



Magistrate Judge David W. Christel

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
HARLEY SKYBERG,  
  
Defendant.

NO. *MJ19-5226*  
  
COMPLAINT FOR VIOLATION  
  
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

BEFORE the Honorable David W. Christel, United States Magistrate Judge, U. S.  
Courthouse, Tacoma, Washington.

**COUNT 1**

**(Possession of alpha-Pyrrolidinopentiophenone with Intent to Distribute)**

On or about March 23, 2016, in Lewis County, within the Western District of Washington, and elsewhere, the defendant, HARLEY SKYBERG, did knowingly and intentionally possess, with intent to distribute, alpha-Pyrrolidinopentiophenone, also known as alpha-PVP, a Schedule I controlled substance under Title 21, United States Code, Sections 812 and 811.

All in violation of Title 21, United States Code, Section 841(a), 841(b)(1)(C), and Title 18, United States Code, Section 2.

COMPLAINT/SKYBERG - 1

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**COUNT 2****(Possession of alpha-Pyrrolidinopentiophenone with Intent to Distribute)**

On or about April 5, 2016, in Lewis County, within the Western District of Washington, and elsewhere, the defendant, HARLEY SKYBERG, did knowingly and intentionally possess, with intent to distribute, alpha-Pyrrolidinopentiophenone, also known as alpha-PVP or a-PVP, a Schedule I controlled substance under Title 21, United States Code, Sections 812 and 811.

All in violation of Title 21, United States Code, Section 841(a), 841(b)(1)(C), and Title 18, United States Code, Section 2.

This Complaint is based upon the following information:

I, Kimberly P. Myhrer, a Postal Inspector with the United States Postal Inspection Service (USPIS), having been duly sworn on oath, depose and say:

**INTRODUCTION**

1. I am a United States Postal Inspector with the United States Postal Inspection Service (USPIS), and have been so employed since May 2015. I am currently assigned to the Prohibited Mailing Narcotics/Miscellaneous Team in Seattle, Washington, Seattle field office. My job training specializes in the investigation of the use of the U.S. mail to facilitate illegal activities. During the course of my employment with the USPIS, I have participated in numerous criminal investigations involving illegal and non-mailable items, including controlled substances.

2. Through my training and experience, I have become familiar with the methods employed by narcotics traffickers, in particular, methods involving smuggling, safeguarding and distributing narcotics, and collecting and laundering narcotics-related proceeds. These methods include the use of the mail system, public telephones, wireless communication technology, counter surveillance, elaborately planned smuggling schemes tied to legitimate businesses, false or fictitious identities, and the use of coded or vague

1 | communications in an attempt to avoid detection by law enforcement and to circumvent  
2 | narcotics investigations.

3 |         3. I obtained the following information through personal observations, review  
4 | of law enforcement reports and other records obtained in the course of the investigation,  
5 | and through information provided to me, directly or indirectly, by other law enforcement  
6 | officers who are familiar with this investigation. The information set forth in this affidavit  
7 | is not intended to detail each and every fact and circumstance of the investigation, or all  
8 | information known to me or the investigative participants. Rather, this affidavit serves  
9 | only to establish that probable cause exists to find that HARLEY SKYBERG committed  
10 | the offenses of Possession of alpha-Pyrrolidinopentiophenone, also known as alpha-PVP,  
11 | with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a) and 841(b)(1)(C).

12 | **BACKGROUND ON SYNTHETIC DRUGS AND CONTROLLED SUBSTANCE**

13 | **ANALOGUES**

14 | **A. Synthetic Cathinones**

15 |         1. Synthetic cathinones, often known as “bath salts,” are human-made  
16 | stimulants chemically related to cathinone, a substance found in the khat plant. Khat is a  
17 | shrub grown in East Africa and southern Arabia, where some people chew its leaves for  
18 | their mild stimulant effects. Human-made versions of cathinone can be much stronger  
19 | than the natural product. Synthetic cathinones usually take the form of a white or brown  
20 | crystal-like powder. People typically swallow, snort, smoke, or inject synthetic  
21 | cathinones.

22 |         2. Synthetic cathinones have been reported to produce effects that include  
23 | paranoia, hallucinations, panic attacks, and excited delirium that causes extreme agitation  
24 | and violent behavior.

25 |         3. Synthetic cathinones can be addictive. Animal studies show that rats will  
26 | compulsively self-administer synthetic cathinones. Human users have reported that the  
27 | drugs trigger intense, uncontrollable urges to use them again. Taking synthetic cathinones  
28 |

1 can cause strong withdrawal symptoms that include depression, anxiety, tremors,  
2 sleeping problems, and paranoia.

3 4. Synthetic cathinones are typically sold in small plastic or foil packages,  
4 sometimes with a label stating “not for human consumption,” in an attempt to circumvent  
5 the Federal Analogue Act, which forbids selling drugs that are substantially similar to  
6 drugs already scheduled for human use. While most commonly referred to as or labeled  
7 “bath salts,” synthetic cathinones can also be referred to as and labeled “plant food,”  
8 “jewelry cleaner,” “insect repellent,” and other similar such names. Drug traffickers  
9 market synthetic cathinones under various exotic brand names such as “Bliss,” “Cloud  
10 Nine,” “Lunar Wave,” “Vanilla Sky,” and “White Lightning.”

11 5. There are different types of synthetic cathinone with varying chemical  
12 compositions. One such type of synthetic cathinone is alpha-Pyrrolidinopentiophenone,  
13 also known as alpha-PVP. Alpha-PVP is chemically similar to other synthetic cathinones  
14 and takes the form of a white or pink, foul-smelling crystal that can be eaten, snorted,  
15 injected, or vaporized in an e-cigarette or similar device. Vaporizing, which sends the  
16 drug very quickly into the bloodstream, may make it particularly easy to overdose. Like  
17 other drugs of this type, alpha-PVP can cause excited delirium that involves hyper-  
18 stimulation, paranoia, and hallucinations that can lead to violent aggression and self-  
19 injury. The drug has been linked to deaths by suicide as well as a heart attack. It can also  
20 dangerously raise body temperature and lead to kidney damage or kidney failure.

