

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

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 12-173

v.

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SECTION: S

CHRISTOPHER BUELLE

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the superseding bill of information now pending against the defendant:

The Defendant, **CHRISTOPHER BUELLE** (hereinafter “**BUELLE**”) has agreed to plead guilty as charged to Counts One and Two of the Superseding Bill of Information charging him with conspiracy to commit importation violations and violations of the Food, Drug, and Cosmetic Act, in violation of Title 18, United States Code, Section 371, and attempted possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(D), and 846.

Tangible exhibits and witness testimony that would include testimony from representatives of the U.S. Food and Drug Administration (hereinafter, “FDA”) would be introduced to show that synthetic marijuana is a family of chemically unrelated structures functionally similar to THC, which is the active principle of marijuana. The product mimics the hallucinogenic effects of marijuana. Further evidence would be used to show that synthetic cathinones are similar to cathinone, a Schedule I controlled substance that occurs naturally in the khat plant that are typically marketed as “bath salts.” They are central nervous system stimulants that produce effects that appear to be similar to cocaine, methamphetamine, and ecstasy.

Evidence would be presented to show that synthetic marijuana and bath salts are drugs as defined in 21 U.S.C. §321(g)(1), which defines the word “drug” to mean articles, other than food, intended to affect the structure or any function of the body of man. Synthetic marijuana and bath salts are new drugs as defined in 21 U.S.C. §321(p), as any drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof.

Witness testimony and other evidence would show that a drug is misbranded unless its labeling bears adequate directions for all intended uses under 21 U.S.C. § 352(f). Drugs that lack any directions for use are misbranded per se. A drug is also misbranded if its labeling is false or misleading in any particular under 21 U.S.C. § 352(a). False assertions in labeling accompanying products during importation, therefore, can render a drug misbranded. Evidence would also be produced to show that a drug is adulterated if it has been prepared, packed, or held under insanitary

conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of Chapter 9 of Title 21 of the United States Code as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess, pursuant to 21 U.S.C. § 351(a)(2).

Evidence would be produced to show that beginning on an unknown date in the first half of 2010, and continuing through in or about December 2011, within the Eastern District of Louisiana and elsewhere, **BUELLE** conspired and agreed with Cody Beaudette (hereinafter “Beaudette”) and Ryan Michael Burras (hereinafter “Burras”) to knowingly receive, buy, and sell merchandise, specifically, synthetic marijuana and bath salts, imported into the United States contrary to law, that is, causing the introduction and delivery of a drug that is adulterated and misbranded under Federal law and causing the introduction and delivery of a new drug into interstate and foreign commerce.

Records from the Louisiana Secretary of State’s Office would be introduced to show that on or about January 4, 2011, **BUELLE** and Beaudette registered a limited liability company, known as C Square, L.L.C., with the State of Louisiana. Witnesses would testify, and business and bank records would be introduced to show that C Square, L.L.C. engaged in the production, labeling, and distribution of synthetic marijuana and bath salts in the Eastern District of Louisiana. Further evidence would be introduced to show that C Square, L.L.C.’s synthetic marijuana and bath salt brands were intended for human use and to affect the function of the human body. The brands produced, labeled, and distributed by C Square, L.L.C. included, but were not limited to, “ZeRo

GrAviT^y”, “iAroma”, and “Primo.” Witness testimony, tangible exhibits, and **BUELLE**’s own statements to law enforcement agents would be introduced to show that **BUELLE**, in confederation with and on behalf of C Square, L.L.C., imported, possessed and distributed C Square, L.L.C.’s synthetic marijuana and bath salt brands.

Evidence would be introduced to show that the synthetic marijuana and bath salts imported, produced, packaged, and distributed by C Square, L.L.C. lacked directions for use and bore labeling that was false and misleading. Specifically, C Square L.L.C.’s brands, including, but not limited to “ZeRo GrAviT^y” and “iAroma” were packaged in containers labeled as “potpourri” and were further labeled, “This product is not to be burned or smoked and is not for human consumption,” or “Not for human consumption.” Evidence would also be introduced to show that C Square, L.L.C.’s synthetic marijuana and bath salts were prepared and packaged, under insanitary conditions whereby it may have been contaminated with filth, it may have been rendered injurious to health, and the methods used in its manufacture, production, and packaging did not conform with the current standards of good manufacturing practice as required under the Food, Drug and Cosmetic Act and FDA regulations.

