

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

AFFIDAVIT

I, U.S. Postal Inspector Matthew Murrow, United States Postal Inspection Service (USPIS), being duly sworn, declare and state the following:

Introduction

1. I am a law enforcement officer with the U. S. Postal Inspection Service, and have been so employed since April 2008. I am currently assigned to the Springfield, Missouri Domicile of the Postal Inspection Service and have experience enforcing federal mail and drug laws. Prior to becoming a Postal Inspector, I worked as a police officer for 13 years. This affidavit is based on my own personal knowledge and information given to me by other Postal Inspectors and other law enforcement personnel.
2. I received basic training for approximately 12 weeks from the U.S. Postal Inspection Service regarding individuals using the U.S. Mail to transport controlled substances and proceeds from the sale of controlled substances as well as the use of Postal Money Orders to launder the proceeds of controlled substances. I received formal training for one week in September 2011, when I attended the U.S. Postal Inspection Service Narcotics training course in Potomac, Maryland. This training involved narcotic investigation techniques, chemical field testing, and training in the identification and detection of controlled substances and narcotic proceeds being transported in the U.S. Mail and other commercial carriers.
3. This affidavit is made for the limited purpose of establishing probable cause in support of a criminal complaint alleging that Travis E. Butchee and Michael J. Saguto participated in the criminal offenses of 1) conspiracy to distribute synthetic cannabinoids, which were controlled substance analogues, in violation of Title 21, United States Code, Sections 802(32), 813, 841(a)(1), 846, and mail fraud, in violation of Title 18 U.S.C. § 1341, by manufacturing and distributing synthetic cannabinoids for human consumption as misbranded drugs, which were labeled “not for human consumption.” Since this affidavit is for the limited purpose of establishing probable cause to support the criminal complaint, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and the events described in this affidavit.
4. The information set forth in this affidavit has been provided to me directly or indirectly by U.S. Postal Inspection Service inspectors, U.S. Postal Service employees, Special Agents with FDA-OCI, IRS-CI and DEA, Missouri Highway Patrol troopers, Springfield Police Department officers, and Task Force Officers with the DEA and COMET Task Forces. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer or investigator

(who may have had either direct or hearsay knowledge of the statement) to whom I have spoken or whose report I have read and reviewed. Such statements are among many statements made by others and are stated in substance, unless otherwise indicated. Similarly, except where indicated, information resulting from surveillance does not set forth my personal observations, but rather has been provided directly or indirectly by other law enforcement officers who conducted such surveillance.

Background of Synthetic Cannabinoids

5. In recent years, individuals have begun to manufacture and traffic in synthetic cannabinoid products, known by many slang terms, including Jamaican, Conviction X15, Spice, and K2. Synthetic cannabinoid products are a mixture of a “carrier” medium, an organic plant material, such as the herb-like substance Damiana, which has typically been sprayed or mixed with a synthetic chemical compound similar to THC (tetrahydrocannabinol), the psychoactive ingredient in marijuana.
6. Synthetic cannabinoid products are commonly purchased in novelty shops, head shops, tobacco shops, convenience stores, adult stores and over the Internet. They are often marketed as herbal incense and almost always carry the markings “not for human consumption.” These markings are routinely affixed to these packages in an attempt to prevent the product from being identified as a controlled substance analogue of the newly controlled synthetic cannabinoids. Users of these products have reported effects similar to marijuana, but many times greater to include but not limited to paranoia, panic attacks, increased heart rate and increased blood pressure.
7. These products are regulated under the Controlled Substances Act, the Controlled Substance Analogue Act, and the Food, Drug, and Cosmetic Act.

Controlled Substances Act and the Controlled Substance Analogue Act

8. Currently, there are hundreds of synthetic cannabinoid compounds in these products. In March 2011 and on an emergency basis, the DEA made the five most common of these compounds Schedule I controlled substances. The substances included the following compounds: 1-pentyl-3-(1-naphthoyl) indole (JWH-018); 1-butyl-3-(1-naphthoyl) indole (JWH-073); 1-[2-(4-morpholinyl) ethyl]-3-(1-naphthoyl) indole (JWH-200); 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497); and, 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue).
9. On July 9, 2012, the enactment of the Synthetic Drug Abuse Prevention Act of 2012, P.L. 112-144 at 126 Stat. 993, ratified the March 2011 emergency action and added additional synthetic chemical compounds, defined as cannabimimetic agents to Schedule I.
10. In response to and in circumvention of administrative and legislative actions, clandestine manufacturers and traffickers have begun to distribute synthetic cannabinoid products containing slightly varied synthetic chemical compounds that have not met the definition

of a Schedule I controlled substances. These substances are hallucinogens and affect the human body in a way similar to THC, the active hallucinogen found in organic marijuana.

