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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

May 1986 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

- DAVID JENKINS, (1)
- aka Ed Wilson,
- JUAN JAVIER MACKLIS, (2)
- aka John Fontana,
- DANIEL DUCHAINE, (3)
- WILLIAM P. DILLON, (4)
- aka Benjamin Gilmore,
- JAMES M. INSKO, JR., (5)
- ROBERT WANTZ, JR., (6)
- DAVID GRIGUS, (7)
- LEONARD T. SWIRDA, (8)
- TOIVOL MANSEN, (9)
- MICHAEL MacDONALD, (10)
- MICHAEL MARZELLA, (11)
- aka Kevin Anderson,
- LON ZEIGLER, (12)
- aka Jon Nelson,
- JEFFREY GOLINI, (13)
- NORMAN BERGLUND, (14)
- JOHN SLECONICH, (15)
- MARK DEPEW, (16)
- JOHN DEWEY, (17)
- STEVEN HENNEBERRY, (18)
- PATRICK JACOBS, (19)

Criminal Case No. 87-0491-GT

I N D I C T M E N T
(Superseding)

Title 18, U.S.C., Sec. 371 - Conspiracy to Defraud the United States; Title 18, U.S.C., Sec. 894 - Conspiracy to Collect Credit by Extortionate Means; Title 18, U.S.C., Sec. 894 - Collection of Credit by Extortionate Means; Title 21, U.S.C., Sec. 331(a), 333(b), 352(b), and 352(f) - Introducing Misbranded Steroids in Interstate Commerce; Title 21, U.S.C., Secs. 321(g)(2), 331(i)(3), and 333(b) - Holding for Sale Counterfeit Steroids in Interstate Commerce; Title 21, U.S.C., Secs. 331(a), 333(b), and 353(b)(1) - Introducing Steroids in Interstate Commerce Without a Prescription; Title 18, U.S.C., Sec. 545 - Illegal Importation of Anabolic Steroids and Other Prescription Drugs; Title 18, U.S.C., Sec. 545 - Receiving Anabolic Steroids and Other Prescription Drugs Subject to Seizure; Title 18, U.S.C., Sec. 2 - Aiding and Abetting

[continued]

PLBH:mk:bl:San Diego
05/20/87

1 JEFFREY HARRISON, (20))
 THOMAS BINNS, (21))
 2 GERALD JONES, (22))
 STEVEN MARX, (23))
 3 STEVE HEIN, (24))
 DENNIS J. MOTTE, (25))
 4 GARRY DE PAEPE, (26))
 VITO ELEFANTE, (27))
 5 GIL R. THOMPSON, (28))
 RAFAEL LEPE-DUENAS, (29))
 6 SAMUEL MARTINEZ-MORENO, (30))
 JOSE ZAPATA, (31))
 7 MARCO MACKLIS, (32))
 CULBERTO LOPEZ, (33))
 8 FITO ALVAREZ, (34))
 UNITED PHARMACEUTICALS, (35))
 9 LABORATORIOS MILANO)
 DE MEXICO, (36))
 10)
 Defendants.)
 11)

12 The grand jury charges:

13 Count 1

14 INTRODUCTORY ALLEGATIONS

15 1. The United States Food and Drug Administration (hereinafter referred to as
 16 ("FDA") is the federal agency charged with the responsibility of protecting the health
 17 and safety of the American public by ensuring that prescription drugs are safe and
 18 effective before they may be manufactured and dispensed to the people of this country.

19 2. The FDA is charged with the responsibility of protecting the American public
 20 from the use of prescription drugs: which are unsafe because of their toxicity and other
 21 potential for harmful effect when not administered by a licensed physician; which have
 22 not been proven safe and effective for their intended use; and that may be rendered
 23 unsafe through inadequate manufacturing and storage conditions.

24 3. Accordingly, the Congress of the United States has passed laws which allow
 25 the FDA to ensure that prescription drugs, including anabolic steroids and androgenic
 26 hormones, are properly manufactured to ensure their content, sterility and potency.
 27 Further, these drugs must be marked with identifying codes to allow for the tracing of
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1 each drug and labeled to ensure their proper use and dispensation by a physician licensed
2 by law to administer such drugs.

3 4. Anabolic steroids and androgenic hormones (hereinafter referred to generi-
4 cally as "steroids") are chemical derivatives of testosterone, the "male sex hormone."
5 Developed in the 1930's, their primary medical use is to help the body build tissue and
6 prevent the breakdown of tissue that occurs in debilitating disease. This use resulted in
7 steroids gaining wide recognition following World War II when medical doctors prescribed
8 them to rebuild the body weight of people who survived German concentration camps.

9 5. In the early 1960's an array of different anabolic steroids were introduced
10 into this country for a wide variety of ill-defined and general uses. However, when the
11 FDA began scrutinizing the efficacy of these drugs, they began to be withdrawn from the
12 marketplace because there was insufficient evidence of their effectiveness for these
13 varied and vague uses.

14 6. Today, there are only a few approved anabolic steroids on the market. For
15 example, nandrolone phenpropionate is available for the treatment of certain types of
16 breast cancer; nandrolone decanoate for anemia caused by renal failure; and oxymeth-
17 olone for aplastic anemia. The FDA has limited steroids to these types of serious
18 illnesses due to the documented adverse side-effects, which include: cancer of the liver,
19 jaundice, testicular atrophy, increased risk of coronary heart disease, stroke, sterility,
20 birth defects, prostate cancer, increased masculinity in women and aggressive behavior
21 in men.

