

IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

LAFAYETTE COUNTY
FILED

VS.

CAUSE NO.: LK22-065

AMER ALOWDI

JAN 24 2024
JEFF BUSBY
CLERK

DEFENDANT

DEFENDANT'S MOTION TO DISMISS CHARGE

COMES NOW, Defendant, Amer Alowdi, by and through his attorney, and files this Motion to Dismiss Charge filed against him pending in this cause and in support thereof would show unto the court the following to-wit:

I. STATEMENT OF THE FACTS

1. Prior to the events described herein, Amer Alowdi (hereinafter "Mr. Alowdi") owned and operated a Texaco gas station and convenience store located at 1448 S Lamar Blvd in Oxford, Mississippi. Like many other local convenience store owners, Mr. Alowdi sold a variety of e-cigarette and vape products.
2. In or around March of 2020, Mr. Alowdi became suspected of selling vape cartridges containing 4-fluoro MDMB-BUTINACA, which is a controlled substance pursuant to Miss. Code Ann. § 41-29-113(d)(58). *See*, Incident Report, attached as Exhibit "A."
3. This suspicion was based upon "at least 2 controlled purchases of 4-fluoro MDMB-BUTINACA at the store within the past couple of weeks" prior to this incident. *See*, Exhibit "A."
4. Upon information and belief, no laboratory testing was performed on these samples to confirm the presence of 4-fluoro MDMB-BUTINACA nor was Mr. Alowdi charged in connection with these purposes.

5. On March 20, 2020, two agents from the Lafayette County Metro Narcotics Unit followed Mr. Alowdi from his store to a warehouse in Tupelo, Mississippi where Mr. Alowdi picked up several boxes containing unknown items. *See*, Exhibit "A."
6. The two agents proceeded to follow Mr. Alowdi from Tupelo back to the city limits of Oxford where they initiated a traffic stop under the pretense that Mr. Alowdi was operating his vehicle in excess of the speed limit. *See*, Exhibit "A."
7. Mr. Alowdi consented to a search of his vehicle, while revealed several boxes containing Daze brand vape cartridges, which he intended to sell at his store. Because these vape cartridges "seemed to have the same materials as the 12 Monkey cartridges agents had been buying," the agents seized all products as evidence to be tested by the Mississippi Forensics Laboratory. *See*, Exhibit "A."
8. In effort to cooperate with law enforcement and to ensure that his other products did not contain illegal substances, on March 3, 2020, Mr. Alowdi willingly submitted more products to the Lafayette County Metro Narcotics Unit for testing. *See*, Exhibit "A."
9. Four vape cartridges were subsequently submitted to the Mississippi Forensics Laboratory. On March 31, 2021, the lab conducted an examination of one of the vape cartridge submissions and made the following findings:
 - a. "Submission 001 contained 230 containers containing a liquid. Two (2) containers were analyzed and confirmed to contain 5-fluoro CUMYL PINACA. An accurate volume could not be determined due to the condition of the sample."
 - b. "Submission 001 contained 5-fluoro CUMYL-PINACA which is a Schedule I controlled substance under Mississippi Code §41-29-113(d)(55)(L)."Mississippi Forensics Laboratory Report, attached as Exhibit "B."
10. The lab did not complete an examination of the other three submissions. *See*, Exhibit "B."

11. Of note, the statute cited in the lab report, Miss. Code Ann. § 41-29-113(d)(55)(L), does not reference “5-fluoro CUMYL-PINACA,” but rather an unrelated substance, “carboxamide-1H-indazoles.”
12. On February 9, 2022, Mr. Alowdi was indicted in connection with these vape cartridges. The indictment charged, in relevant part, that Mr. Alowdi “did unlawfully, willfully feloniously, knowingly, and intentionally, without authority of law, traffic a certain controlled substance to wit: Four Hundred Twenty (420) dosage units of 5-fluoro CUMYL-PINACA which is a Schedule I controlled substance as provided for in Section 4 1-29-113 of the Mississippi Code of 1972, Annotated, as amended.” *See*, Indictment, attached as Exhibit “C.”