11. The Controlled Substance Analogue Enforcement Act of 1986, mandated that, when intended for human consumption, synthetic chemical compounds whose chemical structures are similar to a Schedule I or II controlled substance and cause similar or greater psychoactive effects or are represented to or intended to cause similar or greater psychoactive effects, are treated as Schedule I controlled substances. *See* 21 U.S.C. §§ 802(32) and 813. Such synthetic cannabinoid products are thus referred to as controlled substance analogues.
12. Pursuant to the Controlled Substance Analogue Enforcement Act, the DEA has determined that two of these compounds are controlled substance analogues of a Schedule I controlled substance, those are, 1-Pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole (UR-144) and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole, also known as (XLR-11).
13. On Friday, April 12, 2013, the Deputy Administrator of the Drug Enforcement Administration (DEA) issued a notice of intent to temporarily schedule three synthetic cannabinoids into the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The substances were UR-144, XLR11, and AKB48. This action was based on a finding by the Deputy Administrator that the placement of these synthetic cannabinoids into Schedule I of the CSA was necessary to avoid an imminent hazard to the public safety. According to the notice, any final order will be published in the Federal Register and may not be issued prior to May 13, 2013. Any final order will impose the administrative, civil, and criminal sanctions and regulatory controls of Schedule I substances under the CSA on the manufacture, distribution, possession, importation, and exportation of these synthetic cannabinoids.

Food, Drug, and Cosmetic Act

14. Other synthetic cannabinoids do not share a similar chemical structure with Schedule I controlled substances; however they do mimic the effects of those scheduled substances. Among these substances is 5F-AKB48. 5F-AKB48 is one of the first members of a novel new class of emerging cannabinoid drugs of abuse. The 5-fluoropentyl group to which this substance belongs, is a common side chain inherited from second generation analogs of JWH-018, namely AM-2201 and is a new class of chemical compounds that have not been specifically named in federal or state legislation and as such represents a potential new source of 'legal' synthetic drugs.
15. The FDCA defines a "drug" as –
 - a. articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

- b. articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;
 - c. articles (other than food) intended to affect the structure or any function of the body of man or other animals; and,
 - d. articles intended for use as a component of any articles specified in clause (a), (b), or (c). *See* 21 U.S.C. § 321(g)(1).
16. The FDCA defines the term "label" to include "a display of written, printed, or graphic matter upon the immediate container of any article." *See* 21 U.S.C. § 321(k). The FDCA defines the term "labeling" as "all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article." *See* 21 U.S.C. § 321(m).
17. Under the FDCA, a drug is deemed to be misbranded if, among other things:
- a. its labeling is false or misleading in any particular, including material omissions. *See* 21 U.S.C. §§ 352(a), 321(n).
 - b. unless, in package form, it bears a label containing: (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. *See* 21 U.S.C. § 352(b).
 - c. unless its label bears the established name of each active ingredient. *See* 21 U.S.C. § 352(e)(1)(A)(ii).
 - d. its labeling does not bear adequate directions for use. *See* 21 U.S.C. § 352(f)(1). Unless subject to an exemption not applicable here, a drug must bear adequate directions for use under which a layperson can use the drug safely for the purposes for which it is intended. *See* 21 C.F.R. § 201.5.
 - e. its labeling does not bear such adequate warnings against use in those pathological conditions and by children where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration and application, in such manner and form, as are necessary for the protection of users. *See* 21 U.S.C. § 352(f)(2).

Synthetic Cannabinoid Products

18. Synthetic cannabinoid products are ostensibly sold to the public as an "all natural" herbal product, but actually contain synthetic chemicals that mimic the effects of tetrahydrocannabinol (THC), the active ingredient in marijuana.