21 6. In March 2014, the Drug Enforcement Administration (DEA) issued an  
22 order temporarily placing alpha-PVP into Schedule I. *See* 79 FR 12938, Mar. 7, 2014. In  
23 March 2016, DEA issued an order extending the temporary placement of alpha-PVP in  
24 Schedule I. *See* 81 FR 11429, Mar. 4, 2016. In March 2017, DEA issued a final rule  
25 placing alpha-PVP into Schedule I. *See* 82 FR 12171, Mar. 1, 2017.

26 //

27 //

**B. Synthetic Cannabinoids**

7. Synthetic cannabinoids are human-made mind-altering chemicals that are either sprayed on dried, shredded plant material to be smoked or sold as liquid to be vaporized and inhaled in e-cigarettes and other devices.

8. Synthetic cannabinoids are sometimes misleadingly called “synthetic marijuana” (or “fake weed”) because they act on the same brain cell receptors as THC, the mind-altering ingredient in marijuana. However, synthetic cannabinoids may affect the brain much more powerfully than marijuana; their actual effects can be unpredictable and, in some cases, more dangerous or even life-threatening.

9. Manufacturers sell these products in colorful foil packages and plastic bottles to attract consumers. They market these products under a wide variety of specific brand names. Hundreds of brands now exist, including K2, Spice, Joker, Black Mamba, Kush, and Kronic.

10. Synthetic cannabinoid users report some effects similar to those produced by marijuana, including elevated mood, relaxation, altered perception, and symptoms of psychosis. Synthetic cannabinoids can also cause serious mental and physical health problems including rapid heart rate, vomiting, violent behavior, and suicidal thoughts. In addition, the psychotic effects of synthetic cannabinoids could include extreme anxiety, confusion, paranoia, and hallucinations.

11. Synthetic cannabinoids can be addictive. Regular users trying to quit may experience various withdrawal symptoms. Behavioral therapies and mediations have not specifically been tested for the treatment of addiction to these products. Because the chemicals used in them have no medical benefit and a high potential for abuse, authorities have made it illegal to sell, buy, or possess some of these chemicals. Some synthetic cannabinoids have been federally scheduled as well.

**C. Controlled Substance Analogues**

12. A controlled substance analogue is a “designer drug” that resembles a controlled substance in molecular structure and actual (or purported) physiological effect.

1 In response to a growing problem of individuals, especially chemists, creating or  
 2 designing substances acted on the body like controlled substances but were not yet listed  
 3 on controlled substances schedules, Congress passed the Controlled Substance Analogue  
 4 Enforcement Act of 1986.

5 13. 21 U.S.C. § 813(a) states that “[a] controlled substance analogue shall, to  
 6 the extent intended for human consumption, be treated, for the purposes of any Federal  
 7 law as a controlled substance in Schedule I [of the Controlled Substances Act].”

8 14. Pursuant to 21 U.S.C. § 802(32)(A), if a substance meets the following  
 9 criteria, it constitutes a controlled substance analogue subject to control as if it was a  
 10 scheduled controlled substance:

11 a) The substance has a chemical structure which is substantially similar  
 12 to the chemical structure of a controlled substance in schedule I or II; and

13 b) Either:

14 i) The substance has a stimulant, depressant, or hallucinogenic  
 15 effect on the central nervous system that is substantially similar to or greater than the  
 16 stimulant, depressant, or hallucinogenic effect on the central nervous system of a  
 17 controlled substance in schedule I or II; or

18 ii) A person represents or intends the substance to have a  
 19 stimulant, depressant, or hallucinogenic effect on the central nervous system that is  
 20 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect  
 21 on the central nervous system of a controlled substance in schedule I or II; and

22 c) The substance is intended for human consumption.

### 23 **PROBABLE CAUSE**

#### 24 **A. Initial Seizure of SKYBERG's Parcels in Chehalis, WA in January 2014**

25 15. On January 15, 2014, Postal Inspector Bryce Dahlin received 15 Priority  
 26 Mail parcels from the Chehalis Post Office in Chehalis, WA, as potentially suspicious.  
 27 All 15 parcels listed the sender as “Harley Skyberg, 658 Lafayette, Chehalis, WA  
 28 98532.” On January 23, 2014, Inspector Dahlin received consent from the intended

1 recipient for one of the 15 parcels to open the parcel. The parcel had a Collect on  
 2 Delivery (COD) label<sup>1</sup> with serial number M464377167. Inside the parcel were four  
 3 individually wrapped containers containing brown and white powdery substances. The  
 4 substances were labeled "No Bull Bath Salt," "Thundercats Party Powder," and "Mr.  
 5 Nice Guy Powder Bath Salt." In addition, there was a clear baggie containing a white  
 6 powder labeled "Skull Candy."

7 16. The USPS obtained a federal search warrant to open the remaining  
 8 fourteen parcels. Inside the parcels were containers and packages containing similar  
 9 powdery substances with labels such as "Eight Ballz," "George Dubya," and "High  
 10 Octane." Some of the seized substances were sent to the USPS Forensic Laboratory  
 11 Services in Dulles, VA for analysis. The resulting lab report indicated that the seized  
 12 substances contained, among other things, alpha-PVP, methylene, and/or ethylene.  
 13 According to DEA, methylene and ethylene are both types of synthetic cathinone.

