

STATE OF OHIO, *ex rel.*
MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

Plaintiff/Relator,

v.

**BOB'S CHEAP SMOKES
A SOLE PROPRIETORSHIP,
ROBERT GRIMMET, OWNER
c/o Robert Grimmet, Owner
51710 National Road
St. Clairsville, Ohio 43950**

and

ROBERT GRIMMET,
Individually and as Owner of
Bob's Cheap Smokes
413 Bennett Street
Bridgeport, Ohio 43912

and

**MARCIA R. AND
GORDON L. ROSENTHALL, III**
Trustees
146 No. Bellefield, Apt. 802
Pittsburg, Pennsylvania 15213

and

**THE REAL PROPERTY at
51710 National Road
Parcel ID 32.01868.000
51710 National Road
St. Clairsville, Ohio 43950
(in rem)**

CASE NO.

JUDGE

COMPLAINT, REQUEST FOR
DECLARATORY JUDGMENT,
PRELIMINARY INJUNCTION AND
OTHER INJUNCTIVE RELIEF, AND
CIVIL PENALTIES

and

JOHN DOE EMPLOYEE
51710 National Road
St. Clairsville, Ohio 43950

Defendants/Respondents.¹

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:

JURISDICTION AND VENUE

1. Plaintiff/Relator, Ohio Attorney General Michael DeWine, having reasonable cause to believe that violations of Ohio's Consumer Protection and Public Nuisance laws have occurred, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in him by the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and its Substantive Rules, Ohio Administrative Code, 109:4-3-01 et seq., and by Chapter 3767 of the Ohio Revised Code.
2. Plaintiff/Relator Michael DeWine is charged at law and in equity with preventing, prosecuting, and abating any public nuisance in the State of Ohio. This action is brought in DeWine's official capacity.
3. The actions of Defendants/Respondents, hereinafter described, have occurred in Belmont County and the State of Ohio, and as set forth below are in violation of the CSPA and its Substantive Rules, as well as the statutory and common law prohibitions against public nuisances.
4. This court has subject matter jurisdiction over this action pursuant to R.C. 1345.04, R.C. 3767.03, and R.C. 4729.53.

¹ The action brought pursuant to the Ohio Consumer Sales Practices Act, R.C. 1345.01 et seq., only applies to Defendants/Respondents Bob's Cheap Smokes and Robert Grimmet, Individually and as Owner of Bob's Cheap Smokes. The action brought pursuant to Ohio's Public Nuisance laws pertains to all named Defendants/Respondents in this matter.

5. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(3), in that some of Defendants' actions complained of herein, and out of which this action arose, occurred in Belmont County, Ohio.

DEFENDANTS/RESPONDENTS

6. Defendant/Respondent Bob's Cheap Smokes is an Ohio sole proprietorship, Robert Grimmet, proprietor, with its principal place of business located at 51710 National Road, St. Clairsville, Ohio 43950.
7. Defendant/Respondent Robert Grimmet ("Grimmet") is a resident of the State of Ohio and Belmont County and is the owner of Bob's Cheap Smokes.
8. Defendant/Respondent Grimmet is being sued in his individual capacity, as well as his official capacity as owner of Bob's Cheap Smokes.
9. On information and belief, Grimmet, at all times relevant hereto, operated, dominated, controlled, and directed the activities of Bob's Cheap Smokes, causing, personally participating in, and/or ratifying the acts and practices of Bob's Cheap Smokes, as described in this Complaint. Accordingly, Grimmet is liable for those acts in which he personally participated as well as the acts of Bob's Cheap Smokes, its employees and other agents because Grimmet controlled and/or directed these acts.
10. Defendant/Respondent John Doe Employee is believed to be a resident of the State of Ohio and is an employee of Bob's Cheap Smokes.
11. The real property located at 51710 National Road, St. Clairsville, Ohio 43950 is owned by Marcia R. and Gordon L. Rosenthal III, serving as trustees.
12. Bob's Cheap Smokes and Grimmet are "suppliers," as defined in R.C. 1345.01(C), as Bob's Cheap Smokes and Grimmet are, and have been, at all times relevant herein,

engaged in the business of affecting consumer transactions by soliciting, offering, and selling “potpourri” products to individuals in Belmont County in the State of Ohio for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

13. For purposes of this Complaint, the term “Defendants/Respondents,” unless otherwise specified, shall refer to all Defendants/Respondents; and when used in conjunction with allegations of unlawful conduct, shall mean that each Defendant/Respondent committed such act and/or is legally accountable for such act.