19. Synthetic cannabinoid products are intended and promoted to be a smokable product, used to affect the structure or any function of the body (*i.e.*, to be used as a recreational drug to get the user “high”). Consequently, synthetic cannabinoid products are a drug under the FDCA.
20. The FDA has determined that “street drug alternatives” like synthetic cannabinoids are misbranded drugs, in violation of the FDCA, and as such, has concluded that they pose a potential threat to the public health.
21. Synthetic cannabinoid products are commonly purchased in novelty shops, head shops, tobacco shops, convenience stores, adult stores and over the Internet. They are often marketed as herbal incense and almost always carry the markings “not for human consumption.” These markings are routinely affixed to these packages in an attempt to prevent the product from being identified as a controlled substance analogue of the newly controlled synthetic cannabinoids. Users of these products have reported effects similar to marijuana, but many times greater to include but not limited to paranoia, panic attacks, increased heart rate and increased blood pressure.

Details of the Investigation

22. A review of records from the Missouri Secretary of State reveals that Butchee and Michael J. Saguto, 2919 Deer Lane, Kirbyville, Missouri, organized Southern Spice, LLC on February 7, 2012. Saguto was identified as the registered agent for the company.
23. On January 31, 2012, Sgt. Danielle Heil, Missouri State Highway Patrol, assisted in the execution of a search warrant at the Beer and Bottle liquor store in Hollister, Missouri. MSHP personnel seized synthetic cannabinoids and invoices which indicated products had been purchased from Southern Spice. Four Southern Spice invoices identified the sale of Red Eyed and Blazed in 1g, 3g, and 5g packages to Beer and Bottle between December 3, 2011, and January 10, 2012, in an aggregate amount of \$7,135. Among the items seized were packages of K2 which bore the following labels: Blazed and Red Eyed. The manager of the Beer and Bottle Liquor Store, Karen Turner, admitted that she was purchasing the synthetic cannabinoids from someone named Travis at Southern Spice Company. Samples of each of these K2 brands were sent to the MSHP laboratory. The MSHP laboratory determined that these K2 brands contained AM-2201. Information on the labels included the following for each K2 brand:
 - a. The Blazed packaging includes the words “Southern Spice,” “Blazed,” “USA Lab Certified Legal,” and “Not For Human Consumption,” on the front. On the back of the package the following words were printed, “Lab Certified Does Not Contain, JWH-018, JWH-073, JWH-250, HU-210, CP-47, or any compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid, whether salts, isomers, homologues and/or analogues of the following groups: naphthylindoles, naphthylmethylinindoles, maphthylmethylinindenes,

maphthoylpyrroles, naphthoylphenylpyrroles, phenylacetylindoles, cyclohexylphenols, dibenzopyrans, and benzoylindoles, Not For Human Consumption, Keep Out Of Reach Of Children.”

- b. The Red Eyed packaging includes the words, “Southern Spice,” “Red Eyed,” “USA Lab Certified Legal,” and, “Not For Human Consumption,” on the front of the package, which also displays two red eyes. On the back of the package, the following words were printed, “JWH-018, JWH-073, JWH-250, HU-210, CP-47, or any compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid, whether salts, isomers, homologues and/or analogues of the following groups: naphthylindoles, naphthylmethylindoles, naphthylmethylindenes, maphthoylpyrroles, naphthoylphenylpyrroles, phenylacetylindoles, cyclohexylphenols, dibenzopyrans, and benzoylindoles, Not For Human Consumption, Keep Out Of Reach Of Children, Lab Certified Does Not Contain.”
24. A review of the invoices seized from Beer and Bottle, revealed an address of 1001 Morningview, Merriam Woods, Missouri, and a phone number of (417) 699-3804, for Southern Spice. The address and phone number on the invoice, both came back to Travis E. Butchee. Each of the invoices directs the customer to make all checks payable to Travis E. Butchee.
25. On July 3, 2012, SPD executed search warrants at Doobie’s two locations, 1439 E. Kearney St., and 940 S. National Ave. Hundreds of packages of K2 were seized at each location. Among the items seized were packages of K2, manufactured by Southern Spice, LLC, which bore the following labels: Donkey Punch, Jolly Grape Giant, and Southern Spice South of the Tracks. Samples of each of these K2 brands were sent to the MSHP laboratory. The MSHP laboratory determined that these K2 brands contained UR-144. Information on the labels included the following for each K2 brand:
- a. The Donkey Punch packaging included the words “Donkey Punch!” printed below a cartoon of a primate appearing to have sex with a naked pink-haired woman. No other words or information appeared on the packaging. The foil packaging was black in color. There was nothing printed on the back of the packaging.
 - b. The Jolly Grape Giant packaging includes the words “Jolly Grape Giant XXX,” superimposed on a cartoon of a Jack and the Beanstalk type scene. Below the cartoon is printed, “Lab Certified 100% DEA Compliant, Not for Human Consumption.”
 - c. The Southern Spice South of the Tracks packaging includes the words “Southern Spice South of the Tracks,” superimposed on a picture of railroad tracks. At the bottom of the label is printed, “100% DEA Complaint, Not for Human Consumption, southernspiceco@yahoo.com.”