22 7. While the FDA has been narrowing the approved types of anabolic steroids
23 that may be legally marketed, an estimated 100 million dollar black market has arisen in
24 its place. This black market arose because the use of anabolic steroids to enhance
25 athletic performance and appearance has reached epidemic proportions among this
26 nation's amateur and professional athletes. This epidemic, in turn, has resulted in black
27 marketeers finding it increasingly difficult to obtain legally manufactured steroids. In
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1 the face of this increasing demand, the individuals illegally supplying these drugs have
2 had to create new sources to satisfy their customers.

3 8. The FDA and the United States Customs Service (hereinafter referred to as
4 "Customs") have recently become aware that "counterfeit" anabolic steroids produced in
5 Mexico are flooding the black market in response to the growing demand. These steroids
6 are counterfeit in that they falsely represent, without authorization, to be the product of
7 legitimate drug manufacturers. Because they are counterfeit drugs smuggled into the
8 United States, they are not able to be regulated by any Government agency and are not
9 manufactured according to FDA rules and regulations. As such, they pose a serious
10 potential health risk to the American public.

11 9. During the last 18 months, the following types of counterfeit drugs produced
12 in Mexico have been found in the United States: (1) anabolic steroids that when properly
13 manufactured are approved by the FDA for use by persons with a valid prescription, to
14 wit: nandrolone decanoate injection (trade name Deca-durabolin), Oxandrolone (trade
15 name Anavar), Oxymetholone (trade name Anadrol), and stanozolol (trade names Stromba
16 and Winstrol); (2) those anabolic steroids from foreign manufacturers that are not
17 approved by the FDA for any use, to wit: acetate de metenolone (trade name
18 Primobolan), acetate de trenbolone (trade name Finaject), trenbolone (trade name
19 Parabolan), methandrostenolone (trade name Dianabol), dihydromesterone, Oxandrolone
20 (trade name Oxandrolone SPA); (3) those androgenic hormones that when properly
21 manufactured are approved by the FDA for use under a prescription, to wit:
22 testosterone cypionate injection, and testosterone enanthate injection; (4) those steroids
23 that when properly manufactured are approved by the FDA for prescription use in
24 animals, but never humans, to wit: boldenone undecylenate (trade name Equipoise
25 injectable); (5) those steroid-type drugs that are not approved by the FDA for any use, to
26 wit: androgenicum prolongatum (trade name Sustanon 250); and (6) other prescription
27 drugs that when properly manufactured are approved by the FDA for use by persons with

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1 a valid prescription, to wit: Nolvadex and Cytomel. Neither LABORATORIOS MILANO,
2 UNITED PHARMACEUTICALS, JUAN JAVIER MACKLIS, aka John Fontana, nor
3 DAVID JENKINS, aka Ed Wilson, have applied for nor obtained approval from the FDA to
4 manufacture or distribute any of the above-listed drugs in the United States.

5 10. As these drugs are, in most cases, not approved for use by the American
6 public and, in all cases, counterfeit, they may not be legally imported and brought into
7 the United States. Therefore, they must be smuggled into this country if they are to be
8 distributed on the steroid black market.

9 11. In December 1985, the FDA announced it was withdrawing the steroid
10 methandrostenalone (trade name Dianabol) from its list of authorized drugs. This
11 announcement caused great concern among the steroid black marketeers due to the
12 popularity of this drug. Because of this, defendant DAVID JENKINS, aka Ed Wilson, a
13 British citizen, approached various coconspirators concerning the manufacturing of
14 counterfeit Dianabol in Mexico.

15 12. LABORATORIOS MILANO DE MEXICO (hereinafter referred to as
16 "LABORATORIOS MILANO") is a drug-manufacturing firm located at Calle 1, Poniente
17 No. 114 CD IND, Tijuana, Mexico. In addition to the sale of Mexican drugs,
18 LABORATORIOS MILANO manufactures vast amounts of "counterfeit" steroids for sale
19 in the United States and elsewhere. Although LABORATORIOS MILANO registered with
20 the FDA on February 4, 1986, it has never received permission to export anabolic
21 steroids, or any other drugs, into the United States.

22 13. UNITED PHARMACEUTICALS is a drug-distributing firm located in
23 Suite 408 at the Hotel Fiesta Americana, Tijuana, Mexico. From this location, UNITED
24 PHARMACEUTICALS solicits business, sells counterfeit drugs produced by
25 LABORATORIOS MILANO, and arranges for them to be illegally smuggled into the
26 United States.

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1 14. Defendant JUAN JAVIER MACKLIS, aka John Fontana, a Mexican citizen, is
2 the owner of both LABORATORIOS MILANO and UNITED PHARMACEUTICALS. He
3 uses these firms to manufacture, distribute, and smuggle millions of dollars of counter-
4 feit steroids into the United States. In doing so, he coordinates and supervises numerous
5 coconspirators who comprise his criminal organization.

