the Post Office. CC-2 then left the Post Office without the Box.

d. I then entered the Post Office and learned, from speaking with the U.S. Post Master at the Post Office, that CC-2 had dropped off the Box at the Post Office in order to ship approximately 20 envelopes (the "BMS Envelopes") addressed to locations throughout the United States. Each of the BMS Envelopes listed the return address as "Shipping Department, BMS DISTRIBUTORS INC." at the NY Address.

e. According to the Post Master, CC-2 had discarded the Box after dropping off the BMS Envelopes. I took possession of the Box, and observed that the bottom of the Box contained an amount of dark green plant material (the "Green Material"). The discarded Box also contained a leaflet listing several product names, including "STRAWBERRY MAMBA," "XTREAM SPICE," "CARIBBEAN DREAM," which I know, from my review of the DTO Website, are products offered for sale by BMS.

f. I seized the Green Material and submitted it to a DEA laboratory for testing. Subsequent laboratory tests revealed that substances contained in the Green Material tested positive for the presence of 1-(5-fluoropentyl)-3-(1-naphthoyl)indole, commonly referred to as AM-2201, which I know, based on my training and experience, is a Schedule I controlled substance analogue, as defined in 21 U.S.C. § 802(32).

Undercover Purchases of Synthetic Marijuana

15. On or about March 29, 2012, I accessed the DTO Website, which I know, based on law enforcement databases and my knowledge of this investigation, to be associated with BMS and INTEGRITY DISTRIBUTORS. Through the DTO Website, I placed an order for 20 grams of a synthetic marijuana product labeled as "MR. SPICY GREEN" and 40 grams of another synthetic marijuana product labeled as "BLACK MAMBA," and paid a total of approximately \$500 using a credit card ("Credit Card-1"). When placing this order (the "March 29 Order"), I listed an undercover email address (the "UC Email Account") as my contact.

16. After placing the March 29 Order through the DTO Website, I received at the UC Email Account a confirmation email

from "Justin Gensel" at "Integrity Distributors" providing an "order number" and promising delivery within several days.

17. On or about April 3 and 4, 2012, I received at the UC Email Account a series of emails from "info@integritydistributors.com" concerning where to ship the March 29 Order, which email asked me to call "BMS Staff" at a particular phone number (the "BMS Phone"). Several of these emails were signed "Vince, BMS Staff." I know from reviewing the DTO Website that, in or about April 2012, the BMS Phone was listed as the contact phone for BMS.

18. On or about April 4, 2012, from a location in New York, New York, I called the BMS Phone and spoke to an individual who identified himself as "Vince." During this call with "Vince," the following exchanges occurred:

a. Vince agreed to ship the items requested in the March 29 Order to a location in the vicinity of Lindenhurst, New York.

b. Vince identified himself as being originally from Garden City, New York. Vince also stated that the business was not in New York.

c. From reviewing law enforcement databases, I have learned that VINCENT CASHMAN, the defendant, is originally from Garden City, New York, and now resides at an address in Tampa, Florida.

19. On or about April 9, 2012, I received a package from "Integrity Distributors" that listed the return address as the FL Shipping Address. The package held three jars containing dark green plant material, which jars were labeled, respectively, as "BLACK MAMBA" (two jars) and "MR. SPICY GREEN" (one jar) (collectively, the "April Jars").

20. The substances contained in the April Jars were subsequently submitted to a DEA laboratory for testing, and tested positive for the presence of 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly referred to as UR-144, which I know, based on my training and experience, is a Schedule I controlled substance analogue, as defined in 21 U.S.C. § 802(32).

21. On or about May 16, 2012, I again accessed the DTO Website, and placed an order for 14 grams of a synthetic

marijuana product labeled as "DEAD MAN WALKING," 20 grams of another synthetic marijuana product labeled as "BLACK MAMBA," and 10 grams of a substance labeled as "FIRE," for which I paid a total of approximately \$500 using a credit card ("Credit Card-2"). When placing this order (the "May 16 Order"), I again listed the UC Email Account as my contact. I requested delivery of the May 16 Order to a location in the Bronx, New York.

22. On or about May 17, 2012, I called the BMS Phone and spoke to an individual who identified himself as "Vince," and whose voice I recognized as the Vince I previously spoke with on or about April 4, 2012. During the call on May 17, 2012, Vince stated that BMS was able to sell large quantities of product but that I had to make a minimum purchase of approximately \$2,500. Vince told me that he would have to talk to his partners about sending large shipments by mail to New York, New York. I also told Vince that BMS's product was the most mellow stuff I had tried, and, in response, Vince stated right on.

23. I have also learned, from speaking with another DEA Special Agent ("Agent-2") in Tampa, Florida, that, on or about May 17, 2012 - the date of my conversation with "Vince" - Agent-2 and other agents observed an individual at the FL Business Address whom Agent-2 recognized as VINCENT CASHMAN, the defendant, based on a review of a driver's license photograph of CASHMAN. Based on this, and on the information provided in paragraphs 18(b) and 18(c), I believe VINCENT CASHMAN, the defendant, is the "Vince" I spoke to on the BMS Phone regarding the shipments of BMS products containing controlled substance analogues, as described in paragraphs in 18 and 22.

