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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 TERRY RAY FORD and
14 DAWN MARIE PETERS,

15 Defendants.
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17
18
19

CASE NO. 17 CR 00074 LJO SKO

VIOLATIONS: (1) 21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute and to Possess with Intent to Distribute Dibutylone HCl and Alpha-PHP; (2) 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Dibutylone HCl; (3) 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Alpha-PHP; (4) 21 U.S.C. § 843(b) - Use of a Communication Facility to Facilitate a Drug Trafficking Offense; (5) 18 U.S.C. § 1956(h) – International Money Laundering Conspiracy (6) 18 U.S.C. § 1956(a)(2)(A) – International Money Laundering; (7) 18 U.S.C. § 1956(a)(2)(A) – International Money Laundering; 18 U.S.C. § 982(a)(1) and 21 U.S.C. § 853(a) – Criminal Forfeiture

20 INDICTMENT

21 INTRODUCTORY ALLEGATIONS

22 This indictment involves two substances, Dibutylone HCl and Alpha-PHP. At all times material
23 to this indictment:

24 **1. Dibutylone HCl**

25 As of March 07, 2014, dibutylone HCl (1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)butan-1-
26 one) is controlled in schedule I as a positional isomer of pentylone (1-(1,3-benzodioxol-5-yl)-2-
27 (methylamino)pentan-1- one) (79 FR 12938). Dibutylone HCl is defined as a schedule I controlled
28 substance in Title 21 Code of Federal Regulations, Section 1308.11(h) (21 CFR § 1308.11(h)),

1 although it is not specifically named in the CSA or its implementing regulations. This section controls
2 pentylone, its optical, positional, and geometric isomers, salts, and salts of isomers as schedule I
3 controlled substances under the CSA. Therefore, dibutylone HCl is controlled as a positional isomer of
4 pentylone, based on its chemical structure.

5 **2. Controlled Substance Analogue**

6 Pursuant to 21 U.S.C. § 802(32)(A), a controlled substance analogue means a substance —

- 7 (i) the chemical structure of which is substantially similar to the chemical structure of a
8 controlled substance in Schedule I or II;
- 9 (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system
10 that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic
11 effect on the central nervous system of a controlled substance in Schedule I or II; or
- 12 (iii) with respect to a particular person, which such person represents or intends to have a
13 stimulant, depressant, or hallucinogenic effect on the central nervous system that is
14 substantially similar to or greater than the stimulant, depressant or hallucinogenic effect
15 on the central nervous system of a controlled substance in Schedule I or II.

16 **3. Treatment of Controlled Substance Analogue as Controlled Substance**

17 Pursuant to 21 U.S.C. § 813, a controlled substance analogue shall, to the extent intended for
18 human consumption, be treated, for the purposes of any Federal law as a controlled substance in
19 Schedule I.

20
21 COUNT ONE: [21 U.S.C. §§ 846, 841(a)(1) – Conspiracy to Distribute and to Possess with Intent to
Distribute Dibutylone HCl and Alpha - PHP]

22
23 The Grand Jury charges: T H A T

24 TERRY RAY FORD AND
DAWN MARIE PETERS,

25 defendants herein, between on or about March 7, 2014, and continuing through on or about December
26 17, 2015, in the County of Fresno, State and Eastern District of California, and elsewhere, did
27 knowingly and intentionally conspire and agree with each other and with persons known and unknown
28 to the Grand Jury to distribute and to possess with intent to distribute a mixture and substance containing

1 a detectable amount of dibutylone HCI, a positional isomer of pentylone, a Schedule I controlled
2 substance; in violation of Title 21, United States Code, Sections 841(b)(1)(C) and 802(14), and 21 C.F.R.
3 Section 1308.11(h)(16).

4 It is further alleged that another object of the conspiracy was to distribute and to possess with intent to
5 distribute a mixture and substance containing a detectable amount of alpha-PHP, a controlled substance
6 analogue of Alpha-PVP, a Schedule I Controlled Substance, knowing that the substance was intended
7 for human consumption, as provided in Title 21, United States Code, Section 813.

8 The Introductory Allegations are further alleged herein and incorporated by reference.
9 All in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

10
11 COUNT TWO: [21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Dibutylone HCI]

12 The Grand Jury further charges: T H A T

13
14 TERRY RAY FORD AND
DAWN MARIE PETERS,

15 defendants herein, on or about December 17, 2015, in the County of Fresno, State and Eastern District
16 of California, and elsewhere, did knowingly and intentionally possess with intent to distribute a mixture
17 and substance containing a detectable amount of dibutylone HCI, a positional isomer of pentylone, a
18 Schedule I controlled substance; in violation of Title 21, United States Code, Sections 841(b)(1)(C) and
19 802(14), and 21 C.F.R. Section 1308.11(h)(16).