STATEMENT OF FACTS

14. Bob’s Cheap Smokes and Grimmet are, and have been at all relevant times, engaged in the business of soliciting, offering, and selling, *inter alia*, synthetic narcotics/illegal drugs to consumers which were represented as “Potpourri.”
15. Bob’s Cheap Smokes and Grimmet sell synthetic narcotics/illegal drugs in packets that fail to disclose the full list of ingredients contained in the products and further omit the illegal ingredients contained in the products.
16. Beginning in March 2013, the Ohio Bureau of Criminal Identification and Investigation (“BCI&I”) and the Belmont County Sheriff’s Office conducted undercover investigations into Bob’s Cheap Smokes and Grimmet’s sale of synthetic narcotics/illegal drugs as legal products.
17. On March 13, 2013, Special Agent Matt Steinbrook (“S/A Steinbrook”), operating in an undercover capacity at the direction of BCI&I and the Belmont County Sheriff’s Office, went to Bob’s Cheap Smokes, located at 51710 National Road, St. Clairsville, Ohio

- 43950, for the purpose of purchasing synthetic narcotics/illegal drugs. (Affidavit of S/A Steinbrook, Exhibit 1 at ¶3)
18. Upon arriving at Bob's Cheap Smokes, S/A Steinbrook proceeded to the front door of the store where he found two males in their mid-20's outside the store smoking. (Id. at ¶4)
 19. As S/A Steinbrook entered the store, one of the males, John Doe Employee, later identified by the Belmont County Sheriff's Office as the nephew of Defendant/Respondent Grimmet, followed him inside. (Id.)
 20. S/A Steinbrook approached the front counter and began looking over the inventory of synthetic drugs that were kept behind the counter. While doing so, John Doe Employee indicated that there was a list posted on the counter. (Id. at ¶5)
 21. S/A Steinbrook observed a hand written list of brands, prices, and weights of synthetic drugs that the store sold. (Id.)
 22. John Doe Employee then pointed out that the "Mad Hatter" was on sale for two 4-gram packages for \$40. (Id.)
 23. S/A Steinbrook looked over the list and advised John Doe Employee that he would take one 4-gram pack of "Mr. Happy" and one 3-gram pack of "Beast." (Id.)
 24. In response, John Doe Employee then removed one package that was hidden behind the counter and took one package from the boxes that were in plain view. However, S/A Steinbrook could not tell which brand he removed from where. (Id.)
 25. John Doe Employee then totaled the sale on the cash register and quoted a price for \$47.50 for both packs. (Id.)
 26. S/A Steinbrook purchased a 4-gram packet and a 3-gram packet of "potpourri," suspected to be synthetic narcotics, from John Doe Employee for a total of \$47.50. (Id.)

27. The 4-gram packet of “potpourri” was labeled as “Mr. Happy” and contained the following label on the reverse side of the packet: “THIS PRODUCT DOES NOT CONTAIN ANY PROHIBITED INGREDIENTS.” (Photograph of “Mr. Happy” packet, Exhibit 2)
28. The “Mr. Happy” packet also contained the following warnings: “MUST BE 18 YEARS OF AGE TO PURCHASE” and “NOT FOR HUMAN CONSUMPTION.” (Id.)
29. Although the “Mr. Happy” packet claimed it did not contain any prohibited ingredients, when tested, the vegetation inside the packet of “Mr. Happy” potpourri did contain [1-(5-fluoropentyl)indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone (“XLR11”). (March 15, 2013 BCI&I Laboratory Report No. 13-11948 and March 15, 2013 Affidavit of BCI&I Forensic Scientist Stanton Wheasler, Exhibit 3)²
30. XLR11 is a Schedule 1 Controlled Substance. (See R.C. 3719.41(C)(41))
31. “Potpourri” is defined as “a mixture of flowers, herbs, and spices that is usually kept in a jar and used for scent.” (<http://www.merriam-webster.com/dictionary/potpourri>)
32. Unlike typical potpourri, which is composed of naturally fragrant plant materials, the vegetation represented as potpourri and sold by Bob’s Cheap Smokes and Grimmet is coated with illegal and dangerous synthetic compounds that, when consumed, mimic the psychoactive and physiological effects of Tetrahydrocannabinol (“THC”), the active ingredient in cannabis. (www.dea.gov)

² When tested, the vegetation inside the “Beast” packet did not contain any substances currently scheduled as controlled substances under R.C. 3719.41.