14 **B. Three SKYBERG Parcels Seized in Chehalis, WA in April 2016**

15 17. On April 1, 2016, the Chehalis Post Office forwarded a Priority Express  
 16 Mail parcel addressed to "Khaleesi Jhonson, 500 Gilman Blvd, Issaquah, WA 98027" to  
 17 the USPS as potentially suspicious. The parcel listed the sender as "Harley Skyberg, PO  
 18 Box 1163, Chehalis, WA 98532" and had a COD label requesting a payment of \$175.36.  
 19 In addition, the parcel had a mailing label with a date of March 23, 2016. The delivery  
 20 confirmation number associated with the parcel was M477069103.

21 18. Postal Inspector France Bega, who received the parcel from the Chehalis  
 22 Post Office, researched "Harley Skyberg" on USPS databases and found that similar  
 23 parcels sent by him in 2014 contained controlled substances.

24  
 25  
 26 <sup>1</sup> With COD, a mailer sends an item to a recipient who pays for the item and its postage when the item is delivered.  
 27 In SKYBERG's case, I have learned that customers typically submit postal money orders to claim their parcels  
 28 containing the controlled substance and/or controlled substance analogue they have ordered from  
 www.wickedherbals.guru, as further described below. The post office who received the money order then sends it to  
 SKYBERG via the US mail.



1       19. On April 5, 2016, Inspector Bega contacted the Chehalis Post Office to  
2 request any information that the post office had in its records regarding SKYBERG. The  
3 post office found an "Application for Post Office Box" submitted by SKYBERG for PO  
4 Box 1163. The post office also informed Inspector Bega that SKYBERG had just  
5 dropped off 31 Priority Mail parcels to be mailed. All 31 parcels had COD labels, which,  
6 in total, requested approximately \$6,400 in payment from the recipients upon receipt of  
7 the parcels. Inspector Bega asked the Chehalis Post Office to forward three of the 31  
8 parcels to him and process the remaining parcels according to their respective mailing  
9 labels.

10       20. On April 8, 2016, Inspector Bega received the three Priority Mail parcels  
11 that he had requested. One of the three parcels was addressed to "Beau Schmidt, 6095  
12 Lake Street, Indian River, MI 49749." The parcel listed the sender as "Harley Skyberg,  
13 PO Box 1163, Chehalis, WA 98532" and had a COD label requesting a payment of  
14 \$165.15. In addition, the parcel had a mailing label with a date of April 5, 2016. The  
15 delivery confirmation number associated with the parcel was M477071332.

16       21. Another one of the three parcels was addressed to "Donald Miller, 362  
17 North Street, Standish, MI 48658." The parcel listed the sender as "Harley Skyberg, PO  
18 Box 1163, Chehalis, WA 98532" and had a COD label requesting a payment of \$204.65.  
19 In addition, the parcel had a mailing label with a date of April 5, 2016. The delivery  
20 confirmation number associated with the parcel was M477071364.

21       22. I researched the recipients' names and addresses and found the following:

22           a. "500 Gilman Blvd, Issaquah, WA 98027" was not a true and  
23 deliverable address, and the name "Khaleesi Jhonson" was not associated with that  
24 address. However, "Khaleesi Jhonson" was associated with a nearby address of "100  
25 Gilman Blvd NE, Issaquah, WA 98027."

26           b. "6095 Lake Street, Indian River, MI 49749" was a true and  
27 deliverable address, but the name "Beau Schmidt" was not associated with the address.  
28



1 c. "362 North Street, Standish, MI 48658" was a true and deliverable  
2 address, but the name "Donald Miller" was not associated with the address.

3 23. Based on my training and experience, I knew that recipient addresses listed  
4 on Priority Mail parcels containing controlled substances were often fictitious. I also  
5 knew that recipient names on Priority Mail parcels containing controlled substances were  
6 often not associated with the corresponding addresses. This is typically done in an effort  
7 to conceal the identities of the individuals involved.

8 24. On April 18, 2016, I obtained a federal search warrant from United States  
9 Magistrate Judge Brian A. Tsuchida for the three parcels described above—the parcels  
10 addressed to "Khaleesi Jhonson," "Beau Schmidt," and "Donald Miller"—and opened  
11 them.

12 25. The parcel addressed to "Khaleesi Jhonson" contained five round vials  
13 labeled "Snowman" containing white powdery substances. It also contained an invoice  
14 for five "SNOWMAN 2 ULTRA STRONG RESEARCH CHEMICAL POWDER .5G."  
15 The invoice date was March 22, 2016. The substances were sent to the USPIS Forensic  
16 Laboratory Services in Dulles, VA for analysis. The lab report indicated that the  
17 substances contained alpha-PVP.

18 26. The parcel addressed to "Beau Schmidt" contained four small packages  
19 with a Superman logo and labeled "Multi-purpose solution," one small package labeled  
20 "AMPED" with a description that said "Ladybug Attractant," and one small package  
21 labeled "White Water Rapid" with a description that said "Exuberance Powder; Ladybug  
22 Attractant." It also contained a similar invoice dated April 5, 2016. In addition, the parcel  
23 contained two black business cards advertising, among other things, "Research  
24 Chemicals" and "Party Pills" and website "www.wickedherbals.guru." All seized  
25 substances were sent to the USPIS Forensic Laboratory Services in Dulles, VA for  
26 analysis. The lab report indicated that they all contained alpha-PVP.

27 27. The parcel addressed to "Donald Miller" contained one small package with  
28 a Superman logo and labeled "Multi-purpose solution," one small package with a

1 description that said "Capet Stain Remover," one small package labeled "Zombie Eat  
2 Flesh," one vial labeled "Wicked Yeti," one vial labeled "High Octane," and one vial  
3 labeled "Drone." It also contained a similar invoice dated April 4, 2016. In addition, it  
4 contained two pink business cards advertising "www.wickedherbals.guru" and listing  
5 "Guru Harley" as the "Owner/Operator" of the website. All seized substances, except for  
6 "Zombie Eat Flesh," were sent to the USPIS Forensic Laboratory Services in Dulles, VA  
7 for analysis. The lab report indicated that all the substances contained alpha-PVP.