20 The Introductory Allegations are further alleged herein and incorporated by reference.
21 All in violation of Title 21, United States Code, Section 841(a)(1).

22
23 COUNT THREE: [21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Alpha-PHP]

24 The Grand Jury further charges: T H A T

25
26 TERRY RAY FORD AND
DAWN MARIE PETERS

27 defendants herein, on or about December 17, 2015, in the County of Fresno, State and Eastern District
28 of California, and elsewhere, did knowingly and intentionally possess with intent to distribute a mixture

1 and substance containing a detectable amount of alpha-PHP, which is classified as a controlled
2 substance analogue of Alpha-PVP, a Schedule I Controlled Substance, knowing that the substances were
3 intended for human consumption, as provided in Title 21, United States Code, Section 813.

4 The Introductory Allegations are further alleged herein and incorporated by reference.
5 All in violation of Title 21, United States Code, Section 841(a)(1).

6
7
8 COUNT FOUR: [21 U.S.C. § 843(b) - Use of a Communication Facility to Facilitate a Drug Trafficking
Offense]

9
10 The Grand Jury further charges: T H A T

11 TERRY RAY FORD AND
DAWN MARIE PETERS,

12 defendants herein, from on or about March 7, 2014, through December 17, 2015, in the State and
13 Eastern District of California, and elsewhere, did knowingly and intentionally use a communication
14 facility in committing, causing, and facilitating the commission of the felony conspiracy charged in
15 Count One, in violation of Title 21, United States Code, Section 843(b).

16 The Introductory Allegations are further alleged herein and incorporated by reference.

17
18 COUNT FIVE: [18 U.S.C. § 1956(h) – International Money Laundering Conspiracy]

19
20 The Grand Jury further charges: T H A T

21 TERRY RAY FORD AND
DAWN MARIE PETERS

22 defendants herein, from on or about March 7, 2014, through December 17, 2015, in the State and
23 Eastern District of California, did knowingly combine, conspire, and agree with each other and with
24 other persons known and unknown to the Grand Jury to commit offenses against the United States;
25 namely, violations of Title 18, United States Code, Section 1956(a)(2)(A), as
26 further described herein:

27 Manner and Means of the Conspiracy:

- 28
- It was part of the conspiracy for its members, acting interdependently, to transfer funds

1 from the United States into China to facilitate the purchase of: (1) dibutylone HCl, a
2 positional isomer of pentylone, a Schedule I controlled substance; and (2) alpha-PHP,
3 which is classified as a controlled substance analogue, knowing that the substances were
4 intended for human consumption, as provided in Title 21, United States Code, Section
5 813, and analogue of a Schedule I drug;

- 6 • It was further part of the conspiracy that on or about September 23, 2015, FORD and
7 PETERS wire-transferred and caused the wire transfer of \$3,435.00 U.S. dollars from the
8 Bank of America account ending ***7385 in Fresno, California, to a Bank of China
9 account number ending in ***2123 in China, with the intent to promote a specified
10 unlawful activity, namely the distribution of controlled substances or analogues of
11 controlled substances, knowing that the substances were intended for human
12 consumption, as provided in Title 21, United States Code, Section 813.
- 13 • It was further part of the conspiracy that on or about November 23, 2015, FORD and
14 PETERS wire-transferred and caused the wire transfer of \$1,550.00 U.S. dollars from the
15 Bank of America account ending ***7385 in Fresno, California, to a Bank of
16 Communications account number ending in ***2510 in China, with the intent to promote
17 a specified unlawful activity, namely the distribution of controlled substances or
18 analogues of controlled substances, knowing that the substances were intended for human
19 consumption, as provided in Title 21, United States Code, Section 813.
- 20 • It was further part of the conspiracy for the defendants to distribute and to possess with
21 intent to distribute dibutylone HCl, alpha-PHP, and other controlled substances and
22 analogues, all of which is in violation of Title 21, United States Code, Sections 841(a)(1),
23 (b)(1)(A)(vii) and 846 (said violations which are collectively referred to herein as the
24 “Specified Unlawful Activity”);

25 The Introductory Allegations are further alleged herein and incorporated by reference.

26 All in violation of Title 18, United States Code, Section 1956(h).

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1 COUNT SIX: [18 U.S.C. § 1956(a)(2)(A) – International Money Laundering]