33. Bob's Cheap Smokes and Grimmet sold products labeled as "potpourri" which contained illegal Schedule 1 Controlled Substances and for which the ordinary and customary use for such products is to be smoked and consumed as a drug by humans.
34. Bob's Cheap Smokes and Grimmet offered for sale and sold synthetic narcotics/illegal drugs as legal products.

PLAINTIFF/RELATOR'S FIRST CAUSE OF ACTION:

VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

COUNT I

UNFAIR AND DECEPTIVE ACTS AND PRACTICES

35. Paragraphs 1-34 of this Complaint are incorporated herein by reference.
36. Defendants/Respondents Bob's Cheap Smokes and Grimmet have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by offering for sale and selling synthetic narcotics/illegal drugs as legal products.
37. Defendants/Respondents Bob's Cheap Smokes and Grimmet have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to clearly and conspicuously disclose that their products contained Schedule 1 Controlled Substances, thus making the products illegal.
38. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants/Respondents Bob's Cheap Smokes and Grimmet have committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT II

UNCONSCIONABLE ACTS OR PRACTICES

39. Paragraphs 1-34 of this Complaint are incorporated herein by reference.
40. Defendants/Respondents Bob's Cheap Smokes and Grimmet have committed unconscionable acts or practices in violation of the CSPA, R.C. 1345.03(A), by offering for sale and selling synthetic narcotics/illegal drugs as legal products.
41. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants/Respondents Bob's Cheap Smokes and Grimmet have committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT III

EXCLUSIONS AND LIMITATIONS IN ADVERTISEMENTS

42. Paragraphs 1-34 of this Complaint are incorporated herein by reference.
43. Defendants/Respondents Bob's Cheap Smokes and Grimmet have committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), and the Exclusions and Limitations in Advertising Rule, Ohio Admin. Code 109:4-3-02(A)(1), by failing to clearly and conspicuously disclose, certain material exclusions related to their "potpourri" products. Specifically, while Defendants/Respondents Bob's Cheap Smokes and Grimmet's "potpourri" products contained statements that they did not contain any prohibited ingredients or that they only contained certain ingredients, Defendants/Respondents Bob's Cheap Smokes and Grimmet failed to disclose that the products contained Schedule 1 Controlled Substances, thus making the products illegal.

PLAINTIFF/RELATOR'S SECOND CAUSE OF ACTION:

PUBLIC NUISANCE

COUNT I: PUBLIC NUISANCE (R.C. 3719.10)

- 44. Paragraphs 1-34 of this Complaint are incorporated herein by reference.
- 45. Defendants/Respondents have committed, participated in the commission of, and/or aided and abetted in the commission of felony violations of R.C. 2925.03, Trafficking in Drugs, at Bob's Cheap Smokes.
- 46. Defendants/Respondents have had reasonable cause to believe that a public nuisance existed or exists at Bob's Cheap Smokes and have failed to abate the nuisance.
- 47. The property at 51710 National Road, St. Clairsville, Ohio 43950 is a public nuisance as defined by R.C. 3719.10 and is subject to abatement.
- 48. Defendants/Respondents are guilty of maintaining a public nuisance.

COUNT II: PUBLIC NUISANCE (R.C. 4729.35)

- 49. Paragraphs 1-34 of this Complaint are incorporated herein by reference.
- 50. The chemical XLR11 is a controlled substance as defined in R.C. 3719.41 and is therefore a "drug of abuse" as defined in R.C. 3719.11(A).
- 51. Defendants/Respondents have committed, participated in the commission of, and/or abetted the commission of violations of R.C. 2925.03, a law of the State of Ohio controlling the distribution of a drug of abuse.
- 52. The property at 51710 National Road, St. Clairsville, Ohio 43950 is a public nuisance subject to abatement as defined in R.C. 4729.35.