II. LEGAL ARGUMENT

13. The indictment in question charged that Mr. Alowdi trafficked “5-fluoro CUMYL-PINACA.” (Doc. 1).
14. “5-fluoro CUMYL-PINACA” is not listed as a Schedule I controlled substance in Miss. Code Ann. § 41-29-113 nor does it appear on any other drug schedule provided in Mississippi law.
15. The state and federal constitutions guarantee criminal defendants the constitutional right to notice of criminal charges. *Gales v. State*, 131 So. 3d 1238, 1240 (Miss. Ct. App. 2013) (citing *Thomas v. State*, 126 So. 3d 877, [879] (Miss. 2013)); U.S. Const. amend. VI; Miss. Const. art. 3, § 26.
16. “Every material fact and essential ingredient of the offense every essential element of the offense must be alleged with precision and certainty, or, as has been stated, every fact which is an element in a prima facie case of guilt must be stated in the indictment.” *Brewer*

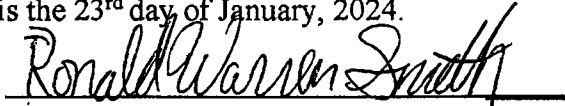
- v. State*, 351 So. 2d 535, 536 (Miss. 1977) “An indictment which fails to allege all essential elements of a crime runs afoul of our constitutions and is void.” *Thomas*, 126 So. 3d at 879.
17. Multiple Mississippi cases have established that an indictment which fails to allege a substance listed in the statutory schedules is defective and void as it fails to charge a crime.
18. In *Brewer v. State*, 351 So. 2d 535 (Miss. 1977), the Mississippi Supreme Court held that an indictment for possession must explicitly name a scheduled substance. In this case, the indictment charged the defendant with delivering “a certain controlled substance, to-wit: preludin.” *Id.* at 536. The State adduced evidence at trial showing that “preludin” (a substance not found in the statutory schedules) contained phenmetrazine, a substance listed as a Schedule II controlled substance. *Id.* The trial court allowed the State to amend the indictment “to set forth the fact that preludin contained phenmetrazine.” *Id.* The Mississippi Supreme Court held, “It is clear that in order for the indictment to allege a violation of law that the state had to show by extrinsic evidence that preludin was a substance which contained phenmetrazine. Therefore, an essential ingredient of the indictment was omitted and the indictment was invalid.” *Id.* “Under these circumstances the indictment could not be amended.” *Id.*
19. Similarly, in *Copeland v. State*, 423 So. 2d 1333 (Miss. 1982), the indictment charged the defendant with selling, “a quantity of methylenedioxy amphetamine, a controlled substance.” 423 So. 2d 1333, 1336 (Miss. 1982). On appeal, Copeland argued that the indictment did not charge a crime and was void since “methylenedioxy amphetamine,” as distinguished from “3,4 methylenedioxy amphetamine,” is not listed on the drug schedules. *Id.* Citing *United States v. Huff*, 512 F.2d 66 (5th Cir.1975), the Mississippi Supreme Court held, “[t]he addition of the numbers “3, 4” would have indeed saved this count, *but we*

cannot regard this defect as a mere technicality, for the chemical and legal definition of these substances is itself technical and requires precision.” Id. (emphasis in original).

20. Finally, the Mississippi Court of Appeals considered this issue in the context of pseudonyms in a recent opinion, *Payne v. State*, 282 So. 3d 432 (Miss. Ct. App. 2019). The indictment charged the defendant with “knowingly, willfully, unlawfully and feloniously possess[ing] 0.1 grams or more but less than 2.0 grams of ETHYLONE, a SCHEDULE I Controlled Substance.” *Id.* at 437. “Ethylone” is not listed in the Schedule 1, although other similar substances are listed. The court held that, “following *Brewer* and *Copeland*, it is insufficient for an indictment merely to allege an unlisted pseudonym for a controlled substance actually listed on the schedule then leave it to the jury to connect the dots.” *Id.* “Because *possession of a controlled substance* is an essential element of the crime, and because the indictment failed to allege that [defendant] possessed an enumerated Schedule I controlled substance,” the court reversed and dismissed the count. *Id.* at 438. (emphasis in original).
21. As in *Brewer*, *Copeland*, and *Payne*, Mr. Alowdi’s indictment alleges that he trafficked “5-fluoro CUMYL-PINACA,” a substance that is not listed as a statutory controlled substance.
22. As a result, the indictment simply fails to charge a crime. It is not illegal to be in possession of “5-fluoro CUMYL-PINACA.” Furthermore, this issue is a substantive defect that can “cannot be cured by extrinsic proof” and cannot be amended. *Brewer*, 351 So. 2d at 536. The failure to charge a crime “is a plain, constitutional error which requires dismissal of the indictment and reversal of the conviction.” *Copeland*, 423 So. 2d at 1337. As a result, the only viable option is to dismiss this charge.