26. Doobie's marketed the K2 as aromatic incense, but sold drug paraphernalia used to smoke controlled substances with the K2. Doobie's also posted signs next to its K2 products at its Kearney St. location. One of these signs stated, "Not For Human Consumption, for Smelling!" Another sign stated, "This product is not for human consumption. For standard incense burning devices only. Luckys Novelty's, LLC. disclaims all liability for consequences of ingestion of any product, whether accidental or intentional. Luckys Novelty's, LLC. Has not evaluated the health consequences of ingesting this product, so you must consider that there are potential risks. We are not responsible for any misuse of our product. You must be 18 years of age or older to purchase."
27. On September 6, 2012, SPD officers responded to Zak's Place, 1001 W. College, Springfield, Missouri, as the result of citizen complaints regarding the possible illegal sales of synthetic cannabinoids (K2). The complaints were made by neighbors about the high volume of foot and vehicular traffic associated with suspected drug sales.
28. While SPD officers were at the scene, an individual identified himself as the owner of Zaks. This individual granted the officers consent to search the business. Utility records showed this individual had the utilities for the store in his name. This individual's brother was identified as the manager of the store, but recent information indicates that the brother actually owned the business.
29. During the search, SPD officers located multiple packs of "Donkey Punch," "Jolly Grape Giant," and "Devilz Lettuce." Samples of the Donkey Punch and Jolly Grape Giant were sent to the MSHP laboratory and tested as 5F-AKB48. A sample of the Devilz Lettuce was also sent to the MSHP laboratory and tested as JWH-122. Information on the labels included the following for each K2 brand:
 - a. The Donkey Punch packaging includes the words "Donkey Punch!" below a cartoon of a primate appearing to have sex with a naked woman with pink hair. On the back of the package the following information is printed, "Lab Certified Does Not Contain, JWH-018, JWH-250, JWH-073, UR-144, CP-47, AM-2201, 5F-UR-144, or any compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid, whether salts, isomers, homologues and/or analogues of the following groups: naphthylindoles, naphthylmethylindoles, naphthylmethylidenes, naphthoylpyrroles, naphthoylphenylpyrroles, phenylacetylindoles, cyclohexylphenols, dibenzopyrans, and benzoylindoles, Not For Human Consumption, Keep Out Of Reach Of Children."
 - b. The Jolly Grape Giant packaging includes the words "Jolly Grape Giant XXX," superimposed on a cartoon of a Jack and the Beanstalk type scene. Below the cartoon is printed, "Lab Certified 100% DEA Compliant, Not for Human Consumption."