8 **C. One SKYBERG Parcel Seized in Michigan in May 2016**

9 28. On May 2, 2016, postal employees forwarded suspicious Priority Mail  
10 parcel 9403311699000891785773 going to "Beau Schmidt" in Kalamazoo, MI, to Postal  
11 Inspector Mark Dayhuff in the USPIS Detroit Division. The parcel had a return address  
12 of "Harley Skyberg, PO Box 1163, Chehalis, WA 98532." Inspector Dayhuff contacted  
13 the recipient on the phone and obtained verbal consent to open the parcel. Inside the  
14 parcel were two vials labeled "White Water Rapid" with a description that said  
15 "Exuberance Powder; Ladybug Attractant," one vial labeled "Research Chemical" and  
16 containing a white powdery substance, and two black pouches with a description that said  
17 "Carpet Stain Remover." The contents seized from the parcel were sent to the USPIS  
18 Forensic Laboratory Services in Dulles, Virginia. The lab determined that "White Water  
19 Rapid" and "Carpet Stain Remover" contained, among other things, alpha-PVP.

20 **D. One SKYBERG Parcel Seized in Pennsylvania in August 2016**

21 29. In August 2016, Postal Inspector Dave Heinke in the USPIS Philadelphia  
22 Division intercepted Priority Mail parcel 9403311699000114262050 with a return  
23 address of "Harley Skyberg, PO BOX 1163, Chehalis, WA 98332." Inspector Heinke  
24 obtained verbal consent to open the parcel from the recipient. The parcel contained two  
25 small pink packages labeled "Scooby Snax Potpourri" and one small red package labeled  
26 "Mad Hatter Herbal Blend." The parcel also contained an invoice similar to those found  
27 in the parcels seized in April 2016, as well as black and pink businesses cards identical to  
28 those found in those parcels.

30. The seized contents were sent to the USPIS Forensic Laboratory Services in Dulles, VA for analysis. The lab report indicated that the substances contained N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, also known as AB-CHMINACA, a type of synthetic cannabinoid and federally controlled Schedule I substance.<sup>2</sup>

**E. Two SKYBERG Parcels Seized in Pennsylvania in November and December 2016 and the Identification of SKYBERG's Email Address**

31. On November 7, 2016, Postal Inspector Staci Johnson in the USPIS Pittsburg Division received a tip from a confidential informant that "bath salts" were being shipped into the East Freedom, PA area via USPS COD services. Inspector Johnson intercepted Priority Mail COD parcel 9403311699000658732521 from the East Freedom Post Office based on the tip. The parcel listed the sender as "Harley Skyberg, P.O. Box 919, Chehalis, WA 98532" and was addressed to "Tammy Ritchey, 209 Back Street, East Freedom, PA 16637." Inspector Johnson's research showed that "209 Back Street, East Freedom, PA 16637" was a true and deliverable address, but that "Tammy Ritchey" was not currently associated with the address. The parcel also had a COD label requesting a payment of \$401.46 upon receipt.

32. Inspector Johnson was also informed by the East Freedom Post Office that two individuals, a male and a female, had come to the post office to claim the parcel and been turned away because they were trying to pay the COD with "starter checks," which was against USPS policy.

33. On November 14, 2016, the USPIS obtained a federal search warrant for the parcel. Inside the parcel was a small package labeled "Eight Ballz." Further inside the

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<sup>2</sup> In January 2015, DEA issued an order temporarily placing AB-CHMINACA into Schedule I. *See* 80 FR 5042, Jan. 30, 2015. In January 2017, DEA issued an order extending the temporarily placement of AB-CHMINACA in Schedule I. *See* 82 FR 8590, Jan. 27, 2017. In October 2017, DEA issued a final rule placing AB-CHMINACA in Schedule I.

1 pouch was a vial containing a sticky brown substance. The substance was field-tested  
2 positive for a synthetic narcotic.<sup>3</sup>

3 34. On December 1, 2016, Inspector Johnson was notified by the East Freedom  
4 Post Office that another suspicious COD parcel from "Harley Skyberg, PO BOX 919,  
5 Chehalis, WA 98532," addressed to the same recipient, arrived. This parcel, identified as  
6 Priority Mail parcel 9405511699000491363038, was also seized and searched pursuant to  
7 a federal search warrant subsequently obtained by the USPIS. Inside the parcel were three  
8 plastic discs, each containing an off-white rock-like substance. The field test revealed that  
9 the rock-like substance was alpha-PVP.

10 35. After the search, Inspector Johnson conducted a controlled delivery of the  
11 parcel to the listed recipient's residence and interviewed the residents. After *Miranda*,  
12 one of the residents, Joseph Rininger, admitted that he had ordered "bath salts" from  
13 "wickedherbal.com" and used his girlfriend's name to receive the parcel. Rinniger then  
14 showed Inspector Johnson an email invoice he had received from the website following  
15 his purchase. This system-generated invoice was originally sent to  
16 theharleyskyberg@gmail.com and informed theharleyskyberg@gmail.com that  
17 "wickedherbals.guru" had received a new order from tammyritchey1@gmail.com. The  
18 invoice was subsequently forwarded to harley1skyberg@gmail.com and then to  
19 Rinniger's control.

20 36. On December 12, 2016, I conducted a Google search for the website  
21 "Wickedherbal.com." Google returned a similar website "www.wickedherbals.guru". The  
22 website had multiple products listed for sale. A Google search of "where to buy legal  
23 bath salts online" returned "www.wickcedherbals.guru" twice as the search results on the  
24 first page. I reviewed the products for sale on "www.wickedherbals.guru" and found  
25 numerous products advertised as "legal bath salt."  
26  
27

28 <sup>3</sup> This particular field test kit utilized by the investigators lacked ability to tell what kind of synthetic narcotic was the substance that was being tested—it could only tell *whether* something was a synthetic drug or not.