WHEREFORE, PREMISES CONSIDERED, Defendant moves and requests that this Court dismiss the charge against him.

RESPECTFULLY SUBMITTED, this the 23rd day of January, 2024.

A handwritten signature in black ink, reading "Ronald Warren Smith", is written over a horizontal line.

Ronald Warren Smith, MS Bar No. 104624

Smith Murphy and Dobbs, LLC

2704 West Oxford Loop, Suite 116

Oxford, MS 38655

Phone: 662-832-7879

Fax: 662-510-0360

Email: warren@smithmurphylaw.com

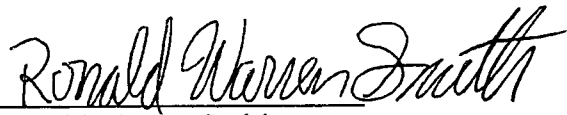
Attorney for the Defendant

CERTIFICATE OF SERVICE

I, Ronald Warren Smith, attorney for Defendant herein, certify that I have this day mailed, postage prepaid, a true and correct copy of the foregoing document, *Motion to Dismiss Charge* to:

Steven Patrick Jubera
Assistant District Attorney
Third Circuit Court District
1301 Monroe Ave.
Oxford, MS 38655
Email: spjubera@yahoo.com

THIS, the 23rd day of January, 2024.


Ronald Warren Smith

Lafayette County
Metro Narcotics Unit
INCIDENT
711 Jackson Ave, Oxford, MS, 38655
PHONE: 662-236-3900 FAX: 662-236-3984

LOCATION OF OCCURRENCE / ADDRESS

DATE / TIME REPORTED
03/20/2020 19:00

CASE NO.
2020-03097

CODE SECTION
41-29-139

CRIME
Possession with Intent SCH 1

CLASSIFICATION
NARCOTICS

LOSS 0 RECOVERY 0

FROM DATE/TIME

TO DATE/TIME

APPROVED
NO

CASE STATUS
Open

RELATED AGENCY

RELATED AGENCY NUMBER

ITEMS IN REPORT

☒ SUPPLEMENT

☒ PICTURE/IMAGES

☐ FOLLOW UP

☒ PROPERTY/EVIDENCE

CATEGORIES

☐ ALCOHOL RELATED

☐ WEAPON INVOLVED

☐ DOMESTIC VIOLENCE

☐ CHIEF

☐ OTHER

☒ TRAFFIC RELATED

☐ GROUP INVOLVED

☐ ARREST OCCURED

☐ SENIOR CITIZEN

☐ INVESTIGATIONS

☒ DRUGS INVOLVED

INV-001	NAME:	SUFFIX	RACE	ETHNICITY	SEX	AGE	DOB	HT	WT	HAIR	EYE
OTC	ALOWDI, AMER ABDOAHMED		W	U	M	33	03/20/87				
SSN	ORDER NO.		STUDENT ID		TYPE						
					Resident of City						
Home	STREET NUMBER	STREET NAME	CITY		STATE		ZIP				
	190				MS						

NARRATIVE

Case Agent:

Caleb East

Assisting Agent:

Aric Stratton

Alex Fauver

Rod Waller

Defendant:

Amer Alowdi

DOB:

AGE: 33

A/M

SSN:

PHONE:

Charge:

Trafficking of a Schedule I

Synopsis:

On March 20, 2020, probable cause was obtained by Lafayette County Metro Narcotics that lead to a traffic stop

REPORTING OFFICER
EAST, LLOYD

REVIEWED BY

APPROVAL D

EXHIBIT
A

PRINT DATE AND TIME
04/22/2020 13:15

PRINTED BY
EAST, LLOYD

Lafayette County
Metro Narcotics Unit
INCIDENT
711 Jackson Ave, Oxford, MS, 38655
PHONE: 662-236-3900 FAX: 662-236-3964

LOCATION OF OCCURRENCE / ADDRESS

DATE / TIME REPORTED
03/20/2020 19:00

CASE NO.
2020-03097

on Amer ALOWDI in Oxford, Lafayette County, MS. This stop was made by OPD Officers Brandon Jenkins and Colby Terrell. Officers seized boxes of vape products of which some is believed to contain 4-fluoro MDMB-BUTINACA which is a scheduled I controlled substance. ALOWDI was not arrested pending the testing of the seized items.