6 THE CONSPIRACY

7 15. Beginning on or about January 1986, and continuing up to and including
8 May 20, 1987, within the Southern District of California, and elsewhere, defendants
9 DAVID JENKINS, aka Ed Wilson, JUAN JAVIER MACKLIS, aka John Fontana, DANIEL
10 DUCHAINE, WILLIAM P. DILLON, JAMES M. INSKO, JR., ROBERT WANTZ, JR.,
11 DAVID GRIGUS, LEONARD T. SWIRDA, TOIVOL MANSEN, MICHAEL MacDONALD,
12 MICHAEL MARZELLA, aka Kevin Anderson, LON ZEIGLER, JEFFREY GOLINI,
13 NORMAN BERGLUND, JOHN SLECONICH, MARK DEPEW, JOHN DEWEY, STEVEN
14 HENNEBERRY, PATRICK JACOBS, JEFFREY HARRISON, THOMAS BINNS, GERALD
15 JONES, STEVEN MARX, STEVE HEIN, DENNIS J. MOTTE, GARRY DE PAEPE, VITO
16 ELEFANTE, GIL R. THOMPSON, RAFAEL LEPE-DUENAS, SAMUEL MARTINEZ-
17 MORENO, JOSE ZAPATA, MARCO MACKLIS, CULBERTO LOPEZ, FITO ALVAREZ,
18 UNITED PHARMACEUTICALS, LABORATORIOS MILANO DE MEXICO did knowingly
19 and willfully combine, conspire and agree together and with others to defraud the United
20 States, in particular, the FDA and Customs, by:

- 21 a. holding for sale and selling, with the intent to defraud and mislead,
22 counterfeit drugs, namely: steroids, whose container and labeling, without authori-
23 zation, bear the trade name and mark of drug manufacturers and distributors other than
24 those who in fact manufactured and distributed the drugs and thereby falsely represent-
25 ing such drugs to be manufactured and distributed by the named drug manufacturers and
26 distributors; in violation of Title 21, United States Code, Sections 321(g)(2), 331(i)(3) and
27 333(b).

1 regarding the manufacturing of various anabolic steroids in Mexico. These steroids
2 would be smuggled into the United States for distribution and sale on the black market
3 without a prescription.

4 17. As a further part of the conspiracy, DAVID JENKINS, aka Ed Wilson, who had
5 knowledge and experience in obtaining raw chemicals, advised defendant JUAN JAVIER
6 MACKLIS, aka John Fontana, in how LABORATORIOS MILANO could obtain the
7 materials necessary to produce anabolic steroids.

8 18. As a further part of the conspiracy, defendants DANIEL DUCHAINE and
9 WILLIAM P. DILLON asked defendant DAVID JENKINS, aka Ed Wilson, to manufacture
10 various types of anabolic steroids. In this regard, they submitted examples of labels they
11 would like printed to defendant DAVID JENKINS, aka Ed Wilson. In addition, they gave
12 defendant DAVID JENKINS, aka Ed Wilson, tens of thousands of dollars in deposits for
13 the initial production of each respective anabolic steroid and its labeling.

14 19. As a further part of the conspiracy, defendant DAVID JENKINS, aka Ed
15 Wilson, in turn gave the order, labeling and money to JUAN JAVIER MACKLIS, aka John
16 Fontana, who controlled the manufacture, packaging and labeling of the anabolic
17 steroids.

18 20. As a further part of the conspiracy, the defendants JUAN JAVIER MACKLIS,
19 aka John Fontana, and DAVID JENKINS, aka Ed Wilson, organized the packaging and
20 labeling of various anabolic steroids so that they falsely represented that they were
21 manufactured and distributed by United States and foreign drug manufacturing firms.

22 21. As a further part of the conspiracy, defendants CULBERTO LOPEZ and
23 MARCO MACKLIS would organize the loading of counterfeit steroids into hidden
24 compartments in cars and the smuggling of these steroids into the United States.

25 22. As a further part of the conspiracy, employees of LABORATORIOS MILANO
26 would smuggle the counterfeit steroids into the United States by driving the vehicles
27 through the various ports of entry located along the border.

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1 23. As a further part of the conspiracy, employees of LABORATORIOS MILANO
2 would, on occasions, smuggle thousands of steroids in tablet form by placing them in
3 garbage bags wrapped around their bodies. These employees would also smuggle
4 thousands of counterfeit labels in specially constructed pants. The steroids would then
5 be bottled and labeled just north of the border in various apartments.

6 24. As a further part of the conspiracy, defendants DAVID JENKINS, aka Ed
7 Wilson, and JUAN JAVIER MACKLIS, aka John Fontana, would receive millions of
8 dollars in cash for counterfeit steroid orders. These orders would typically be made
9 through defendants DANIEL DUCHAINE, WILLIAM P. DILLON, using both his name and
10 the name Benjamin Gilmore, DAVID GRIGUS, JAMES M. INSKO, JR., TOIVOL MANSEN,
11 JEFFREY GOLINI, and others.

12 25. As a further part of the conspiracy, defendants DAVID JENKINS, aka Ed
13 Wilson, JUAN JAVIER MACKLIS, aka John Fontana, and WILLIAM P. DILLON would
14 each pay one-third of the rent for the UNITED PHARMACEUTICALS office suite.

15 26. As a further part of the conspiracy, defendants JUAN JAVIER MACKLIS, aka
16 John Fontana, CULBERTO LOPEZ, and DAVID JENKINS, aka Ed Wilson, would, on
17 occasion, arrange for the smuggled steroids to be packaged and shipped to their
18 customers through Federal Express. These shipments would have bogus return addresses,
19 such as Riekes International, Balaramas Enterprises and Amajin Company, to deter
20 detection by law enforcement.

21 27. As a further part of the conspiracy, defendants JUAN JAVIER MACKLIS, aka
22 John Fontana, and DAVID JENKINS, aka Ed Wilson, would arrange for large orders to be
23 left in hotel rooms or U-Haul trucks in the United States. These orders would typically
24 be stored in suitcases, some of which contained packaging materials to facilitate the
25 shipment of drugs from San Diego. The directions to these locations would be provided
26 by defendant DAVID JENKINS, aka Ed Wilson, after he received payment for the
27 counterfeit steroids.

