Houston gains key role in synthetic marijuana

DEA says Houston is both a big market for synthetic pot and a major source

By Dane Schiller
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Tommy Bryant's stepdaughter, Emily Bauer, lost much of her eyesight and the use of her arms after smoking synthetic marijuana caused a series of strokes. She is going through physical rehabilitation at the Institute for Rehabilitation and Research outpatient facility at Memorial Hermann Northwest Hospital.

More than 1 million packets of a dangerous, unpredictable new breed of drug were seized in the Houston area by the DEA in the past two years, yet criminal charges are rare for those who make, sell or use them.
The packets, sold as potpourri or incense, are among the more popular brands of so-called synthetic marijuana taking center stage in a new front in the war on drugs.

On a recent afternoon, glossy packets of strawberry-flavored "Kush" lay side by side in a lighted glass display case, just past the bongs and pipes, at a Houston-area shop. The mixture inside looks like dried, finely crushed green leaves. It is smoked like pot but packs a far different punch - and is fueling the never-ending search for ways to get high.

"This is a new frontier for drugs and drug traffickers," said Rusty Payne, a spokesman for the Drug Enforcement Administration. "I want to shout it from the roof tops: This is nasty stuff."

Despite pressure from law enforcement, users still don't have to go to underground dealers to score. Instead, they just visit smoke shops and convenience stores that sell the products.

Houston has a key role in the popularity of the drugs. It is not only a large marketplace for them, but they are covertly made here and shipped to other regions, according to court documents.

Doctors said the substances - technically classified as synthetic Cannabinoids - can be aggressive, unstable and damaging.

Hearts race. Blood pressure soars. Seizures can be unleashed.
Paranoia is known to grip some users, as well as agitation and suicidal tendencies that can last five or six hours and land them in emergency rooms.

"They come in, and they are wild and psychotic and sometimes have a distinct smell," said Dr. Spencer Greene, director of medical toxicology for Baylor College of Medicine. "They are going to be kind of wild and kind of crazy, and potentially very sick."

Part of the problem is that the potency of the drugs can vary so greatly, and that users can never be sure what they are smoking.

Emily Bauer, a 17-year-old former user who lives in Cypress, learned just how bad they can be on a Friday night in 2012.

She smoked a packet, as she had done many times before, and ended up suffering what her family has been told was a series of strokes.
"I am improving constantly, and my vision is getting better," she said, noting that she continues with high school thanks to people who read textbooks aloud to her and help her write.

Bauer and her parents have been sharing her story publicly in hopes that others will avoid the drugs. She said it just is not accurate to compare what she smoked to marijuana.

"It is more like smoking bleach," she said.

**Banned at trade shows**

They come in colorful packets with dozens of other brand names, including Scooby Snax and Hello Kitty. The packages look like packets of candy and cost from $6 to $20, depending on the size.

They carry warnings that the contents are not for human consumption and sometimes incorrectly note contents are legal.

Authorities contend the language is just an attempt to dodge state and federal laws.

In schemes reminiscent of the popular crime drama "Breaking Bad," rogue chemists repeatedly tweak compounds to create new generations of designer drugs faster than laws can catch them.

"Trained chemists know exactly what they are doing," said Jeff Walterscheid, a toxicologist with the Harris County Institute of Forensic Sciences.

He noted that tweaking one molecule can make a new drug.

Dozens of such deviations of synthetic Cannabinoids have been identified in the past few years, according to the DEA, and the list of what is out there is believed to be growing weekly.

To prepare the drugs for consumption, chemicals - usually white powdery mixtures - are often imported from China where they were prepared by chemists who keep an eye on U.S. laws, according to the DEA.

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After U.S.-based manufacturers get those chemicals, they are often dissolved in acetone and then sprayed over leafy material, dried and spritzed with flavors such as grape, strawberry or cherry. Then they are poured into packages that are delivered in bulk to stock the shelves of retailers.

A manufacturing operation in Stafford was shut down by police in September after five day laborers staggered to an ambulance company looking for help. They had been overcome by fumes.

The factory was in an industrial park and a few hundred yards from a day care center. All that was left behind on a recent visit to the site was a scattering of crushed leaves in a carpeted office and a small black and blue packet labeled Amsterdam Dreams Potpourri.