30. On October 25, 2012, Eric Reynolds, who has been charged in a separate federal indictment, solicited a Lebanon, Missouri, business owner in an attempt to enlist the business as a seller of synthetic cannabinoids. The business owner contacted law enforcement. On October 26, 2012, Eric Reynolds was arrested by the Lebanon Police Department for traffic violations. Several packages of Donkey Punch were seized from Reynolds.
31. On December 14, 2012, Eric Reynolds was arrested in Lebanon, Missouri on an arrest warrant issued pursuant to his indictment for the distribution of synthetic cannabinoids, mail fraud, and money laundering. Reynolds consented to a search of his business, Big E's, 30550 Hwy 5 in Lebanon, Missouri. DEA agents seized various brands of synthetic cannabinoids and business records. Included among the synthetic cannabinoids were the following brands distributed by Southern Spice: Donkey Punch and Jolly Grape Giant. During a post-arrest interview, Eric Reynolds stated that he obtained Donkey Punch from Travis LNU at Doobies in Springfield, Missouri. Eric Reynolds also stated that his brother and co-defendant, Steven Reynolds, was in a partnership with Doobies. Eric Reynolds also provided Travis LNU's cellphone number, (417) 699-3804 to DEA agents.
32. In January 2013, I contacted the Post Office and learned that Saguto received numerous parcels on a frequent basis, including frequent international parcels. Many of the international parcels originated in China.
33. Sgt. Heil also contacted Springfield, Missouri Police Detective Marcus Walker, and learned that Walker had researched the chemicals used to manufacture synthetic cannabinoids as part of his ongoing investigations. Walker advised that many of the chemicals used, had originally been research chemicals, but had been synthesized in foreign countries, including China, for illicit purposes, including the manufacture of synthetic cannabinoids. Walker had learned, through his research, that many of the chemicals used to manufacture synthetic cannabinoids are produced in and distributed from China.
34. On February 28, 2013, International Express Mail (EMS), China Post parcel EE894768357CN, was mailed from China to "Michaels Plumbing, 2919 Deer Lane, Kirbyville, MO 65679, USA", with no return address visible. Further, this parcel was a brown, cardboard box measuring approximately 10 inches x 7 1/4 inches x 6 inches and displaying an EMS address label contained within a clear zip-lock plastic baggie.
35. On March 5, 2013, a second EMS parcel EE894768343CN arrived for delivery to Michaels Plumbing at 2919 Deer Lane, Kirbyville, MO. The parcel had been sent from China and was nearly identical to the parcel described in paragraph 34. I checked postal records and found that the sender in China had listed the parcel to be delivered to "Ruff's Dale, PA." I checked other parcels which had been mailed by the same sender, and found that on nearly every one of them, the sender entered a destination zip code that was different than the actual destination.

36. On March 8, 2013, I obtained a federal search warrant for China Post parcel EE894768357CN. Sgt. Heil and I opened the package and located two (2) foil bags each weighing approximately one (1) kilogram. Both bags had a white label indicated the chemical compound it allegedly contained. Based upon her training and experience Sgt. Heil believes these bags contained the powder form of the chemical compound used to manufacture synthetic marijuana. The packaging was such that Sgt. Heil and I could not open the packages without alerting Saguto that his conduct had been discovered. Consequently, we returned the bags into the package and resealed it. The package was then delivered to Saguto's residence at 2919 Deer Lane, Kirbyville, Missouri.
37. According to the records of Academy Bank, Southern Spice, LLC, has maintained a business account ending in number 3717 since March 27, 2012. Michael J. Saguto and Travis E. Butchee are the primary signatories on the account.
38. According to the bank statements for Southern Spice, LLC, Academy Bank account ending in number 3717, between April 10, 2012, and November 20, 2012, a total of approximately \$169,859 in checks were deposited. The checks appeared to be from head shops and tattoo parlors. Portions of these cash deposits were also deposited into other accounts at Academy Bank.
39. The bank statements further reveal wires by Southern Spice to China on the following dates: 1) on February 13, 2013, Southern Spice, LLC, wired \$2,290 to Hong Kong and Shanghai Banking Corp through Bank of America, N.A, the beneficiary was Lanz Asia Limited in Tsim Sha Tsui, Kow Loon, Hong Kong; 2) on February 20, 2013, Southern Spice, LLC, wired \$6,400 to the Bank of China through The Bank of New York Mellon, the beneficiary was Hu Zhong Rong in Shanghai, China; and, 3) on February 27, 2013, Southern Spice, LLC, wired \$6,480, to Hong Kong and Shanghai Banking Corp through HSBC Bank USA, the beneficiary was Lanz Asia Limited in Tsim Sha Tsui, Kow Loon, Hong Kong.
40. Special Agent Puckett, IRS-CI, analyzed transactions conducted on this account also revealed purchases from Herbs of Mexico (internet research indicates the company provides bulk herbal products that are typically used as the plant ingredient in K2), Damiana Leaf (internet research indicates damiana leaf is an herb that is commonly used as the plant material ingredient in K2), The Herb Supply LLC (internet research indicates the company provides bulk herbal products that are typically used as the plant ingredient in K2), Jolly Products (unknown) and AI BioTech (internet research indicates AI BioTech provides drug discovery and diagnostic development organizations a broad range of world-class laboratory services to bring new products to market).
41. Deposits in this account were in the form of cash and checks. The checks are commonly from retail outlets that currently sell, or have sold, K2 products. Many of the checks reference "spice", or other common K2 terms, on the memo line of the check.