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1 28. As a further part of the conspiracy, defendant WILLIAM P. DILLON agreed
2 with defendants DAVID JENKINS, aka Ed Wilson, and JUAN JAVIER MACKLIS, aka John
3 Fontana, to promote their counterfeit steroids in the United States for a commission.
4 He subsequently received orders and supplied counterfeit steroids to defendants
5 JAMES M. INSKO, JR., ROBERT WANTZ, JR., DAVID GRIGUS, TOIVOL MANSEN,
6 MICHAEL MacDONALD, MICHAEL MARZELLA, aka Kevin Anderson, LON ZEIGLER,
7 JEFFREY GOLINI, NORMAN BERGLUND, JOHN SLECONICH, JOHN DEWEY, STEVEN
8 HENNEBERRY, JEFFREY HARRISON, THOMAS BINNS, GERALD JONES, STEVEN
9 MARX, STEVE HEIN, DENNIS J. MOTTE, and GARRY DE PAEPE.

10 29. As a further part of the conspiracy, defendant WILLIAM P. DILLON's
11 customers would place their orders by phone. Defendant WILLIAM P. DILLON would
12 then relay these orders to defendant DAVID JENKINS, aka Ed Wilson, or defendant
13 JUAN JAVIER MACKLIS, aka John Fontana.

14 30. As a further part of the conspiracy, defendant WILLIAM P. DILLON
15 instructed some of his customers to make payments for the counterfeit steroids by
16 mailing cash or blank money orders to a number of mail drops, including: C. Lopez,
17 Camino Del La Plaza or John Fontana, Canyon Drive, Chula Vista. Other customers
18 were directed to personally deliver the money to defendant DAVID JENKINS, aka Ed
19 Wilson, in the United States or Tijuana, Mexico.

20 31. As a further part of the conspiracy, defendants JUAN JAVIER MACKLIS, aka
21 John Fontana, and DAVID JENKINS, aka Ed Wilson, planned on smuggling and selling a
22 minimum of \$300,000 worth of counterfeit steroids a month.

23 32. As a further part of the conspiracy, defendant JUAN JAVIER MACKLIS, aka
24 John Fontana, would "take care" of his employees that were caught smuggling counter-
25 feit steroids across the border. These employees were instructed to keep their mouths
26 shut and he would hire a hot-shot lawyer to take care of them.

1 33. As a further part of the conspiracy, defendant DENNIS J. MOTTE threatened

2 to ambush any federal agents that cornered him with a load of steroids.

3 34. As a further part of the conspiracy, defendant JUAN JAVIER MACKLIS, aka
4 John Fontana, provided for secreting in Mexico top members of his criminal organization
5 who lived in the United States if they feared arrest by federal agents.

6 35. As a further part of the conspiracy, defendants JAMES M. INSKO, JR.,
7 ROBERT WANTZ, JR., LEONARD T. SWIRDA, LON ZEIGLER, and others threatened to
8 use physical violence and used physical violence to collect debts relating to counterfeit
9 steroid business.

10 OVERT ACTS

11 In furtherance of the conspiracy and to effect the objects thereof, the following
12 overt acts, among others, were committed within the Southern District of California,
13 and elsewhere:

- 14 1. In or about February 1986, in San Diego, California, defendant DAVID
15 JENKINS, aka Ed Wilson, told defendant DANIEL DUCHAINE that he had
16 located a source to manufacture Dianabol.
- 17 2. In or about February 1986, in Irvine, California, defendant DANIEL
18 DUCHAINE gave defendant DAVID JENKINS, aka Ed Wilson, a proposed label
19 to be used on the counterfeit Dianabol.
- 20 3. In or about February 1986, in Irvine, California, defendants DANIEL
21 DUCHAINE and WILLIAM P. DILLON gave defendant DAVID JENKINS, aka
22 Ed Wilson, approximately \$10,000 which was requested by defendant JUAN
23 JAVIER MACKLIS, aka John Fontana, as a deposit prior to him manufactur-
24 ing the counterfeit Dianabol.
- 25 4. In or about February 1986, in Tijuana, Mexico, defendant WILLIAM P.
26 DILLON paid defendant DAVID JENKINS, aka Ed Wilson, approximately
27 \$25,000 for the counterfeit Dianabol.

- 1 5. In or about February 1986, in Tijuana, Mexico, defendant MARCO MACKLIS
2 arranged to have defendant JOSE ZAPATA's vehicle loaded with the \$25,000
3 order.
- 4 6. In or about February 1986, in Anaheim, California, defendant WILLIAM P.
5 DILLON paid defendant JOSE ZAPATA approximately \$4,000 for smuggling
6 the Dianabol into the United States.
- 7 7. In or about February 1986, in Carlsbad, California, defendants DANIEL
8 DUCHAINE and WILLIAM P. DILLON gave defendant DAVID JENKINS, aka
9 Ed Wilson, approximately \$12,000 which was requested by defendant JUAN
10 JAVIER MACKLIS, aka John Fontana, as a deposit prior to him manufactur-
11 ing the counterfeit Anavar.
- 12 8. In or about February 1986, in San Diego, California, defendant DANIEL
13 DUCHAINE placed an order valued at approximately \$26,000 with defendant
14 DAVID JENKINS, aka Ed Wilson, for the delivery of approximately 500
15 bottles of Anavar, 2,500 bottles of Dianabol, 4,000 ampules of Deca-
16 Durabolin, and 500 vials of testosterone cypionate.
- 17 9. In or about February 1986, in Anaheim, California, defendant WILLIAM P.
18 DILLON paid defendant JOSE ZAPATA approximately \$4,000 for smuggling
19 the above order for Anavar, Dianabol, Deca-Durabolin, and testosterone into
20 the United States.
- 21 10. In or about March 1986, in Irvine, California, defendants DANIEL DUCHAINE
22 and WILLIAM P. DILLON gave defendant DAVID JENKINS, aka Ed Wilson,
23 approximately \$25,000 for another order of Anavar, Dianabol, Deca-
24 Durabolin, and testosterone.
- 25 11. In or about March 1986, in Irvine, California, defendants DANIEL DUCHAINE
26 and WILLIAM P. DILLON gave defendant DAVID JENKINS, aka Ed Wilson,
27 approximately \$6,000 which was requested by defendant JUAN JAVIER
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1 MACKLIS, aka John Fontana, as a deposit prior to his manufacturing
2 counterfeit Anadrol-50 tablets.