24. On or about May 21, 2012, at a location in the Bronx, New York, I received a package from "Integrity Distributors" that listed the return address as the FL Shipping Address. The package contained four jars containing dark green plant material and labeled, respectively, as "BLACK MAMBA" (two jars), "FIRE" (one jar), and "WARNING" (one jar) (collectively, the "May Jars").

25. The substances contained in the May Jars were subsequently submitted to a DEA laboratory for testing, and tested positive for the presence of (i) 5-methoxy-N,N-diallyltryptamine, commonly referred to as 5-MeO-DALT, (ii) 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole, commonly referred to as UR-144, and (iii) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole, commonly referred to as AM-2201, all of which

I know, based on my training and experience, are Schedule I controlled substance analogues, as defined in 21 U.S.C. § 802(32).

The Tampa, Florida Warehouse

26. I have learned the following from speaking with Agent-2, who works in Tampa, Florida:

a. In or about May 2012, Agent-2 and other agents were conducting surveillance at a residence that Agent-2 learned, through reviewing property records and law enforcement databases, was the residence of WILLIAM CHAVIS, the defendant, in Tampa, Florida. On or about May 1, 2012, agents surveilled CHAVIS as he travelled from his residence to a warehouse located in the vicinity of another area of Tampa, Florida (the "Tampa Warehouse"), where he met KEVIN MATHERSON, JUSTIN GENSEL, and VINCENT CASHMAN, the defendants, all of whom Agent-2 recognized based on their respective driver's license photographs.

b. Subsequently, in or about May and June 2012, Agent-2 and other agents conducted surveillance at the Tampa Warehouse on approximately six separate days.

c. While conducting such surveillance, agents observed parked outside of the Tampa Warehouse the following vehicles:

(i) on approximately two occasions, a car that Agent-2 knows, based on Agent-2's review of Florida motor vehicle records, is registered to WILLIAM CHAVIS, the defendant;

(ii) on approximately three occasions, a car that Agent-2 knows, based on Agent-2's review of Florida motor vehicle records, is registered to JUSTIN GENSEL, the defendant;

(iii) on approximately four occasions, a car (the "MATHERSON Vehicle") that Agent-2 knows, based on Agent-2's review of Florida motor vehicle records, is registered to KEVIN MATHERSON, the defendant; and

(iv) on approximately four occasions, a car (the "CASHMAN Vehicle") that Agent-2 knows, based on Agent-2's review of Florida motor vehicle records, is registered to VINCENT CASHMAN, the defendant.

d. While conducting surveillance at the Tampa Warehouse, Agent-2 and other agents also observed multiple individuals leave the building at the close of the business day and transport shipping boxes to shipping locations.

Financial Records for BMS and Integrity Distributors

27. From reviewing account records for Credit Card-1 and Credit Card-2 (collectively, the "Credit Cards"), I have learned that, following each of the two undercover purchases described above, the Credit Cards were charged by a payment processing company ("Payment Co."), which is used by merchants to process customer payments.

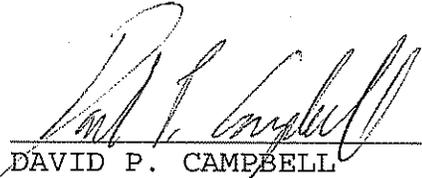
28. From reviewing records maintained by Payment Co. and the Credit Card records, I have learned the following:

a. The payments from Credit Card-1 for the March 29 and May 16 Orders were charged by Payment Co., and deposited into an account held by "INTEGRITY DISTRIBUTORS LLC" and "Justin Gensel."

b. The Payment Co. account for INTEGRITY DISTRIBUTORS was opened by an individual identifying himself as "Justin Gensel," the "President" of INTEGRITY DISTRIBUTORS, whom I believe to be JUSTIN GENSEL, the defendant. GENSEL listed the business address as the FL Shipping Address, and listed his "home" address as the Oldmar Address, which, as described above, is the home address listed on GENSEL's driver's license.

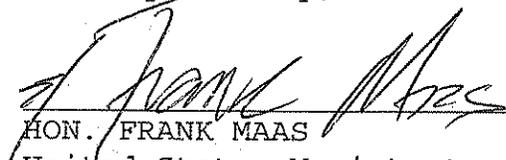
29. From reviewing records maintained by a bank based in Florida ("Bank-1"), I have learned of at least four active bank accounts associated with BMS and INTEGRITY DISTRIBUTORS, including (i) two Bank-1 accounts held in the name "BMS Distributors, Inc.," with the principals listed as JUSTIN GENSEL, KEVIN MATHERSON, and WILLIAM CHAVIS, the defendants; (ii) one Bank-1 account held in the name "BMS Distributors, Inc.," with the principals listed as JUSTIN GENSEL and KEVIN MATHERSON, the defendants; and (iii) one Bank-1 account held in the name "BMS Distributors, Inc., DBA Hot Wax Glass" with the principals listed as JUSTIN GENSEL, KEVIN MATHERSON, and WILLIAM CHAVIS, the defendants.

WHEREFORE, I respectfully request that WILLIAM CHAVIS, JUSTIN GENSEL, VINCENT CASHMAN, and KEVIN MATHERSON, the defendants, be arrested, and imprisoned or bailed, as the case may be.



DAVID P. CAMPBELL
Special Agent
Drug Enforcement Administration

Sworn to before me this
19th day of July, 2012



HON. FRANK MAAS
United States Magistrate Judge
Southern District of New York