Witness testimony and tangible exhibits would be introduced to specifically show the following:

1. On or about June 3, 2011, in Slidell, Louisiana, **BUELLE**, accepted \$300.00 from a confidential source (CS) for a shipment of thirty 500mg packages of bath salts to an address in Houston, Texas, and on or about June 11, 2011, **BUELLE** provided the CS with a UPS tracking number XXX58 for the negotiated shipment,

2. The parcel assigned UPS tracking number XXX58 arrived at the aforementioned address in Houston, Texas from San Tan Valley, Arizona on or about June 16, 2011. The parcel that arrived contained twenty individual 500mg packages labeled “Eight Ballz”, each containing a substance that tested positive for MDPV, a type of bath salt.
3. On or about June 3, 2011, U.S. Customs and Border Protection (CBP) seized an inbound parcel arriving from Shanghai, China that was destined to **BUELLE** at an address in Slidell, Louisiana. The airway bill on the parcel described the contents as a “gift” and contained 2 kg of a substance that tested positive for, a type of synthetic marijuana.
4. On or about June 20, 2011, CBP seized an inbound parcel arriving from Shanghai, China that was destined to **BUELLE** at an address in Slidell, Louisiana. The airway bill did not list the contents of the parcel, and the foil bag inside the parcel described its contents as “super absorbent polymer.” The foil bag contained 1 kg of a substance that tested positive for a type of synthetic marijuana.
5. On or about August 3, 2011, CBP seized an inbound parcel arriving from Shanghai, China that was destined to **BUELLE** at an address in Las Vegas, Nevada. The airway bill did not list the contents of the parcel, and the foil bag inside the parcel described its contents as “super absorbent polymer.” The foil bag contained more than 1 kg of a substance that tested positive for a type of synthetic marijuana.
6. On or about October 17, 2011, CBP seized an inbound parcel arriving from Shanghai, China that was destined to **BUELLE** at an address in Henderson, Nevada.

The airway bill on the parcel described the contents as a “titanium dioxide” and contained 8 kg of a substance that tested positive for a type of synthetic marijuana.

7. On or about October 17, 2011, CBP seized an inbound parcel arriving from Shanghai, China that was destined to **BUELLE** at an address in Henderson, Nevada. The parcel was manifested as “super absorbent polymer” and approximately 1 kg of a substance that tested positive for a type of synthetic marijuana.
8. On or about December 6, 2011, **BUELLE** possessed labels and packages of products with names including, but not limited to, “ZeRo GrAviTy”, “iAroma”, “Cloud 9” “Category 6”, and labeled as “potpourri”. The C Square logo appeared on these labels and packages.

A forensic scientist would testify that C Square, L.L.C.’s products, including “ZeRo GrAviTy”, “iAroma”, and “Primo” were chemically examined, and tested positive for strains of synthetic marijuana. Those strains included JWH-018, JWH-210, and AM-2201. A forensic scientist would further testify that substances imported from China on behalf of C Square, L.L.C. in 2011 were mislabeled or imported for the purpose of mislabeling and were chemically examined, and tested positive for strains of bath salts, including MDPV.

Customs records, business documents, and bank account information would be introduced to show that the raw materials used to produce the synthetic marijuana and bath salts for C Square, L.L.C. were imported from foreign countries into the United States at the request and direction of C Square, L.L.C. and its representatives.

Evidence would be introduced to show that on an unknown date in or about March 2012,

BUELLE ordered and arranged to have a quantity of marijuana shipped via U.S. Postal Service from California to a vacant residence on Oriole Street in Slidell, Louisiana. On or about March 13, 2013, the package was left by a postal employee with the occupant of the residence next to the vacant house, which the occupant also owned. The next door occupant began to open the package, and discovered a green leafy substance, which he had not ordered and for which he was not the intended recipient. The occupant then contacted the St. Tammany Parish Sheriff's Office (hereinafter, "STPSO") and reported the delivery.

While waiting for detectives, two individuals, later identified as **BUELLE** and M-P-, arrived at the occupant's residence, and inquired whether he received the package, and the occupant denied knowledge of the package and sent them away. STPSO detectives arrived shortly afterward and obtained the package from the occupant. STPSO discovered what was suspected as being marijuana inside the package. STPSO officers later encountered M-P-, and had M-P- contact **BUELLE** to tell him the package was at the vacant house. **BUELLE** arrived at the vacant residence on Oriole Street shortly after M-P- contacted him, and **BUELLE** retrieved the package, which STPSO officers placed behind the residence. STPSO detectives watched **BUELLE** return to his vehicle with the package, and drive away from the vacant residence.

STPSO detectives followed **BUELLE**, and conducted a traffic stop a short time later. STPSO detectives recovered the package from **BUELLE**'s vehicle. Evidence including **BUELLE**'s post-*Miranda* statement to STPSO detectives, witness testimony, and text messages would be introduced to show that **BUELLE** attempted to possess with intent to distribute

marijuana.

A forensic scientist would testify that the package retrieved from **BUELLE** contained a substance that tested positive for marijuana, which weighed 495 grams. Marijuana is classified as a drug under Schedule I of the Controlled Substances Act.

ROBERT WEIR
Special Assistant United States Attorney

Date

CHRISTOPHER BUELLE
Defendant

Date

FRANK DESALVO
Attorney for Defendant

Date