- 3 12. In or about March 1986, in Irvine, California, defendant DAVID JENKINS, aka
4 Ed Wilson, showed defendants DANIEL DUCHAINE and WILLIAM P. DILLON
5 a tablet punch and proposed label for the counterfeit Anadrol for their
6 inspection and approval.
- 7 13. In or about March 1986, in Carlsbad, California, defendants DANIEL
8 DUCHAINE and WILLIAM P. DILLON paid defendant DAVID JENKINS, aka
9 Ed Wilson, approximately \$30,000 for an order of Anadrol-50 and other
10 steroids.
- 11 14. In or about March 1986, in Carlsbad, California, defendant DAVID JENKINS,
12 aka Ed Wilson, gave defendants DANIEL DUCHAINE and WILLIAM P.
13 DILLON a key and directions to the All-Star Motel in Carlsbad where the
14 \$30,000 order was waiting.
- 15 15. On or about March 22, 1986, in Los Angeles, California, defendant
16 WILLIAM P. DILLON sent a shipment of counterfeit steroids by Express Mail
17 to defendant LON ZEIGLER in Denver, Colorado.
- 18 16. On or about March 27, 1986, in Los Angeles, California, defendant
19 WILLIAM P. DILLON rented a storage locker for his counterfeit steroids at
20 Marina-Redwood Self Storage, 4211 Redwood Avenue.
- 21 17. On or about March 31, 1986, in Los Angeles, California, defendant
22 WILLIAM P. DILLON sent a shipment of counterfeit steroids to defendant
23 MICHAEL MacDONALD in Duluth, Minnesota.
- 24 18. On or about March 31, 1986, in Los Angeles, California, defendant
25 WILLIAM P. DILLON sent a shipment of steroids to defendant GARRY DE
26 PAEPE in Rock Island, Illinois.