Details:

- 1.) On March 20, 2020, Agents Caleb East and Rod Waller from the Lafayette County Metro Narcotics unit were continuing an investigation into the illegal sales of alleged Spice from the Texaco on South Lamar. Agents had made at least 2 controlled purchases of 4-fluoro MDMB-BUTINACA from the store within the past couple of weeks. Agents East and Waller set up surveillance on the store and began watching around 1430 hours, knowing the manager usually showed up around this time.
- 2.) At approximately 1445 hours, the manager, who agents had identified as Amer Alowdi pulled into the parking lot in his maroon 2017 Chrysler mini van. Agents watched as Alowdi went inside and met with his employees and then witnessed him get back into his vehicle and head North on Lamar Boulevard. Alowdi stopped on University and Agents picked him back up getting back onto Lamar headed South. Agents witnessed Alowdi stop back at the store walk inside and speak to his employee once again. Agents witnessed him return to his vehicle, drive out of the parking lot, head south on Lamar, and get onto Hwy 6 East headed toward Pontotoc. Agents followed Alowdi onto Hwy 6 East pass Pontotoc and continue to Tupelo. Alowdi traveled almost the whole way to Tupelo in the left hand lane.
- 3.) Agents continued to follow Alowdi until he ran into Hwy 45 where he turned North. Agents followed Alowdi until he turned East onto Eason Boulevard and continued for several miles. Agents then witnessed Alowdi turn right on E Main Street/ Hwy 178 and travel a little ways until he turned left into a Warehouse parking lot. The address was 2826 Hwy 178, Tupelo, MS. Agent East took up a surveillance position at the adjacent convenience store and witnessed a Silver Honda Van with a Tippah County tag pull into the parking lot and speak with Alowdi. After several minutes a third vehicle drove into the parking lot, which was a Yellow Penske like cargo box truck. Agent East was unable to get the tag on either of the new vehicles as they had pulled in and back up to the warehouse. Agents East and Waller then witnessed 3 men, one of them being Alowdi enter the warehouse and then come back out. Once they were back outside, Agent East witnessed them open the back of the yellow truck and begin unloading boxes. The three men loaded boxes into both mini vans, the silver Honda, and the maroon Chrysler. Once Alowdi seemed to have all he wanted, he was the first one to leave the parking lot. Agents decided to follow him back as they believed him to have picked up more 4-fluoro MDMB-BUTINACA.
- 4.) Alowdi went back the same route he had come to get to Hwy 6 headed west. Agents had spoken with Oxford Police Department K9 Officers Brandon Jenkins and Colby Terrell to seek their assistance with a traffic stop. As agents approached Hwy 15 in Pontotoc County they witnessed Alowdi take the exit but were unable to follow him. Agents lost sight of Alowdi but know him to have ties with stores in Pontotoc County as well. Agent East went to an area where he could pick him up when he headed West on Hwy 6 once again. Agent East sat there for only a few minutes and then witnessed the maroon van pass his location headed toward Oxford. Agent East advised Agent Waller and by this time, Agents Alex Fauver and Aric Stratton were also out assisting with surveillance.

REPORTING OFFICER
EAST, LLOYD

REVIEWED BY

APPROVAL DATE
4-24-2020

SIGNATURES

PRINT DATE AND TIME
04/22/2020 13:15

PRINTED BY
EAST, LLOYD

PAGE NO.
2 of 4

**Lafayette County
Metro Narcotics Unit
INCIDENT**
711 Jackson Ave, Oxford, MS, 38655
PHONE: 662-236-3900 FAX: 662-236-3964

LOCATION OF OCCURRENCE / ADDRESS

DATE / TIME REPORTED
03/20/2020 19:00

CASE NO.
2020-03097

5.) Agent East stayed with Alowdi all the way into Lafayette County and noticed he was still traveling in the left hand lane. Once Alowdi made it close to the city Limits Agent East advised Officers Terrell and Jenkins. Alowdi passed into the city limits and Officer Terrell witnessed he was speeding on his radar. Officer Terrell then initiated a traffic stop. Officer Terrell and Jenkins received verbal consent to search the vehicle and found several boxes of large amounts of vaping products. Officer Terrell then asked for Agent East to come to the scene.