**F. 46 SKYBERG Parcels Seized in Kelso, WA and Duncansville, PA in February 2017**

37. On February 9, 2017, the Kelso Post Office in Kelso, Washington, forwarded to me 45 COD Priority Mail parcels, mailed by SKYBERG as suspicious. All 45 parcels were addressed to different addresses throughout the country. However, all had the same return address of "Harley Skyberg, PO BOX 675, Kelso, WA 98626." The overwhelming majority of the 45 parcels had COD labels. All parcels had a profile that was consistent with that of previously seized SKYBERG parcels.

38. On February 13, 2017, I received one additional COD Priority Mail parcel M477167997, suspected of containing controlled substances. The parcel was intercepted in transit in Duncansville, Pennsylvania, and was given to the USPIS as suspicious. The parcel had a return address of "Harley Skyberg, PO BOX 919, Chehalis, WA 98532."

39. I obtained a federal search warrant on February 16, 2017 from United States Magistrate Judge Brian A. Tsuchida for the 46 parcels. The contents inside the parcels were exotically branded packages and vials that were either identical to or closely resembled the contents of the previously seized parcels from SKYBERG.

40. Among the seized contents, I sent two substances labeled "Eight Ballz" and "George Dubya" to the USPIS Forensic Laboratory Services in Dulles, VA for analysis. On August 31, 2018, I received a report back from the lab. The report indicated that "Eight Ballz" contained, among other things, alpha-Pyrrolidinopropiophenone, also known as a-PPP, and 4-fluoro-a-pyrrolidinohexiophenone, also known as 4-F-a-PHP. The report also indicated that "George Dubya" contained, among other things, a-PPP. According to the report by the USPIS Forensic Laboratory Services, a-PPP and 4-F-a-PHP are structurally similar to alpha-PVP.

**G. Second Visit to [www.wickedherbals.guru](http://www.wickedherbals.guru)**

41. On February 12, 2017, I visited [www.wickedherbals.guru](http://www.wickedherbals.guru) and captured images of items sold on the website. Some of the items being advertised on the website were items that had been previously seized by the USPIS and tested positive for

1 controlled substances. These items included "White Water Rapid Exuberance Powder,  
2 Ladybug Attractant .5G," "AMPED Exuberance Powder Ladybug Attractant .5G," and  
3 "Ultra Premium High Octane Research Chemical 500MG."

4 **H. Additional Seizures of over 50 SKYBERG Parcels between August and**  
5 **December 2017**

6 42. On August 28, 2017, the Castle Rock Post Office located in Castle Rock,  
7 WA, forwarded six Priority Mail COD parcels to the USPIS as suspicious. All six parcels  
8 listed "Harley Skyberg, PO Box 919, Chehalis, WA 98532" as the sender. The profile of  
9 the forwarded parcels was consistent with the previous SKYBERG parcels that contained  
10 controlled substances and/or controlled substance analogues.

11 43. On September 6, 2017, the Castle Rock Post Office forwarded 11  
12 additional Priority Mail parcels to the USPIS as suspicious. All 11 parcels listed "Harley  
13 Skyberg, PO Box 919, Chehalis, WA 98532" as the sender, and nine of the 11 had COD  
14 labels. The profile of the forwarded parcels was consistent with the previous SKYBERG  
15 parcels that contained controlled substances and/or controlled substance analogues.

16 44. On September 29, 2017, the Chehalis Post Office forwarded ten Priority  
17 Mail parcels to the USPIS as suspicious. All ten parcels listed "Harley Skyberg, PO Box  
18 919, Chehalis, WA 98532" as the sender, and seven of the ten parcels had COD labels.  
19 The profile of the forwarded parcels was consistent with the previous SKYBERG parcels  
20 that contained controlled substances and/or controlled substance analogues.

21 45. On October 11, 2017, the Chehalis Post office forwarded 28 Priority Mail  
22 parcels to the USPIS as suspicious. All 28 parcels listed "Harley Skyberg, PO Box 919,  
23 Chehalis, WA 98532" as the sender, and 24 of the 28 parcels had COD labels. The profile  
24 of the forwarded parcels was consistent with the previous SKYBERG parcels that  
25 contained controlled substances and/or controlled substance analogues.

26 46. I obtained four separate federal search warrants for these parcels. The  
27 parcels all contained packages and/or vials that were similar to the previously seized  
28 contents.



47. I selected a few of the seized pouches, packages, and vials, including the ones labeled "White Water Rapid," "White Lightening," "High Octane," "Snowman," "Wicked Yeti," "Scooby Snax," "Klimax," "White Tiger," "Kush Extra," "Supergirl," "iBrown," "Charles," "Fairly Legal," "AMPED," "Go Gaine," and "Eight Ballz," and sent them to the USPIS Forensic Laboratory Services in Dulles, VA for analysis. On August 31, 2018, I received a report back from the lab. The report indicated that all the substances submitted contained 3,4-tetramethylene-a-pyrrolidino-valerophenone (also known as TM alpha-PVP), 4-methylpentadron, FUB-AMB, N-ethylpentylone, 4-methyl-a-prryolidinohexiophenone (also known as 4-methyl-a-PHP), and/or 4-f-a-PHP. The report noted that 4-methylpentadron and N-ethylpentylone are structurally similar to pentadron and ethylone, respectively, both Schedule I controlled substances. In addition, according to the DEA, FUB-AMB is a type of synthetic cannabinoid and has been categorized as a Schedule I controlled substance since November 2017.