- 1 19. In or about April through August 1986, in San Diego, California, defendants
2 DANIEL DUCHAINE and WILLIAM P. DILLON gave defendant DAVID
3 JENKINS, aka Ed Wilson, approximately \$100,000 for orders of counterfeit
4 steroids.
- 5 20. On or about April 2, 1986, in Los Angeles, California, defendant WILLIAM P.
6 DILLON sent a package of counterfeit steroids to defendant GARRY DE
7 PAEPE in Rock Island, Illinois.
- 8 21. On or about July 8, 1986, in Los Angeles, California, defendant DANIEL
9 DUCHAINE sent a package of counterfeit steroids via United Parcel Service
10 to Leonard Thompson, 736 Fenster Court, Indianapolis, Indiana 46234.
- 11 22. On or about July 14, 1986, in Los Angeles, California, defendant WILLIAM P.
12 DILLON sent a package of counterfeit steroids by Express Mail to defendant
13 LON ZEIGLER in Denver, Colorado.
- 14 23. On or about July 18, 1986, in San Diego, California, Raul Cabral gave the
15 name of defendant DAVID JENKINS, aka Ed Wilson, as a credit reference
16 when applying for a mobile phone for UNITED PHARMACEUTICALS.
- 17 24. On or about August 4, 1986, in Marina Del Rey, California, defendant
18 MICHAEL MARZELLA possessed for sale and distribution at a storage locker
19 at Marina Storage, 4321 Lincoln Boulevard, counterfeit anabolic steroids that
20 had been smuggled from Mexico.
- 21 25. On or about August 12, 1986, in Los Angeles, California, defendants
22 WILLIAM P. DILLON and VITO ELEFANTE sent a shipment of steroids by
23 Express Mail to defendant LON ZEIGLER in Denver, Colorado.
- 24 26. On or about August 16, 1986, in Los Angeles, California, defendants
25 WILLIAM P. DILLON and VITO ELEFANTE sent a shipment of counterfeit
26 steroids by Express Mail to defendant LON ZEIGLER in Denver, Colorado.
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- 1 27. On or about August 20, 1986, in Los Angeles, California, defendants
2 WILLIAM P. DILLON and DANIEL DUCHAINE possessed for sale and distri-
3 bution at the residence of defendant VITO ELEFANTE counterfeit anabolic
4 steroids that had been smuggled from Mexico.
- 5 28. In and about August 1986, in Rock Island, Illinois, defendant GARRY DE
6 PAEPE placed several orders for dianabol totalling approximately \$11,678
7 with defendant WILLIAM P. DILLON.
- 8 29. In or about August 1986, in Tijuana, Mexico, defendants JUAN JAVIER
9 MACKLIS, aka John Fontana, DAVID JENKINS, aka Ed Wilson, and
10 WILLIAM P. DILLON met at UNITED PHARMACEUTICALS, Suite 408 at the
11 Hotel Fiesta Americana to discuss defendant WILLIAM P. DILLON working as
12 UNITED PHARMACEUTICALS' representative in the United States.
- 13 30. In or about August 1986, in Los Angeles, California, defendant WILLIAM P.
14 DILLON shipped, on five separate occasions, approximately \$40,000 in
15 counterfeit steroids to defendant GERALD JONES in Bloomington,
16 Minnesota.
- 17 31. In or about September 1986, in San Diego, California, defendants JUAN
18 JAVIER MACKLIS, aka John Fontana, and DAVID JENKINS, aka Ed Wilson,
19 provided defendant WILLIAM P. DILLON with a telephone credit card
20 number, 764-155-02-11-7065, to allow him to bill counterfeit steroid
21 business to phone number (619) 428-4704.
- 22 32. In or about late September 1986, in Phoenix, Arizona, Mark Mayeda ordered
23 30,000 vials of nandrolone decanoate from defendant ROBERT WANTZ, JR.
- 24 33. In or about late September 1986, in San Diego, California, defendants
25 JAMES M. INSKO, JR., and ROBERT WANTZ, JR., discussed the purchase of
26 30,000 vials of counterfeit nandrolone decanoate with defendant WILLIAM P.
27 DILLON.
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34. On or about October 10, 1986, in San Diego, California, defendants DAVID JENKINS, aka Ed Wilson, JUAN JAVIER MACKLIS, aka John Fontana, and WILLIAM P. DILLON caused a shipment of counterfeit nandrolone decanoate to be sent to Mark Mayeda in Phoenix, Arizona, using a fake return address.
35. In or about mid-October 1986, in San Diego, California, defendants JUAN JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ, DAVID JENKINS, aka Ed Wilson, and WILLIAM P. DILLON met at the Holiday Inn Embarcadero to distribute defendant DILLON's \$9,000 monthly commissions for sales of counterfeit anabolic steroids, to examine certain new products that were to be produced such as Sustanon 250, Winstrol-V and Cytomel, and to discuss shipping problems and increasing sales.
36. In or about mid-October 1986, in San Diego, California, defendants MARK DEPEW and TOIVOL MANSEN purchased approximately \$25,000 worth of counterfeit steroids from defendant DAVID JENKINS, aka Ed Wilson.
37. On or about November 24, 1986, in Miami, Florida, defendants MARK DEPEW and TOIVOL MANSEN flew to San Diego, California, and paid defendant DAVID JENKINS, aka Ed Wilson, approximately \$50,000 for an order of counterfeit steroids.
38. In or about the beginning of October through November 1986, in San Diego, California, defendants JUAN JAVIER MACKLIS, aka John Fontana, DAVID JENKINS, aka Ed Wilson, and WILLIAM P. DILLON shipped to the following defendants (Column A), the following amounts of counterfeit steroids (Column B), at the below-listed locations (Column C):

<u>(A)</u> <u>DEFENDANT</u>	<u>(B)</u> <u>APPROXIMATE VALUE</u>	<u>(C)</u> <u>LOCATION</u>
David Grigus	\$ 10,637	Mesa, Arizona
David Grigus	19,250	Mesa, Arizona

	(A) <u>DEFENDANT</u>	(B) <u>APPROXIMATE VALUE</u>	(C) <u>LOCATION</u>
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3	James M. Insko, Jr.	\$ 6,697	Marina Del Rey, California
4	James M. Insko, Jr.	20,928	Marina Del Rey, California
5	James M. Insko, Jr.	9,100	Marina Del Rey, California
6	Jeffrey Golini	35,680	Los Angeles, California
7	Jeffrey Golini	39,262	Los Angeles, California
8	Jeffrey Golini	-1,612	Los Angeles, California
9	Toivol Mansen	52,600	Miami, Florida
10	Steve Hein	42,325	St. Louis, Missouri
11	Michael Marzella	13,788	Los Angeles, California
12	Lon Zeigler	6,125	Denver, Colorado
13	Dennis J. Motte	4,657	Rialto, California
14	Dennis J. Motte	35,000	Rialto, California
15	John Sleconich	3,737	Long Beach, California
16	Norman Berglund	1,715	Placentia, California
17	Norman Berglund	2,500	Placentia, California
18	Thomas Binns	2,855	Sacramento, California
19	Thomas Binns	2,556	Sacramento, California
20	Michael MacDonald	2,734	Duluth, Minnesota
21	John Dewey	105	San Diego, California
22	Steven Henneberry	1,538	San Diego, California

23 39. In early November 1986, in San Diego, California, defendant DAVID
24 JENKINS, aka Ed Wilson, paid defendant WILLIAM P. DILLON approximately
25 \$11,000 in monthly commissions for the sale of counterfeit steroids at
26 Chicago Brothers Pizza, 4605 Mission Bay Drive.