42. Cheri L. Reed completed a "Business Due Diligence Form" during an interview of Travis or Michael. Travis or Michael indicated that Southern Spice was in the business of "making and selling incense."
43. On February 19, 2013, an SPD officer performed a traffic stop on a vehicle, shortly after the vehicle left Neighborhood Novelties (formerly Zak's Place.) As a result of the stop the officer seized the "Baby Face" brand of K2. The substance was in a pink package with a label that read "100% DEA Approved, Not for Human Consumption." The driver told Officer Boehmer the following: 1) that he had just purchased some "K2" at Zak's Place; 2) that he had purchased about one gram for \$20.00, which was not on the sales floor, and that he had asked for incense; and, 3) that it gave him a high that was somewhat like marijuana."
44. On or about February 27, 2013, Butchee's retail store opened at 1927 S. Glenstone, under the name "The Man Cave." SA Puckett received records from Plaza Towers Center, LLC, in response to a grand jury subpoena. The records showed that 1927 S. Glenstone was leased to Justin J. Stafford on January 15, 2013. The lease agreement showed that Stafford agreed to pay an annual rental for the first year of the lease in the amount of \$12,000, to be paid in monthly installments. On that same date, Stafford paid the first month's rent plus the required deposit of \$1,000. Each subsequent rental payment has been made with a money order.
45. In March 2013, Taney County Sheriff's Deputy Sam Turner encountered Chris Turner, who told Deputy Turner that he was opening his own store called "Blues Away" in Memphis, Tennessee. He assured Deputy Turner that none of his products contained any of the chemical spray and it was all legal. The next day, Taney County deputies were called to Chris Turner's residence because he allegedly threatened to kill his next door neighbor.
46. On March 15, 2013, Taney County Sheriff's Office deputies responded to an assault call in Kirbyville, Missouri. As a result of investigation conducted that evening, Christian Lee Turner was arrested and a search warrant was served on the residence of Christian Lee Turner. The following items were seized pursuant to the search warrant: seven long guns and associated ammunition; drug paraphernalia, including 242 smoking pipes, and three bags of a green vegetation believed to contain synthetic cannabinoids.
47. Chris Turner was transported to the Taney County Jail, where Michael J. Saguto posted his bond.
48. On Tuesday, April 2, 2013, an SPD undercover narcotics officer responded to The Man Cave in attempt to purchase synthetic cannabinoids. The officer contacted a male clerk, subsequently identified as Kent C. Work, and asked for "Scarface." The clerk walked to the cash register, leaned under the counter, and looked through a box. The clerk stated they only had "Baby Face" in a green or strawberry color. The SPD undercover

officer asked for the “strawberry.” The clerk produced a bag of “Baby Face” which the undercover officer purchased for \$35. The clerk did not ring the transaction through the cash register and did not charge sales tax. The SPD undercover officer requested a MSHP laboratory analysis of the “Baby Face.” Information on the label included the following:

- a. The Baby Face packaging included the word “Wanted” printed above a tin-type photo of a white male, below which was printed “Baby Face, 100% DEA Approved, Not for Human Consumption.” The foil packaging was pink in color. There was nothing printed on the back of the packaging.
49. The packaging was identical to the packaging seized from Doyle Carter during the traffic stop on February 19, 2013.
50. On April 10, 2013, an SPD undercover narcotics officer responded to The Man Cave in an attempt to purchase synthetic cannabinoids for the second time. The SPD undercover officer recognized Work, from whom he purchased “Baby Face” on April 2, and Travis E. Butchee. The SPD undercover asked Work for “Scarface.” Work walked to the cash register and pulled out several packages of synthetic cannabinoids and said that he had “Baby Face,” “608 Triple Cherry,” “Scarface,” and “Reload Plain.” The SPD undercover asked to purchase the “Scarface” and the “Reload Plain” and handed Work \$50. No receipt was issued and the purchase was not taxed. When the SPD undercover asked how good the “Scarface” and “Reload Plain” were, Work stated that they were similar just not scented. When he returned to SPD HQ, the SPD undercover officer requested a MSHP laboratory analysis of the two synthetic cannabinoids. Information on the Scarface label included the following:
- a. The Scarface packaging bore a black and white photograph of Al Pachino below which was printed “Scarface, 100% DEA Approved, Not For Human Consumption.” The foil packaging was red in color. There was nothing printed on the back of the packaging.
51. On April 24, 2013, an SPD undercover narcotics officer responded to The Man Cave in an attempt to purchase synthetic cannabinoids for the third time. The SPD undercover noticed a male and female entering the business as he arrived and walked inside along with another male, who walked to the counter inside the store and asked Kent C. Work for “Donkey Punch.” Work said they had Donkey Punch along with Baby Face, but only had the Donkey Punch in 1 gram packages and the Baby Face in 5 gram packages. That male ordered two packages of the Donkey punch and handed Work \$20.00 in cash. This male gave Work his Missouri driver's license to show his age and put the packages in his pocket and left the store.
52. The SPD undercover walked up to the counter and asked Work for the price on the Donkey Punch. Work said \$10.00 each. The SPD undercover ordered two packages and Work placed two packages of Donkey Punch on the counter. The SPD undercover then paid \$20.

53. The SPD undercover also observed die cast cars for sale, but there were no price tags. The SPD undercover observed a Denver Broncos commemorative Super Bowl ticket for sale for \$20.00. The SPD undercover attempted to haggle with Work, who told the undercover that he would have to talk with Travis, who was in charge. The undercover acknowledged Work and said he would pay \$20 for the commemorative ticket. When the undercover provided Work with \$20, Work walked over to the same cash register as he did earlier and placed the \$20 in it. This is the same cash register where he placed the money paid for synthetic cannabinoids and asked if the undercover wanted a receipt. The undercover said yes and received receipt #254139 in the amount of \$20.00 for Bronco Super Bowl.
54. Upon completion of his transaction, the SPD undercover watched as a male came into the store and purchased a package of Donkey Punch and another female come in and purchase a package of Baby Face.
55. When he returned to SPD HQ, the SPD undercover officer requested a MSHP laboratory analysis of the two synthetic cannabinoids. Information on each label included the following:
- a. The Donkey Punch packaging included the words "USA Lab Certified Legal," printed above a cartoon of a primate appearing to have sex with a naked pink-haired woman. Below this cartoon the words "Donkey Punch!, Not For Human Consumption" were printed. The foil packaging was blue in color. There was nothing printed on the back of the packaging.
56. On April 29, 2013, law enforcement confirmed that "Blues Away" had opened at 1320 Madison, Memphis, Tennessee. Sgt. Heil placed an undercover telephone call to the business, which was listed as a head shop and novelty store. Sgt. Heil called the phone number 901-725-0001 and a male answered the phone. Sgt. Heil asked him what kind of products he carried and he stated, "spices and incense and stuff." Sgt. Heil asked if he had any of the good stuff and he replied, "it's all good stuff." Based upon previous undercover purchases of synthetic cannabinoids, when Sgt. Heil asks for the good stuff it means the products that have been sprayed with chemicals to induce a high.
57. On May 2, 2013, I was contacted by the Branson, MO Post Office regarding an International Courier Thailand parcel (EE118792489TH) which had arrived for delivery to 2919 Deer Lane, Kirbyville, MO 65679.
58. I responded to the Branson, MO Post Office and observed the parcel was addressed to "Mike Saguto, Southern Spice" and listed a phone number of (417) 546-1722. The return address was "Supinya S., 6/54 Moo 7 Permsin Road, Saimai, Saimai, Bangkok, Thailand 10220." The parcel was a white box with approximate measurements of 15 3/4 inches x 7 inches x 9 3/4 inches and weighed approximately 5 pounds, 10 ounces.