48. On December 27, 2017, the Chehalis Post office forwarded one incoming international parcel from Hong Kong, China, addressed to "Harley Skyberg, PO Box 919, Chehalis, WA 98532" as suspicious. After receiving a positive alert from a narcotic K-9, I obtained a federal search warrant for the parcel on January 12, 2018. Inside the parcel was approximately 476 grams of a white powdery substance. I forwarded the substance to the Washington State Patrol Crime Laboratory for analysis. The lab report indicated that the substance contained 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one, also known as MPHP. According to the DEA, MPHP is a type of synthetic cathinone that was placed into Schedule I in July 2019.

#### **I. Postal Money Orders and Other Payment Methods**

49. In January 2018, I researched the USPS's postal money order database and identified at least 313 money orders that were made and mailed to SKYBERG by USPS customers, including multiple individuals who were listed as the recipients on previously seized SKYBERG parcels. Each money order was typically for several hundred dollars, ranging anywhere from \$100 to \$500. The majority of these money orders were



1 forwarded to SKYBERG's addresses listed on the parcels and ultimately deposited  
2 into various bank accounts under SKYBERG's control at various banking institutions.

3 50. I also reviewed records associated with SKYBERG's bank accounts and  
4 accounts at various payment processing service companies. I learned that SKYBERG  
5 collected payments from his clients in multiple different ways, including through  
6 payment services such as Stripe, Venmo, Western Union, Facebook, and even  
7 cryptocurrency.

8 **J. SKYBERG's Bitcoin Alpha-PVP Purchase**

9 51. In March 2018, I obtained from Coinbase records associated with a  
10 Coinbase account owned by SKYBERG, User ID 59078b05cd453c0f0ce40573. Coinbase  
11 is an online digital currency exchange that allows its users to buy, sell, store, and transfer  
12 a number of cryptocurrencies, including Bitcoin.

13 52. A review of the account's transaction records revealed that on June 23,  
14 2017, SKYBERG, on three separate occasions, sent approximately 0.74, 0.74, and 0.81  
15 Bitcoin to the same recipient. There was a corresponding note for each transaction. The  
16 first transaction was accompanied with a note saying "Harley apvp order 3 ki." The  
17 second and third transactions were accompanied with an identical note saying "harley's  
18 apvp order." The value of Bitcoin transferred for each transaction was \$2,002.37,  
19 \$2,002.37, and \$2,202.37 at the time of the transaction, respectively.

20 **K. First Undercover Buy**

21 53. On March 26, 2018, Postal Inspector Nelson Rivera and I visited  
22 www.wickedherbals.guru. The website was still active. On the same day, I conducted an  
23 undercover buy from www.wickedherbals.guru and ordered one "WICKEDPLATTER:  
24 Wicked sampler platter 8 units research chemicals for \$169.99" and one "GOGAINE:  
25 GOGAINE Research Chemical Powder 500MG." After ordering, I received an email  
26 invoice from harley1skyberg@gmail.com. The invoice had a subject line that read "Order  
27 Confirmation Notice" and contained the invoice number, order date, payment, and items  
28 ordered. At the bottom of the invoice, there was a note saying that a customer could

1 | check the status of his or her order by visiting

2 | <http://www.wickedherbals.guru/myaccount.sc>. This order, however, never arrived.

3 |       54. On April 17, 2018, Inspector Rivera visited [www.wickedherbals.guru](http://www.wickedherbals.guru) and  
4 | submitted an order for the same products.

5 |       55. On April 23, 2018, I received a Priority Mail COD parcel from SKYBERG  
6 | at the undercover PO Box address. The COD label requested a payment of \$269.18, which  
7 | was the amount due for the original order. I forwarded a postal money order for the same  
8 | amount to SKYBERG and claimed the parcel. Inside the parcel was a package labeled  
9 | “BUD FACTORY Mango Funk,” which was not what Inspector Rivera had ordered.

10 |       56. On April 30, 2018, I received another Priority Mail parcel from SKYBERG  
11 | at the undercover PO Box address, but this time without a COD label. The parcel  
12 | contained the items Inspector Rivera had original ordered. The packaging and branding  
13 | for the items were consistent with those for the items that had been previously seized from  
14 | SKYBERG.

15 | **L. Search of harleylskyberg@gmail.com**

16 |       57. In June 2018, I obtained a search warrant authorizing the search of  
17 | harleylskyberg@gmail.com. In July 2018, I received a return from Google and reviewed  
18 | the emails sent and received by harleylskyberg@gmail.com. Google identified “Harley  
19 | Skyberg” as the account holder of harleylskyberg@gmail.com. Included in the return  
20 | were approximately 2,000 emails received between November 2016 and October 2017  
21 | and titled “New Order Notice,” which contained details about orders received by  
22 | SKYBERG via [www.wickedherbals.guru](http://www.wickedherbals.guru), such as invoice number, payments due, order  
23 | date, and customer contact information. The total amount of payments due to SKYBERG  
24 | according to these invoices exceeded \$600,000.

25 |       58. Also included in the return were SKYBERG’s email communications with  
26 | office@dharmachem.org during 2017. A Google search revealed that dharmachem.org  
27 | was frequently mentioned as a supplier of “research chemicals” by internet users on a  
28 | website such as Reddit. A similarly-named, China-based company “dharmachems.com”

1 was also identified as a supplier of acetyl fentanyl, an analog of fentanyl, by the World  
 2 Health Organization (WHO) in 2015.<sup>4</sup> Below are some of the representative email  
 3 communications between SKYBERG and office@dharmachem.org:

4 a. On May 15, 2017, harley1skyberg@gmail.com sent an email to  
 5 office@dharmachem.org: "Hello, This is the second email requesting a quote for 1 kilo  
 6 th-pvp. Can you fill this order to the US? Harley."

