

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

RUBY MOHSIN and
MOHAMMAD KHAN

CASE NUMBER:

CRIMINAL COMPLAINT

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

From on or about March 1, 2011 and continuing to August 12, 2011, at Kane County, in the Northern District of Illinois, Eastern Division, the defendants violated:

Code Section

Title 21, United States Code, Section
846

Offense Description

Conspiracy to distribute controlled substance
analogues

This criminal complaint is based upon these facts:

 X Continued on the attached sheet.

ANGELIA YOUNG
Diversion Investigator,
Drug Enforcement Administration

Sworn to before me and signed in my presence.

Date: April 16, 2015

City and state: Chicago, Illinois

Judge's signature

SUSAN E. COX, U.S. Magistrate Judge

Printed name and Title

UNITED STATES DISTRICT COURT)
)
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, Angelia Young, being duly sworn, state as follows:

1. I am a Diversion Investigator with the Drug Enforcement Administration. I have been so employed since January 2011. My current responsibilities include the investigation of drug trafficking offenses, including the diversion of prescription drugs that are controlled substances and the manufacture and distribution of controlled substance analogues.

2. This affidavit is submitted in support of a criminal complaint alleging that Ruby MOHSIN and Mohammad KHAN, have violated Title 21, United States Code, Section 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MOHSIN and KHAN with conspiracy to possess with intent to distribute and to distribute a mixture and substance containing a detectable amount of a controlled substance analogue, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, and interviews of various witnesses.

BACKGROUND

4. Synthetic cannabinoids (sometimes referred to as synthetic marijuana) are a large family of substances with chemical structures similar to tetrahydrocannabinol (THC) in cannabis that mimic the effects of THC by acting on the same receptors in the central nervous system. Synthetic cannabinoid chemicals are typically manufactured in China and shipped to the United States in powder form. The powder is then mixed with acetone and sprayed on plant material such as marshmallow leaf and packaged for sale. Once certain synthetic cannabinoids were added to Schedule I in the Controlled Substance Act, manufacturers and distributors of synthetic cannabinoids circumvented the law by making slight alterations to the chemical structure of the banned drug to create drugs such as JWH-210 and JWH-122, among others. These new drugs (or analogues) are not listed in the Controlled Substance Act, but still have the same dangerous effects as the scheduled substances or compounds. Accordingly, in 1986, Congress enacted the Controlled Substances Analogue Enforcement Act to address this issue.

5. Under the Controlled Substance Analogue Enforcement Act, “[a] controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of any Federal law as a controlled substance in schedule I.” 21 U.S.C. § 813. Accordingly, it is unlawful “for any person knowingly or intentionally” to distribute a controlled substance analogue for human consumption.

21 U.S.C. § 841(a)(1). The term “controlled substance analogue” is generally defined to mean a substance:

(i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;

(ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

(iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

21 U.S.C. § 802(32)(A).

6. On March 1, 2011, the Drug Enforcement Administration designated JWH-210 and JWH-122 controlled substances analogues of the Schedule I controlled substance JWH-018, within the meaning of 21 U.S.C § 802(32)(A).

FACTS SUPPORTING PROBABLE CAUSE

7. In 2011, MOHSIN operated the Cigar Box, a smoke shop located in the Fox Valley Mall in Aurora, Illinois, and KHAN was a Cigar Box employee.

8. In February 2011, MOHSIN purchased hundreds of packages of iAroma and Zero Gravity containing synthetic cannabinoids from an Iowa-based manufacturer and distributor of these synthetic drugs.

9. Between February and April 2011, a concerned citizen warned MOHSIN at the Cigar Box that young people were smoking the so-called potpourri products sold in her store and experiencing serious physical and mental side effects.

10. In March and April 2011, MOHSIN ordered and received additional quantities of iAroma and Zero Gravity containing a controlled substance analogue from the out of state supplier.

**Mohsin Distributes a Controlled Substance
Analogue to Max Dobner**

11. On June 14, 2011, at approximately 2:33 pm, MOHSIN sold three one-gram packages of “iAroma Hypnotic,” “iAroma Train Wreck,” and “iAroma Mango,” containing the controlled substance analogue JWH-210, for the sale price of \$20 to 19-year old Max Dobner and a friend.