COUNT III: COMMON LAW NUISANCE

53. Paragraphs 1-34 of this Complaint are incorporated herein by reference.
54. Defendants/Respondents have committed, participated in, or acquiesced to the commission and participation in trafficking in drugs in violation of R.C. 2925.03.
55. Violations of R.C. 2925.03 at 51710 National Road, St. Clairsville, Ohio 43950 create unreasonable interference with the public right to health, safety, peace, and comfort, thereby creating a public nuisance.
56. The public nuisance that exists at 51710 National Road, St. Clairsville, Ohio 43950 creates a potential risk of harm that has resulted in injury to others.
57. Defendants/Respondents have created, maintained, fostered, or acquiesced to the public nuisance that exists at 51710 National Road, St. Clairsville, Ohio 43950, and are therefore liable for the nuisance.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Relator respectfully prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff/Relator's Complaint as noted in the Statement of Facts and Plaintiff/Relator's First Cause of Action violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, in the manner set forth in this Complaint.
- B. ISSUE PERMANENT INJUNCTIVE RELIEF, pursuant to R.C. 1345.07, enjoining Defendants/Respondents Bob's Cheap Smokes and Robert Grimmet, under their own names or any other names, and all persons acting on behalf of Defendants/Respondents Bob's Cheap Smokes and Robert Grimmet, directly or indirectly, through any corporate or private device, partnership or associations, jointly and severally, from engaging in the

acts or practices of which Plaintiff/Relator complains and from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules.

- C. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants/Respondents Bob's Cheap Smokes and Robert Grimmet from acting as suppliers and soliciting or engaging in any consumer transactions in the State of Ohio as suppliers until the final ordered resolution of this matter is satisfied in its entirety.
- D. ASSESS, FINE, AND IMPOSE upon Defendants/Respondents Bob's Cheap Smokes and Robert Grimmet a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- E. ISSUE A DECLARATORY JUDGMENT, in accordance with R.C. 3767.02, declaring that all Defendants/Respondents be declared guilty of maintaining a nuisance.
- F. ISSUE A DECLARATORY JUDGMENT declaring that the property located at 51710 National Road, St. Clairsville, Ohio 43950 (Parcel ID No. 32.01868.000) is a public nuisance as defined in R.C. 2923.42, R.C. 3719.10, and R.C. 4729.35, and that Defendants/Respondents be found guilty of maintaining that nuisance.
- G. ISSUE PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF, in accordance with Chapter 3767, enjoining Defendants/Respondents, and any heirs, assigns, successors in interest or title, from conducting, maintaining, using, occupying, or in any way permitting the use of the premises at 51710 National Road, St. Clairsville, Ohio 43950, as a public nuisance.
- H. ISSUE PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF enjoining Defendants/Respondents, along with any owners, members, or partners of the business, from occupying, using, or being at 51710 National Road, St. Clairsville, Ohio 43950.

- I. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants/Respondents Robert Grimmet and John Doe Employee from operating, owning, having an ownership interest in, or being employed at a retail grocery or convenience store or smoke shop.
- J. ORDER that the property located at 51710 National Road, St. Clairsville, Ohio 43950 be padlocked and closed against all use for a period of one year from final judgment.
- K. ORDER that upon final judgment, that the Belmont County Sheriff's Office and/or BCI&I be ordered to sell the furniture, fixtures, moveable property, and any other item located on the property and used in maintaining the nuisance in the manner provided for the sale of chattels under execution.
- L. Order that Defendants/Respondents be taxed Three Hundred Dollars (\$300.00) in accordance with R.C. 3767.09, plus the costs of this action.
- M. ORDER Defendants/Respondents to reimburse the Ohio Attorney General for all costs incurred in bringing this action.
- N. ORDER Defendants/Respondents to pay all court costs associated with this action.
- O. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General



MELISSA G. WRIGHT (0077843)
Senior Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3428
(614) 466-8169; (866) 528-7423 (facsimile)
melissa.wright@ohioattorneygeneral.gov
Counsel for Plaintiff/Relator
Ohio Attorney General