7 b. On May 16, 2017, office@dharmachem.org replied to  
 8 harley1skyberg@gmail.com: "Hello, Harley, we have good apvp analogue, TH-PVP is  
 9 weak compare [sic] to new apvp analogue. do you need exactly th-pvp? new apvp  
 10 analogue stronger and price is higher than th-pvp. Yes, we guarantee successful delivery  
 11 to US. Best regards, Angel Hao."

12 c. On May 16, 2017, harley1skyerg@gmail.com replied to  
 13 office@dharmachem.org: "I would like the best PVP possible, as long as its white. I  
 14 would also like ½ kilo of the MPD too. Can I get the combined price and ill pay today."

15 d. On May 17, 2017, office@dharmachem.org replied to  
 16 harley1skyberg@gmail.com: "apvp best analogue USD 2000/kg, 4MPD USD 1750/kg,  
 17 USD 3650 total, shipping cost included. Please send Bitcoins to the following address,  
 18 1CD2hcXXyEQCH3mzXP7sD9i8TZqWfa8L42 . . . After arrang[ing] the payment, pls  
 19 confirm it and provide the following info: The contact telephone No. (for courier  
 20 service), the shipping address and consignee name."

21 e. On May 17, 2017, harley1skbyberg@gmail.com replied to  
 22 office@dharmachem.org: "Hello, I sent \$2000USD through bitcoin for the APVP and  
 23 MPD order. I will be sending another \$1650usd immediately from a different bitcoin  
 24 wallet. Please send 2 kilos total to the address below. Once I received these two, I will  
 25 immediately order two more kilos, and continue this process hopefully for a long time.  
 26  
 27

28 <sup>4</sup> Expert Committee on Drug Dependence, World Health Organization, Acetylfentanyl Critical Review Report (Nov. 2015), [http://www.who.int/medicines/access/controlled-substances/5.2\\_Acetylfentanyl\\_CRev.pdf](http://www.who.int/medicines/access/controlled-substances/5.2_Acetylfentanyl_CRev.pdf).

1 My phone number is: 619.796.8108. My address is: Harley Skyberg, PO box 5574, New  
 2 York, NY 10185, USA, 619-796-8108. Thank you in advance for your honest business  
 3 practices.”

4 f. Later the same day, harleylskbyerg@gmail.com replied to  
 5 office@dharmachem.org with the following: “Full amount paid for : 1 kilo APVP, 1 Kilo  
 6 MPD. THANKS.” Attached to the email were screenshots showing bitcoin payments.

7 **M. chinglabs575@gmail.com and theharleyskyberg@gmail.com**

8 59. I have also received emails seized from a Google email account  
 9 chinglabs575@gmail.com pursuant to a search warrant filed in the Southern District of  
 10 Mississippi in December 2016 as part of the investigation on a Chinese drug supplier  
 11 known as “Ching Labs.”<sup>5</sup> The emails I obtained included emails directly exchanged  
 12 between “Sarah Zhang” at chinglabs575@gmail.com and “Harley Skyberg” at  
 13 theharleyskyberg@gmail.com in September 2016.

14 60. One such email, sent from theharleyskyberg@gmail.com to  
 15 chinglabs575@gmail.com on September 13, 2016 said: “Thank you for responding.  
 16 Please send asap, I have several hundred orders backed up right now. Also, how many  
 17

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18  
 19 <sup>5</sup> An open source search of Ching Labs showed a Facebook page of the company with a description that says: “Our  
 20 products are not offered for human consumption. Highest quality guarantee” [sic] and the website of  
 21 <https://chinglabs.com>. The picture on the Ching Labs Facebook page also had a caption: “Ching Labs: Chinese  
 22 Research Chemical Vendor.”

23 Ching Labs was also a subject of a media investigation by NBC News. According to a news story published  
 24 by NBC Nightly News in August 2017, an NBC journalist googled “buy fentanyl” and Ching Labs was the first  
 25 company that appeared on the search result page. The journalist, using an alias “Richard Stevens,” then sent an  
 26 online message to Ching Labs, which said: “I am interested in getting fentanyl sent to us in the United States.”  
 27 Within minutes, the journalist received an email response from Ching Labs, which said: “Hello, we have a very  
 28 potent fentanyl analogue, very similar in potency to the original. We ship to USA. We only accept bitcoin as  
 payment method.”

The journalist then followed up with another email, which said: “Is it possible to get it to me without it  
 being taken by U.S. customs?” Again, within minutes, the journalist received an email response, which said: “We  
 provide a reship guarantee, also we ship using ingenious packaging. My name is Sarah, nice meeting you, Mr.  
 Richard :)”

The journalist sent another follow up email: “That is great news, Sarah. Would you be willing to send me a  
 picture of the packaging?” Approximately ten minutes later, the journalist received an email with a picture  
 describing the typical packaging of fentanyl.

1 total shipments for the kilo are you sending? The address is: Harley Skyberg, PO box  
2 574, New York, NY 10185, USA, PH#619.319.8775. As soon as [I] receive this full  
3 shipment I'm already prepared to purchase another one immediately. I await the tracking  
4 number(s).. Thanks again, Harley Skyberg, Nitfire Distribution, LLC."

5 61. On September 17 and 18, 2016, the two again exchanged a series of emails  
6 about ordering and shipping controlled substances and/or controlled substance analogues  
7 from China. A September 17, 2016 email from chinglabs575@gmail.com to  
8 theharleyskyberg@gmail.com stated: "We can send you 1kg 4f-php, if you received my  
9 last email and I will add 100g th-a-Pvp to it to compare the quality. I asked and it seems  
10 the order can't be changed because we only have 0,5 kg in stock of th-a-pvp, and my boss  
11 didn't order more because it doesn't sell as well as 4-cl-pvp and 4f-php. Dear we have  
12 also a new stimulant the new apvp version large crystal appp if you want I can add also a  
13 very small sample of that."