Manufacturers of these substances aren't considered nearly as violent as drug-cartel gangsters, but turf wars flare up.

Authorities point to a brutal dispute between two manufacturers. One stormed into the other's business on Harwin, doused him with gasoline, and threatened to set him ablaze if he didn't stop stealing a brand name.

The dispute faded. No one was arrested.

Jeff Hirschfeld, president of Champs, which holds national trade shows for thousands of smoke shop owners, said two years ago he decided to ban synthetic marijuana vendors from his events.

"There are so many states that don't allow it, we just did not think it was proper," he said.

"I am a grandfather of six, and I would not really recommend it for my grandkids," he said. "I have not tried it, but I know people who have. Some say good, some say bad, but I'm not comfortable with it."

Users vary from high school kids to working professionals. The drug also doesn't show up in urine tests for marijuana, which might appeal to people on parole or job applicants.
Not meant for humans

In the past two years in Houston, synthetic Cannabinoids were in the system of a person who hanged himself, another who was hit by an allegedly drunken driver while walking along a tollway, and another who was shot to death, according to the Harris County Institute of Forensic Sciences.

Users are playing roulette with their lives, said Walterscheid, the Harris County toxicologist.

"You cannot look at a container of Kush Apple and know what is in it," he said. "When buying a package that looks the same every day for a year, you could be getting something different every single time."

John Huffman, a South Carolina chemist who years ago led a team that developed synthetic Cannabinoids while researching under a federal grant, said some strains now being copied could easily be 50 times more potent than marijuana.

"They are all dangerous. Don't use them," said Huffman, who retired four years ago. "They were never designed for this."

The substances were tested on animals but were never to be used by humans.

Criminal charges rarely are filed as cases involving these emerging drugs bring on a host of new scientific, medical and legal complexities.

Clinical tests have not yet been conducted on humans on any of these drugs, so it can be tough to prove the extent of their harm. Experts could also clash over whether the ingredients of a given drug make it illegal, among other issues.

People who knowingly make or sell synthetic Cannabinoids for human consumption can face federal charges. Possession of some of those substances, regardless of weight, can in some cases be a misdemeanor in Texas.
"We have been taking an active role trying to classify more of these, make more of them fall in the penal code," said Marcy McCorvey, division chief of the major narcotics division of the Harris County District Attorney's Office.

She said that prosecutors are handcuffed by insufficient laws, but if they can make a case, they will take it to court.

"It is very frustrating. I know of police officers who are out there trying to combat the problem," McCorvey said. "I understand parents who want it off the shelves. I wish I could prosecute sellers and suppliers in a more harsh manner, but the state law does not allow for a harsher penalty as it is written."

**Few criminal charges**

Despite the DEA seizing more than 1 million packets of the drugs, as well as the pending forfeitures of more than $8 million, federal prosecutors in Houston have yet to charge anyone, according to officials.

The U.S. Attorney for the Southern District of Texas, who is based in Houston, declined to comment.

In June, federal authorities in San Antonio announced Operation Synergy. At least 17 people were arrested in San Antonio, Houston and elsewhere for alleged roles in a synthetic Cannabinoids ring.

In another case, Houston resident Issa Baba was charged federally in Pennsylvania with using the Web to sell synthetic pot and other designer drugs. More than $5 million was seized from his bank accounts. Baba has signed a guilty plea.

Another Houston-area man has not been charged with a crime, but more than $2 million was taken from him in May on the grounds that it was proceeds from making synthetic Cannabinoids. Bundles of $100 bills wrapped in rubber bands were stashed at his ex-wife's home in La Marque.
Lawyer Chip Lewis, who represents Baba and the other man, said the cases against his clients come at a tricky time, as the Department of Justice has decided not to challenge laws that permit the medical and recreational use of marijuana.

"It is a slippery slope we are on here," Lewis said. "Yes, we will prosecute you for this. No, we are not going to prosecute you for something else on the books."

Javier Pena, chief of the DEA's Houston Division, said getting this breed of drugs off the streets has become a moral mission as much as a legal one.

"We are trying to say to store owners: You know who you are. You need to stop selling this poison."

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