2
3 The Grand Jury further charges: T H A T

4 TERRY RAY FORD AND
5 DAWN MARIE PETERS

6 defendants herein, on or about September 23, 2015, in the County of Fresno, State and Eastern District
7 of California, did transport, transmit, and transfer, and attempt to transport, transmit, and transfer
8 monetary instruments and funds from a place within the United States to or through a place outside the
9 United States, namely they wire-transferred and caused the wire transfer of \$3,435.00 U.S. dollars from
10 the Bank of America account ending ***7385 in Fresno, California, to a Bank of China account number
11 ending in ***2123 in China, with the intent to promote a specified unlawful activity, namely the
12 distribution of controlled substances and controlled substance analogues, knowing that the substances
13 were intended for human consumption, as provided in Title 21, United States Code, Section 813, and
14 conspiracy to commit the same, in violation of Title 21, United States Code, Sections 841(A)(1) and
15 846, respectively.

16 The Introductory Allegations are further alleged herein and incorporated by reference.

17
18 All in violation of Title 18, United States Code, Section 1956(a)(2)(A).

19
20 COUNT SEVEN: [18 U.S.C. § 1956(a)(2)(A) – International Money Laundering]

21
22 The Grand Jury further charges: T H A T

23 TERRY RAY FORD AND
24 DAWN MARIE PETERS

25 defendant(s) herein, on or about November 13, 2015, in the County of Fresno, State and Eastern District
26 of California, did transport, transmit, and transfer, and attempt to transport, transmit, and transfer
27 monetary instruments and funds from a place within the United States to or through a place outside the
28 United States, namely they wire-transferred and caused the wire transfer of \$1,550.00 U.S. dollars from

1 the Bank of America account ending ***7385 in Fresno, California, to Bank of Communications
2 account ending in ***2510 in China, with the intent to promote a specified unlawful activity, namely the
3 distribution of controlled substances and controlled substance analogues, knowing that the substances
4 were intended for human consumption, as provided in Title 21, United States Code, Section 813, and
5 conspiracy to commit the same, in violation of Title 21, United States Code, Sections 841(A)(1) and
6 846, respectively.

7 The Introductory Allegations are further alleged herein and incorporated by reference.

8 All in violation of Title 18, United States Code, Section 1956(a)(2)(A).

9
10 FORFEITURE ALLEGATION: [18 U.S.C. § 982(a)(1) and 21 U.S.C. § 853(a) – Criminal Forfeiture]

11 Upon conviction of one or more of the offenses alleged in Counts One through Four, defendants
12 TERRY FORD and DAWN PETERS shall forfeit to the United States pursuant to Title 21, United
13 States Code, Section 853(a), the following property:

14 a. All right, title, and interest in any and all property involved in violations of Title
15 21, United States Code, Section 841(a)(1), or conspiracy to commit such offenses, for which defendants
16 are convicted, and all property traceable to such property, including the following: all real or personal
17 property, which constitutes or is derived from proceeds obtained, directly or indirectly, as a result of
18 such offenses; and all property used, or intended to be used, in any manner or part to commit or to
19 facilitate the commission of the offense).

20 b. A sum of money equal to the total amount of proceeds obtained as a result of the
21 offenses, or conspiracy to commit such offenses, for which defendants are convicted.

22 Upon conviction of one or more of the offenses alleged in Counts Five through Seven of this
23 Indictment, defendants TERRY FORD and DAWN MARIE PETERS shall forfeit to the United States,
24 pursuant to 18 U.S.C. § 982(a)(1), all property, real or personal, involved in such offenses, and any
25 property traceable to such property, including but not limited to the following:

26 a. A sum of money equal to the amount of money involved in the offenses, for
27 which defendants are convicted.

28 If any property subject to forfeiture, as a result of the offenses alleged in Counts One through

1 Eight of this Indictment, for which defendants are convicted:

- 2 a. cannot be located upon the exercise of due diligence;
- 3 b. has been transferred or sold to, or deposited with, a third party;
- 4 c. has been placed beyond the jurisdiction of the Court;
- 5 d. has been substantially diminished in value; or
- 6 e. has been commingled with other property which cannot be divided without
- 7 difficulty;

8 it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), Title 21,
9 United States Code, Section 853(p), to seek forfeiture of any other property of defendants, up to the
10 value of the property subject to forfeiture.

11
12 A TRUE BILL.

13 **/s/ Signature on file w/AUSA**

14
15 FOREPERSON

16 PHILLIP A. TALBERT
17 U.S. ATTORNEY

18 
19 KIRK E. SHERRIFF
20 Assistant United States Attorney
21 Chief, Fresno Office