YAZAN ASHRAWI (0089565)
Assistant Attorney General
CHARISSA D. PAYER (0064452)
Senior Assistant Attorney General
KYLE C. WILCOX (0063219)
Senior Assistant Attorney General
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215
(614) 387-5666; (614) 381-1756 (facsimile)
yazan.ashrawi@ohioattorneygeneral.gov
charissa.payer@ohioattorneygeneral.gov
kyle.wilcox@ohioattorneygeneral.gov
Counsel for Plaintiff/Relator
Ohio Attorney General

STATE OF OHIO)
)
COUNTY OF Franklin) SS: AFFIDAVIT OF
) SPECIAL AGENT MATT STEINBROOK

AFFIDAVIT

I, Special Agent Matt Steinbrook, being first duly sworn according to law, depose and say that I am of full legal age, have personal knowledge of all the facts herein, and am competent to testify to the matter set forth. Further, I state that:

1. I am a Special Agent with the Ohio Bureau of Criminal Identification and Investigation (BCI&I). In this position I am involved in a variety of investigations, some of which involve operating in an undercover capacity to gather information.
2. The Belmont County Sheriff's Office received information that Bob's Cheap Smokes, located at 51710 National Road, St. Clairsville, Ohio 43950, was selling synthetic narcotics.
3. On March 13, 2013, operating in an undercover capacity and under the direction of BCI&I and the Belmont County Sheriff's Office, I went to Bob's Cheap Smokes for the purpose of purchasing synthetic narcotics.
4. Upon arriving at Bob's Cheap Smokes, I proceeded to the front door of the store where I found two males in their mid-20's outside the store smoking. As I entered the store, one of the males followed me inside. The male was later described to me by the Belmont County Sheriff's Office as the nephew of the store's owner.
5. I approached the front counter and began looking over the inventory of synthetic drugs that were kept behind the counter. While doing so, the male indicated that there was a list posted on the counter. I observed a hand written list of brands, prices and weights of synthetic drugs that the store sold. The male then pointed out that the "Mad Hatter" was on sale for two 4-gram packages for \$40. I looked over the list and advised the male that I would take one 4-gram pack of "Mr. Happy" and one 3-gram pack of "Beast." The male then removed one package that was hidden behind the counter and took one package from the boxes that were in plain view. However, I could not tell which brand he removed from where. The male then totaled the sale on the cash register and quoted a price for \$47.50 for both packs. I provided the male with \$60.00 in BCI&I confidential funds and the male provided me with \$12.50 in change.
6. On March 13, 2013, the two (2) packets described in paragraphs #3-5 were submitted to the BCI&I Laboratory with instructions to test for the presence of a controlled substance.

FURTHER AFFIANT SAYETH NAUGHT.

SA Matt Steinbrook #70
SPECIAL AGENT MATT STEINBROOK

Sworn to and subscribed in my presence this 19th day of MARCH, 2013
in the City of GLADE CITY, County of FRANKLIN, State of Ohio.

Alicia W. Pryor
NOTARY PUBLIC
My Commission Expires 5.4.2015

MR. HAPPY



POTPOURRI

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ORIGINAL

MR. HAPPY



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13-11948 1km 2.1

POTPOURRI



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MUST BE 18 YEARS OF AGE TO PURCHASE

NOT FOR HUMAN CONSUMPTION

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www.buy-herbal-incense.com



MIKE DeWINE

★ OHIO ATTORNEY GENERAL ★

Bureau of Criminal Investigation

Laboratory Report

To: Belmont County Drug Task Force
Kyle Benedict
147A West Main Street
St. Clairsville, OH 43950

BCI Laboratory Number: 13-11948
Date: March 15, 2013

Agency Case Number: 13-0034-TF
BCI Agent: Amy Allen

Offense: Drug Trafficking
Subject(s): Bob's Cheap Smokes
Victim(s): State of Ohio

Submitted on March 13, 2013 by S/A Amy Allen:

2. Plastic bag containing packets of unknown substance.

Findings

- 2.1. One (1) packet marked "Mr. Happy" containing vegetation - 2.9 grams - found to contain [1-(5-fluoropentyl)indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR11).
- 2.2. One (1) packet marked "Beast" containing vegetation - 2.9 grams - No controlled substance found.