14 62. theharleyskyberg@gmail.com emailed back on the same day and said: "I  
15 would prefer a kilo of any good variation of PVP." On September 18, 2016, the  
16 communication between the two continued with chinglabs575@gmail.com saying: "Ok  
17 dear we will send the new APPP[.] The 4f-php most probably will become illegal soon[.]  
18 Regards." theharleyskyberg@gmail.com wrote back, asking: "Do you have the pvp  
19 analog? Are you shipping today?" chinglabs575@gmail.com responded and said: "They  
20 will send the APPP instead from the lab. The 4f-php batch did not crystallise [*sic*] and  
21 they lost the batch. They said it would take longer and was not possible to send out on  
22 Monday so we decided to cancel the synthesis for the 4f-php and send appp instead,  
23 which is already finished the synthesis."

24 **N. Search of theharleyskyberg@gmail.com**

25 63. Based on the evidence described above, I obtained a federal search warrant  
26 for theharleyskyberg@gmail.com on September 10, 2019. I subsequently received a  
27 return from Google. Google records confirmed that the account holder of  
28 theharleyskyberg@gmail.com was "Harley Skyberg." I found the following

COMPLAINT/SKYBERG - 20

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1 representative email exchanges between theharleyskyberg@gmail.com and his drug  
2 suppliers:

3           a.       On March 11, 2015, theharleyskyberg@gmail.com sent an email to  
4 “Vincent:” “Do your [sic] have tracking numbers for the other two products? Also when  
5 will you have 3-Mmc I’m ready to order a kilo of 3-mmc. Also, please keep me informed  
6 on any upcoming compounds that you will be producing. The rcs I need most are  
7 Shhh...MDPV, BK-MDMA, A-Pvp, Pentylone, Flephedrone, Methoxetamine or  
8 Methophenedrine, 2-FMC, 3-FMC, 2-FA, 2-ce, MeoPPP, 5-meo-mipt, 4-FMA, ANY  
9 NEW RC. thanks, and can I get the tracking numbers for the two other orders. Then as  
10 soon as the new batch is ready let me know. Also, check out the apps Xoom, and  
11 Transwise I believe.”

12           b.       On June 28, 2016, theharleyskyberg@gmail.com sent an email to  
13 chanapril@hotmail.com and said: “Can I please get a quote for: 2 kilos 4c-pvp[,] 1 kilo  
14 ab-chiminaca.” “April Chan,” using chanapril@hotmail.com, responded: “Hi, 4c-pvp is  
15 1700/kg and ab-c is 1900/kg. Could you please let me know did you ever order 4c-pvp  
16 before? It’s similar with apvp, but I think 4f-php is better than 4c, I just judge it by their  
17 sales. 4f is 1650/kg.”

18           c.       On July 13, 2016, theharleyskyberg@gmail.com replied back to  
19 chanapril@hotmail.com and said: “Hello, Please send me one kilo 4F-PhP. I sent  
20 USD\$1600 via Western [U]nion. Send to: Harley Skyberg[,] Nitefire Distribution, LLC,  
21 PO BOX 1163, Chehalis, WA 98532. The MTCN is: 823-792-2339[,] As soon as I get a  
22 confirmed tracking number. I will order another kilo for a total of 5. Thank you. Harley”

23 **O.     Additional Undercover Buys**

24           64.     On October 16, 2019, I conducted an undercover buy from  
25 wickedherbals.guru. I ordered “4F-PVPP” and “Beak UK Premium Research Chemical  
26 Snuff.” On the same day, I received an email order confirmation from “Harley Skyberg”  
27 at harleyskyberg87@gmail.com. On October 18, 2019, I received an email from  
28 stamp.com, “at the request of Harley Skyberg,” with tracking number 9403 3118 9922

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1 3580 2270 59. On October 21, 2019, I received an email from USPS stating the parcel  
2 had arrived at the undercover address. On October 23, 2019, Postal Inspector Harrold  
3 picked up the parcel and opened it. Inside the parcel were the items ordered, consistent in  
4 their visual with previously-seized items from SKYBERG.

5 65. On October 28, 2019, Postal Inspector Michael Fischlin conducted another  
6 undercover buy from wickedherbals.guru. Inspector Fischlin ordered "3C-MMC ULTRA  
7 RARE RESEARCH CHEMICAL .5G" and "4F-FLORPHENIDATE ULTRA RARE  
8 RESEARCH CHEMICAL .5G." On the same day, I received an email order confirmation  
9 from "Harley Skyberg" at harleyskyberg87@gmail.com. I replied to the email and said I  
10 would like to pay with bitcoin. Later the same day, "Harley Skyberg" at  
11 harleyskyberg87@gmail.com responded with a screenshot of a bitcoin wallet address of  
12 14xbKCJrmeu5PftMOUSgV8Yw3mmraMxfqs. I arranged the bitcoin payment to be  
13 made to the wallet address provided by SKYBERG.

14 66. On October 30, 2019, I received an email from stamps.com, "at the request  
15 of Harley Skyberg," with tracking number 9405 5118 9922 3549 7294 11. On November  
16 4, 2019, USPS tracking records indicated that the parcel had been accepted in Vancouver,  
17 WA and would be delivered to the undercover address by Wednesday, November 6,  
18 2019.

19 //

20 //



**CONCLUSION**

67. Based on the above-described facts, I respectfully submit that there is probable cause to believe that HARLEY SKYBERG committed the offenses set forth in this Complaint.



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KIMBERLY P. MYHRER  
Postal Inspector, USPIS

Dated this 6th day of November, 2019, at Seattle, Washington.



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DAVID W. CHRISTEL  
United States Magistrate Judge