6.) Agents East and Stratton arrived on scene and Agent East found that Officers had found Daze products which seemed to have the same materials as the 12 Monkey cartridges agents had been buying. Agents had sent 12 Monkey cartridges to the crime lab and it had come back as a schedule 1 narcotic containing 4-fluoro MDMB-BUTINACA. Agent East advised Alowdi of his Miranda Warning and he advised he had just gone to a Warehouse in Tupelo and picked this stuff up. Alowdi's English is often hard to understand but I ascertained he had gone into the warehouse and bought these products. Alowdi did not mention getting these products out of a cargo truck. Alowdi kept mentioning he would take these products to drug court and get them tested. After speaking with Agent Waller, Agents East and Stratton took all products in the van as evidence to be tested by the State Crime Lab. Agent East took them and secured them in the truck and transported to the Metro Narcotics office. Alowdi was released after Officer Terrell issued him his traffic tickets. Agent East advised Alowdi he may be facing more charges once the crime lab results came back. Agents then logged and secured all evidence in the Metro Evidence vault.

7.) On March 23, 2020, Alowdi brought more products which he advised he sold in his store to get tested. Agents logged the new evidence and secured it in the evidence vault.

Evidence:

Ex.1) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.

Ex.1A) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.

Ex.2) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.

Ex.2A) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.

Ex.2B) One Heat Sealed plastic bag initialed CE 3.20.30 containing packages of e cigarette cartridges believed to be Spice.

Ex.2C) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.

REPORTING OFFICER
EAST, LLOYD

REVIEWED BY

RGW

APPROVAL DATE

4-24-2020

SIGNATURE

[Signature]

PRINT DATE AND TIME

04/22/2020 13:15

PRINTED BY

EAST, LLOYD

PAGE NO.

3 of 4

Lafayette County
Metro Narcotics Unit
INCIDENT
711 Jackson Ave, Oxford, MS, 38655
PHONE: 662-236-3900 FAX: 662-236-3964

LOCATION OF OCCURRENCE / ADDRESS

DATE / TIME REPORTED
03/20/2020 19:00

CASE NO.
2020-03097

Ex.2D) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.

Ex.3) One Heat Sealed plastic bag initialed CE 3.20.20 containing boxes of viagra.

Ex.4) One Heat Sealed plastic bag initialed CE 3.20.20 containing spice.

Ex.5) One Heat Sealed plastic bag initialed CE 3.20.20 containing spice.

REPORTING OFFICER
EAST, LLOYD

REVIEWED BY
RGW

APPROVAL DATE
4-24-2020

SIGNATURE



PRINT DATE AND TIME
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EAST, LLOYD

PAGE NO.
4 of 4



FT-0070

MISSISSIPPI FORENSICS LABORATORY



Lab Case #: 20-004192-0001

DRUG ANALYSIS (BATESVILLE) Report

March 31, 2021

North Mississippi Laboratory

P.O. Box 1385
BATESVILLE, MS 38606
662-563-6435
FAX: 662-563-6491

Page 1 of 2

Agent Caleb East
LAFAYETTE COUNTY METRO
711 Jackson Avenue
Oxford, MS 38655
662-236-3900
REFERENCE- Agency Case # 2020-03097

SUSPECT: Amer Alowdi

REQUEST FOR ANALYSIS

On 3/30/2020 it was requested that the DRUG ANALYSIS (BATESVILLE) section perform the following analysis: Examination for Controlled Substances (B). This examination was started on 3/19/2021. This examination was completed on 3/31/2021.

Examine for the presence of a controlled substance(s).

EVIDENCE

On 3/30/2020 at 10:51 AM, Forensic Scientist Jacqueline Johnson received the following evidence from the LAFAYETTE COUNTY METRO via Rod Waller:

Submission 001	One heat sealed plastic bag containing plastic containers each containing a vape cartridge containing a substance. (LCMN #1)
Submission 002	One heat sealed plastic bag containing plastic containers each containing a vape cartridge containing a substance. (LCMN #1A)
Submission 003	One heat sealed plastic bag containing boxes each containing a vape cartridge containing a substance. (LCMN #2)
Submission 004	One heat sealed plastic bag containing boxes each containing a vape cartridge containing a substance; a glass jar containing a green leafy substance; a plastic bottle containing a liquid substance; a glass bottle containing a liquid substance; plastic tubes; a ziploc pouch labeled "CBD Liquid Gold 18k 1ml"; and, ziploc pouches each containing edibles. (LCMN #4)

EXAMINATIONS PERFORMED

Test(s) performed on submission 001
Gas Chromatography
Gas Chromatography/Mass Spectrometry

RESULTS AND CONCLUSIONS

Evidence Submission #001
5-fluoro CUMYL-PINACA

**EXHIBIT
B**

Submission 001 contained 230 containers containing a liquid. Two (2) containers were analyzed and confirmed to contain 5-fluoro CUMYL PINACA. An accurate volume could not be determined due to the condition of the sample.