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- 1 40. In or about mid-November 1986, in San Diego, California, defendants JUAN
2 JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ, DAVID JENKINS,
3 aka Ed Wilson, and WILLIAM P. DILLON met at the Hotel Embarcadero to
4 discuss sales and shipping problems due to lost packages.
- 5 41. On or about December 5, 1986, in San Diego, California, defendants JUAN
6 JAVIER MACKLIS, aka John Fontana, DAVID JENKINS, aka Ed Wilson, and
7 WILLIAM P. DILLON caused two packages containing counterfeit steroids
8 with the return address: Balaramas Enterprise, 1960 Sherman Street, San
9 Diego, to be sent to John Sleconich, 137 Locust Avenue, Long Beach,
10 California.
- 11 42. On or about December 11, 1986, in Tecate, California, defendant RAFAEL
12 LEPE-DUENAS, an employee of LABORATORIOS MILANO, attempted to
13 smuggle counterfeit steroids into the United States through the port of entry.
- 14 43. On or about December 12, 1986, in San Diego, California, defendants JUAN
15 JAVIER MACKLIS, aka John Fontana, DAVID JENKINS, aka Ed Wilson, and
16 WILLIAM P. DILLON caused a package of steroids with the return address:
17 Balaramas Enterprises, 1960 Sherman Street, to be sent to Jon Nelson,
18 Premier Beauty Supply, Denver, Colorado, an alias of defendant LON
19 ZEIGLER.
- 20 44. On or about December 18, 1986 in San Diego, California, defendant DAVID
21 JENKINS, aka Ed Wilson, paid defendant WILLIAM P. DILLON a monthly
22 commission of \$29,000 at the Jack-in-the-Box in Pacific Beach, for sales of
23 counterfeit steroids between October and mid-November 1986.
- 24 45. On or about December 18, 1986, in Miami, Florida, defendants MARK DEPEW
25 and TOIVOL MANSEN flew to San Diego to give defendant DAVID JENKINS,
26 aka Ed Wilson, approximately \$55,000 for the purchase of counterfeit
27 steroids.
- 28

- 1 46. In or about late December 1986, in St. Louis, Missouri, defendant STEVE
2 HEIN flew to San Diego, California, to deliver approximately \$45,000 in cash
3 to defendant WILLIAM P. DILLON for the purchase of anabolic steroids.
- 4 47. In or about January 1987, in San Diego, California, defendant WILLIAM P.
5 DILLON decided to give a list of his former customers to defendants JOHN
6 DEWEY and STEVE HENNEBERRY.
- 7 48. In or about January 1987, in San Diego, California, defendant WILLIAM P.
8 DILLON gave defendant JOHN DEWEY the following customers: defendant
9 MICHAEL MacDONALD, defendant JEFFREY HARRISON, defendant STEVE
10 HEIN, and defendant STEVE MARX.
- 11 49. In or about January 1987, in San Diego, California, defendant WILLIAM P.
12 DILLON gave defendant STEVE HENNEBERRY the following customers:
13 defendant THOMAS BINNS, defendant JOHN SLECONICH, defendant
14 GARRY DE PAEPE, defendant LON ZEIGLER, and defendant GERALD
15 JONES.
- 16 50. In or about late January 1986, in San Diego, California, defendants TOIVOL
17 MANSER and MARK DEPEW gave defendant DAVID JENKINS, aka Ed
18 Wilson, approximately \$60,000 for the purchase of counterfeit steroids.
- 19 51. In or about February 1987, in Tijuana, Mexico, defendant STEVEN
20 HENNEBERRY paid approximately \$11,000 to defendant FITO ALVAREZ for
21 counterfeit steroids.
- 22 52. During the period from on or about January 20, 1987 to on or about
23 February 19, 1987, in San Diego, California, defendants JOHN DEWEY and
24 STEVEN HENNEBERRY shipped by Federal Express three orders of counter-
25 feit steroids worth approximately \$10,000 to defendant JEFFREY HARRISON
26 in Carbondale, Illinois.
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- 1 53. During the period from on or about January 20, 1987, to on or about
2 February 19, 1987, in San Diego, California, defendants JOHN DEWEY and
3 STEVEN HENNEBERRY shipped by Federal Express three orders of counter-
4 feit steroids worth approximately \$13,890 to defendant MICHAEL
5 MacDONALD in Duluth, Minnesota.
- 6 54. On or about mid-January 1987, in San Diego, California, defendants JUAN
7 JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ, DAVID JENKINS,
8 aka Ed Wilson, and WILLIAM P. DILLON decided to sell their counterfeit
9 steroids to only five major distributors in the United States.
- 10 55. In or about mid-January 1987, defendants JUAN JAVIER MACKLIS, aka John
11 Fontana, CULBERTO LOPEZ, and DAVID JENKINS, aka Ed Wilson, selected
12 defendants JAMES M. INSKO, JR., DAVID GRIGUS, JEFFREY GOLINI,
13 TOIVOL MANSEN, and a team consisting of defendants JOHN DEWEY and
14 STEVE HENNEBERRY.
- 15 56. In or about mid-February 1987, in San Diego, California, defendants JUAN
16 JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ, DAVID JENKINS,
17 aka Ed Wilson, and WILLIAM P. DILLON met at the Embarcadero Hotel to
18 discuss having the purchasers of the steroids personally make their payments
19 in Tijuana, Mexico.
- 20 57. On or about February 25, 1987, in San Diego, California, defendant SAMUEL
21 MARTINEZ-MORENO, an employee of LABORATORIOS MILANO, attempted
22 to smuggle 147 vials of injectable Finaject into the United States hidden in a
23 false compartment in the gas tank of his car.
- 24 58. In or about the end of February 1987, in San Diego, California, defendant
25 DAVID JENKINS, aka Ed Wilson, called defendant WILLIAM P. DILLON, who
26 was in Miami and advised him that defendant JUAN JAVIER MACKLIS, aka
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1 John Fontana, did not want to continue smuggling the counterfeit steroids as
2 another of his employees had recently been arrested with a load of Finaject.