59. One edge of the box had US Customs and Border Protection tape applied to it which indicated it had been inspected when it entered the United States. The International Courier Thailand label indicated the contents of the parcel were “potpourri.” Potpourri and incense are code names used with manufacturers, distributors, and retailers of synthetic marijuana to evade the enforcement of the Controlled Substances Act and the Food Drug and Cosmetic Act.
60. On one side of the parcel, where it had been taped with clear packaging tape, I could see what appeared to be small pieces of vegetation stuck to the tape. The vegetation was similar to the vegetation like substance I had observed being sold as “incense” or “K2” during similar investigations. I conducted a “Google” search of the return address and located a “company profile” page which showed “Supinya Siraprapathum” (Supinya S.) shipped “dried flowers.”
61. On May 3, 2013, I obtained a federal search warrant for International Courier Thailand parcel EE118792489TH. I executed the warrant on the same date and found the parcel contained four, 500 gram packages of what appeared to be dried flowers. Markings on the packages indicated the contents were dried, lotus flowers. One of the packages had been examined by U.S. Customs and had Customs tape wrapped around it where agents had cut the package open. I removed part of the tape and was able to obtain a small, representative sample of the contents. Upon examining the sample, I observed it was similar to what I had previously observed in bottles and packages of synthetic marijuana products, except for its brownish color.
62. I then replaced the tape and placed the four packages back into the parcel. I repackaged the parcel so that it appeared as it had when I originally took custody of it. The parcel was then returned to the mail stream and was delivered to the addressee. After the parcel had been delivered to the Deer Lane address, I contacted the mail carrier and asked who had received the parcel. She advised Michael J. Saguto had been in the driveway when she arrived. Saguto told her he had been waiting for the Thailand parcel and was glad it had arrived. Multiple other parcels were also delivered that day, but Saguto only commented on the Thailand parcel.
63. On May 8, 2013, an SPD undercover narcotics officer responded to The Man Cave in an attempt to purchase synthetic cannabinoids. The undercover officer noted a girl at the end of the counter had just purchased Donkey Punch and was putting it in her pocket. The SPD undercover walked up to the counter and asked the clerk what he had. The clerk said they had several different products including Donkey Punch. The SPD undercover ordered one 5 gram package for \$30.00.
64. When he returned to SPD HQ, the SPD undercover officer requested a MSHP laboratory analysis of the synthetic cannabinoids. Information on each label included the following:
- a. The Donkey Punch packaging included the words “USA Lab Certified Legal,” printed above a cartoon of a primate appearing to have sex with a naked pink-

haired woman. Below this cartoon the words “Donkey Punch!, Not For Human Consumption” were printed. The foil packaging was red in color. There was nothing printed on the back of the packaging.

65. On May 16, 2013, law enforcement executed search warrants in connection with this investigation. At the locations described below, the following items were seized:
- a. 2919 Deer Lane, Kirbyville, Missouri, the residence of Michael J. Saguto, the components of a synthetic cannabinoid manufacturing laboratory, including the following: boxes and buckets of plant vegetation, acetone, sodium hydroxide lye beads, plastic jugs, glassware, a cement mixer, Ziplock bags; and, a significant amount of United States currency contained in an ammo box.
 - b. 1001 Morningview, Merriam Woods, Missouri, a residence owned by Travis E. Butchee, approximately three, five-gallon buckets containing a plant substance identified by Saguto as synthetic cannabinoids, unused packaging materials (including labels and bags) consistent with those described in this affidavit, heat sealers, packages filled with a substance believed to be synthetic cannabinoids and labeled Hillbilly Hay.
 - c. 4739 S. Roslyn, Springfield, Missouri, the residence of Travis E. Butchee, a large digital scale, black, blue and clear anti-static baggies in three different USPS shipping boxes consistent with product sold by Butchee, labels consistent with products sold by Butchee, and assorted business paperwork listing then names of Butchee and Southern Spice.
66. Based upon the foregoing facts, my training and experience, and the training and experience of the other SA’s and TFO’s, I respectfully submit that there is probable cause to believe that Butchee, Saguto, and others committed violations of Title 21, United States Code, Sections 802(32), 813, 841(a)(1), 846 and 856; Title 18, United States Code, Sections 1341 and 1349.

FURTHER AFFIANT SAYETH NAUGHT.

U.S. Postal Inspector Matthew Murrow
U.S. Postal Inspection Service

Subscribed and sworn to before me this ____ day of May 2013.

David P. Rush
United States Magistrate Judge