12. Shortly after this sale on June 14, 2011, Max Dobner smoked a portion of the package of iAroma Hypnotic and suffered a severe adverse reaction. At approximately 4 pm, he got in his car and began driving at a high rate of speed in an erratic manner before running a stop sign, driving into a yard, hitting a retaining wall, and catapulting into a home in North Aurora, Illinois. Dobner was killed in the crash.

13. The FDA forensic chemistry laboratory determined that the packages of iAroma Hypnotic, iAroma Train Wreck, and iAroma Mango that MOHSIN sold to Max Dobner contained the controlled substance analogue JWH-210.

14. The Kane County Coroner ordered a toxicology examination which revealed the presence of JWH-210 in Max Dobner's blood and no other drugs or alcohol at the time of his death.

Mohsin and Khan Continue to Sell Synthetic Drugs

15. MOHSIN and KHAN continued to offer synthetic drugs containing controlled substance analogues for sale at the Cigar Box after Max Dobner's death.

16. On June 20, 2011, a Kane County Sheriff's Detective observed iAroma Hypnotic displayed for sale at the Cigar Box in a glass case along with another synthetic drug named "Head Trip."

17. On August 4, 2011, KHAN removed two packages of "Head Trip" and "Kush Potpourri" containing a controlled substance analogue from a box under the counter at the Cigar Box and sold the packages for \$30 to an Aurora Police officer, who unbeknownst to KHAN, was acting in an undercover capacity. KHAN told the officer that Head Trip was "very good and strong." KHAN added that he had tried Head Trip and liked the effects. KHAN also told the officer that the high from Kush Potpourri was very good.

19. The DuPage County Crime Laboratory determined that the packages of Head Trip and Kush Potpourri that KHAN sold to the Aurora police officer contained the controlled substance analogue JWH-122.

20. MOSHIN and KHAN sold synthetic drugs at the Cigar Box with names such as "Hypnotic," "Train Wreck," "Head Trip," and "Kush" that signaled to young customers that the products produced drug effects. In addition, these packages

were mislabeled “Not For Human Consumption” even though defendants promoted the products as producing a “high.” The labeling of the packages failed to identify the active ingredients of the contents such as the synthetic cannabinoids JWH-210 and JWH-122, and the packages falsely stated that “this product is certified to not contain any ingredients that are prohibited in the state of sale.” Also, while an ounce of potpourri was available for purchase in stores and online for a few dollars, MOHSIN and KHAN sold their products for approximately \$7 a gram or more, or approximately \$200 an ounce.

Consensual Interview of Mohammad Khan

21. On December 11, 2014, federal agents conducted a consensual interview of KHAN. During that interview, KHAN stated that he worked part-time for MOHSIN at the Cigar Box in 2011. KHAN further stated that the store made a good profit on the sale of six or seven marijuana-like products. KHAN stated that he and MOHSIN knew customers were smoking these products. KHAN added that several young customers told him the products produced a "high." KHAN explained that Cigar Box had many repeat customers who told him which products were preferred and why. KHAN stated that on several occasions he observed an older person buying the marijuana-like products for a younger person waiting outside the store.

Conclusion

22. Based on the foregoing, I respectfully submit that there is probable cause to believe that, from on or about March 1, 2011 and continuing to August 12, 2011 in the Northern District of Illinois, RUBY MOHSIN and MOHAMMAD KHAN, conspired with each other, to knowingly and intentionally possess with intent to distribute and to distribute a mixture and substance containing a detectable amount of a controlled substance analogue, as defined in Title 21, United States Code, Section 802(32)(A), namely, JWH-210 and JWH-122, knowing that such substance was intended for human consumption, as provided in Title 21, United States Code, Section 813, in violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 846.

FURTHER AFFIANT SAYETH NOT.

Angelia Young
Diversion Investigator
Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on April ____, 2015.

SUSAN E. COX
United States Magistrate Judge