Submission 001 contained 5-fluoro CUMYL-PINACA which is a Schedule I controlled substance under Mississippi Code §41-29-113(d)(55)(L).

Evidence Submission #002

No Examinations Conducted

Evidence Submission #003

No Examinations Conducted

Evidence Submission #004

No Examinations Conducted

DISPOSITION OF EVIDENCE

All remaining items of evidence listed on this report will be returned to the submitting agency upon completion of all analyses.

Case Analyst:

Charlotte Cothorn

Charlotte Cothorn
Forensic Scientist

Technical Reviewer:

Shelby Bintz

Shelby Bintz
Forensic Scientist

CC:

iResults DA - 03rd Judicial District

SB

This report represents the analytical results of the examinations performed on the items of evidence in this case. It should be noted that this report does not represent all documentary items contained in the master file. Should additional material be required for court purposes, please contact the laboratory as soon as possible.

10-15-2020 11:00 AM RECEIVED

Mississippi Forensic Laboratory
EVIDENCE SUBMISSION FORM

North Mississippi Laboratory
P. O. Box 1385
Batesville, MS 38606-1385

Crime Lab Case # 20-004192

Page 1 of 2

Agency Case # LAFAYETTE COUNTY METRO

2020-03097

Submitting Officer Rod Waller
Submitting Agency LAFAYETTE COUNTY METRO
711 Jackson Avenue
Oxford, MS 38655

Phone # 662-236-3900

Individuals: Amer Alowdi (S)

Offense(s): CONTROLLED SUBSTANCE

County: Lafayette

Evidence Submitted

001 One heat sealed plastic bag containing plastic containers each containing a vape cartridge containing a substance. (LCMN #1)

Service: DRUG ANALYSIS (BATESVILLE) - Examination for Controlled Substances (B)

Notes: Examine for the presence of a controlled substance(s).

Requested by: Caleb East (LAFAYETTE COUNTY METRO)

002 One heat sealed plastic bag containing plastic containers each containing a vape cartridge containing a substance. (LCMN #1A)

Service: DRUG ANALYSIS (BATESVILLE) - Examination for Controlled Substances (B)

Notes: Examine for the presence of a controlled substance(s).

Requested by: Caleb East (LAFAYETTE COUNTY METRO)

003 One heat sealed plastic bag containing boxes each containing a vape cartridge containing a substance. (LCMN #2)

Service: DRUG ANALYSIS (BATESVILLE) - Examination for Controlled Substances (B)

Notes: Examine for the presence of a controlled substance(s).

Requested by: Caleb East (LAFAYETTE COUNTY METRO)

004 One heat sealed plastic bag containing boxes each containing a vape cartridge containing a substance; a glass jar containing a green leafy substance; a plastic bottle containing a liquid substance; a glass bottle containing a liquid substance; plastic tubes; a ziploc pouch labeled "CBD Liquid Gold 18k 1ml"; and, ziploc pouches each containing edibles. (LCMN #4)

Delivered By: *RGW*

Received By: *JSK*

Mississippi Forensic Laboratory
EVIDENCE SUBMISSION FORM

North Mississippi Laboratory
P. O. Box 1385
Batesville, MS 38606-1385

Crime Lab Case # 20-004192

Page 2 of 2

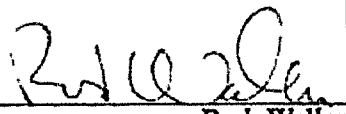
Evidence Submitted (cont)

Service: DRUG ANALYSIS (BATESVILLE) - Examination for Controlled Substances (B)

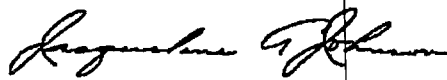
Notes: Examine for the presence of a controlled substance(s).