Stanton Wheasler
Forensic Scientist
740-845-2623
Stanton.Wheasler@ohioattorneygeneral.gov



Please address inquiries to the office indicated, using the BCI case number.

[] BCI -Bowling Green Office
1616 E. Wooster St.-18
Bowling Green, OH 43402
Phone:(419)353-5603

[X] BCI -London Office
1560 St Rt 56 SW P.O. Box 365
London, OH 43140
Phone:(740)845-2000

[] BCI -Richfield Office
4055 Highlander Pkwy. Suite A
Richfield, OH 44286
Phone:(330)659-4600

STATE'S
EXHIBIT

3

Page 1 of 2

Analytical findings offered above were determined using accepted forensic drug chemistry methods. Hypergeometric sampling may be specified in the findings above. The application of hypergeometric sampling establishes a ninety-five percent (95) confidence level that at least ninety percent (90) of the units in the sample are as reported.

Based on scientific analyses performed, this report contains opinions and interpretations by the analyst whose signature appears above. Examination documentation and any demonstrative data supporting laboratory conclusions are maintained by BCI and will be made available for review upon request.

A F F I D A V I T

STATE OF OHIO)
)
COUNTY OF MADISON) SS:
)
)

I, Stanton W. Wheasler, being duly sworn state as follows:

I am an Ohio Bureau of Criminal Identification and Investigation (BCI&I)

Laboratory employee and performing laboratory analysis is part of my regular duties.

My education, training and experience for performing analyses of material are outlined as follows:

EDUCATION

1. Bachelor of Science Degree in Chemistry from The Ohio State University, Columbus, Ohio, awarded June 2007. Coursework in General Chemistry, Organic Chemistry, Analytical Chemistry, Physical Chemistry, Inorganic Chemistry, Forensic Science, Biochemistry, Biology, Physics, and Calculus.

TRAINING

1. Specialized training in the identification of controlled substances from the Ohio Bureau of Criminal Identification and Investigation's Forensic Chemistry Laboratory in London, Ohio.
2. The Drug Enforcement Administration's Forensic Chemist Seminar, offered at the DEA Special Testing and Research Laboratory in Dulles, Virginia
3. Marijuana Identification Course offered by the Ohio Peace Officers Training Academy in London, Ohio.
4. Introduction to Forensic Drug Chemistry Course through West Virginia University Extended Learning.


EXPERIENCE

1. Employed with the Ohio Bureau of Criminal Identification and Investigation since February 1, 2010. Duties include identifying controlled substances.

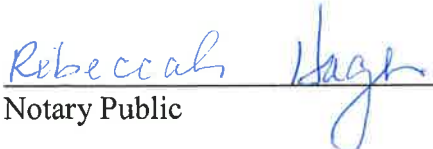
2. Employed by Boehringer Ingelheim Roxane Incorporated from June 2007 until January 2010. Duties were to identify and determine the purity of raw drug substances prior to their manufacture into human pharmaceutical products.

I further attest that in case number 13-11948, scientifically accepted tests were performed with due caution and evidence was handled in accordance with established and accepted procedures while in the custody of BCI&I's laboratory.

FURTHER AFFIANT SAYETH NAUGHT.


Stanton W. Wheasler

Sworn and acknowledged before me on March 15, 2013 in London, Madison County, Ohio.


Notary Public

REBECCA HAGER
Notary Public, State of Ohio
My Commission Expires 5/3/2014

OHIO REVISED CODE 2925.51 (C) & (D)

THE ATTACHED LAB REPORT IS *PRIMA FACIE* EVIDENCE OF THE CONTENT, IDENTITY, WEIGHT OR NUMBER OF UNIT DOSES OF THE SUBJECT-SUBSTANCE AND IS ADMISSIBLE WITHOUT FURTHER TESTIMONIAL EVIDENCE.

THE ACCUSED HAS THE RIGHT TO DEMAND THE REPORT SIGNER'S TESTIMONY AND CAN DEMAND THE REPORT SIGNER'S TESTIMONY BY SERVING A DEMAND FOR THE REPORT SIGNER'S TESTIMONY UPON THE PROSECUTING ATTORNEY WITHIN 7 DAYS FROM THE DATE THE ACCUSED OR THE ACCUSED'S ATTORNEY RECEIVES THE ATTACHED LAB REPORT.