Requested by: Caleb East (LAFAYETTE COUNTY METRO)

Delivered By


Rod Waller

Received by


Jacqueline Ann Johnson

Date **Time**
3/30/2020 10:51:20AM

Reviewed By:

Date:

**MISSISSIPPI CRIME LABORATORY
EVIDENCE SUBMISSION FORM**

AGENCY: Lafayette County Metro Narcotics	SUSPECT(S) NAME, AGE, SEX, RACE
AGENCY CASE NO. 2020-03097	Amer Alowdi, 34, A/M
OFFENSE: Trafficking Schedule I (Spice)	
COUNTY: Lafayette	
CITY: Oxford	
REQUESTING OFFICER:	ADDITIONAL REPORTS TO BE MAILED TO:
NAME: Caleb East	NAME:
ADDRESS: 711 Jackson Ave.	ADDRESS:
CITY, STATE: Oxford, MS. 39655	CITY, STATE:
PHONE: (662) 236-3900	PHONE:
DELIVERED BY:	TITLE: _____ DATE: _____ TIME: _____
RECEIVED BY:	TITLE: _____ DATE: _____ TIME: _____

EXHIBIT NO: (USE NUMBERS ONLY)

DESCRIPTION: (DESCRIBE CONTAINER, CONTAINER MARKINGS)

- 1.) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.
- 1A.) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.
- 2.) One Heat Sealed plastic bag initialed CE 3.20.20 containing packages of e cigarette cartridges believed to be Spice.
- 4.) One Heat Sealed plastic bag initialed CE 3.23.20 containing multiple packages believed to contain Spice.

INDICTMENT: TRAFFICKING CONTROLLED SUBSTANCE - Schedule I Drug
(40 dosage units or More)

Miss. Code Ann. §41-29-139(A)(1)(F)(1)

(nl 10 yrs; nm 40 yrs & nl \$5,000.00; nm \$1,000,000.00 fine)

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

CAUSE NO: U22-065

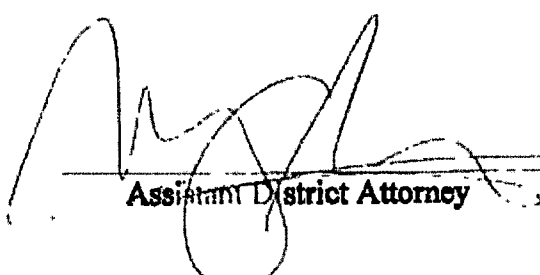
In the Circuit Court in and for said County and State aforesaid prior to the January 2022 Term.

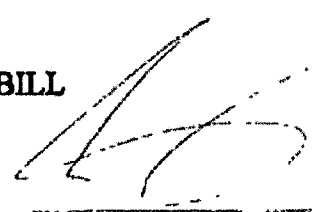
THE GRAND JURORS of the State of Mississippi, taken from the body of good and lawful citizens of said County and State aforesaid, duly elected, empaneled, sworn and charged to inquire in and for said County and State aforesaid prior to the January 2022 Term of Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

AMER ALOWDI

late of the County and State aforesaid, on or about the 20TH day of March 2020, and within the jurisdiction of this Court, did unlawfully, willfully, feloniously, knowingly and intentionally, without authority of law, traffic a certain controlled substance, to-wit: Four Hundred Twenty (420) dosage units of 5-fluoro CUMYL-PINACA which is a Schedule I controlled substance as provided for by Section 41-29-113 of the Mississippi Code of 1972, Annotated, as amended, in violation of the provisions of Section 41-29-139(A)(1)(F)(1) of the Mississippi Code of 1972, Annotated, as amended, said amount of 5-fluoro CUMYL-PINACA being Forty (40) Dosage Units or more, which offense is punishable by imprisonment not less than Ten (10) Years nor exceeding Forty (40) Years and by a fine not less than Five Thousand Dollars (\$5,000.00) nor more than One Million Dollars (\$1,000,000.00) or both, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Mississippi.

A TRUE BILL


Assistant District Attorney


Foreman of the Grand Jury

WITNESSES:


Caleb East

Filed: 2-9, 2022

Recorded: _____, 2022

Clerk: Jeff Bueley

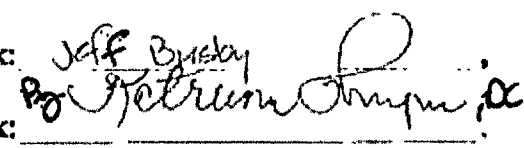
Clerk: 

EXHIBIT
C