3 59. In or about early March 1987, in Miami, Florida, defendants TOIVOL
4 MANSEN and WILLIAM P. DILLON traveled to Tijuana, Mexico, to discuss
5 the purchase of approximately \$500,000 worth of counterfeit steroids with
6 defendants JUAN JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ,
7 and DAVID JENKINS, aka Ed Wilson.

8 60. In or about March 1987, in San Diego, California, defendants TOIVOL
9 MANSEN, MARK DEPEW, JAMES M. INSKO, JR., JEFFREY GOLINI,
10 DAVID GRIGUS, STEVEN MARX, STEVE HEIN, GIL R. THOMPSON, STEVEN
11 HENNEBERRY, ROBERT WANTZ, JR., LON ZEIGLER, MICHAEL
12 MacDONALD, JEFFREY HARRISON, GERALD JONES, JOHN SLECONICH,
13 and THOMAS BINNS each contributed money towards the purchase of
14 approximately \$500,000 worth of counterfeit anabolic steroids from
15 defendant JUAN JAVIER MACKLIS, aka John Fontana, and DAVID JENKINS,
16 aka Ed Wilson.

17 61. On or about March 18, 1987, in San Diego, California, defendants TOIVOL
18 MANSEN, DENNIS J. MOTTE, WILLIAM P. DILLON, and JAMES M. INSKO,
19 JR. met with others at the Dana Point Inn, to discuss arrangements for
20 defendant TOIVOL MANSEN to travel to Suite 408 at the Fiesta Americana
21 Hotel, Tijuana, Mexico, to purchase anabolic steroids.

22 62. On or about March 20, 1987, in Tijuana, Mexico, defendant TOIVOL MANSEN
23 gave defendant DAVID JENKINS, aka Ed Wilson, approximately \$200,000 for
24 the purchase of anabolic steroids that had already been smuggled into the
25 United States.

26 63. On or about March 20, 1987, in San Diego, California, defendant DENNIS J.
27 MOTTE assisted in unloading from a pick-up truck at the Dana Inn numerous
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1 boxes of counterfeit anabolic steroids that had been purchased from defen-
2 dants JUAN JAVIER MACKLIS, aka John Fontana, and DAVID JENKINS, aka
3 Ed Wilson.

4 64. On or about March 21, 1987, in San Diego, California, defendant DENNIS J.
5 MOTTE drove a Toyota pickup truck containing a number of boxes of
6 counterfeit anabolic steroids from the Dana Inn.

7 65. On or about March 21, 1987, in San Diego, California, several hundred
8 thousand dollars worth of counterfeit steroids were taken to defendant JOHN
9 DEWEY's house, 7425 Salerno Street.

10 66. In or about April 1987, in Los Angeles, California, defendant STEVEN MARX
11 sent a shipment of counterfeit anabolic steroids to defendant PATRICK
12 JACOBS at the University of Miami.

13 67. On or about May 14, 1987, in Miami, Florida, defendant PATRICK JACOBS
14 confirmed with defendant STEVEN MARX an outstanding order for steroids
15 from his place of employment at the University of Miami.

16 All in violation of Title 18, United States Code, Section 371.

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Count 2

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3 1. Paragraphs 1 through 14 and 16 through 35 of Count 1 are hereby realleged
and incorporated by reference in Count 2 as if set forth in full herein.

4
5 THE CONSPIRACY

6 2. Beginning at a date unknown to the grand jury and continuing thereafter up to
7 and including May 14, 1987, in the Southern District of California and elsewhere,
8 defendants JAMES M. INSKO, JR., ROBERT WANTZ, JR., and LEONARD T. SWIRDA,
9 did knowingly and willfully combine, conspire and agree together and with others to
10 knowingly participate in the use of extortionate means to collect and attempt to collect
11 an extension of credit to Mark Mayeda and others, and to punish Mark Mayeda and others
for the nonpayment of an extension of credit.

12 THE METHODS OF THE CONSPIRACY

13 3. It was part of the conspiracy that defendant ROBERT WANTZ, JR. would and
14 did expressly and implicitly threaten Mark Mayeda with the use of violence which could
15 cause harm to Mayeda's person, reputation and property.

16 4. It was a further part of the conspiracy that defendant ROBERT WANTZ, JR.,
17 would and did make the above threats in order to collect an extension of credit he gave
18 Mark Mayeda to facilitate the purchase of an illegal shipment of counterfeit anabolic
19 steroids sent from San Diego, California to Phoenix, Arizona.

20 5. It was a further part of the conspiracy that defendants ROBERT WANTZ,
21 JR., and JAMES M. INSKO, JR., would and did contract with a "hit man" to collect on
22 the extension of credit to Mark Mayeda.

23 6. It was a further part of the conspiracy that defendants JAMES M. INSKO,
24 JR., ROBERT WANTZ, JR., LEONARD T. SWIRDA and a martial arts expert called
25 "Lao" would and did travel to Phoenix, Arizona, to collect the extension of credit.

26 7. It was a further part of the conspiracy that defendant LEONARD T. SWIRDA
27 and "Lao" would and did threaten to use violence on Mark Mayeda and others.

1 8. It was a further part of the conspiracy that "Lao" would restrain Mark
2 Mayeda while defendant LEONARD T. SWIRDA would and did torture and beat him.

3 9. It was further a part of the conspiracy that defendants JAMES M. INSKO,
4 JR., ROBERT WANTZ, JR., and LEONARD T. SWIRDA, by the use and threatened use of
5 violence, would and did cause Mayeda to attempt to borrow money from his parents.

6 10. It was further a part of the conspiracy that defendants JAMES M. INSKO,
7 JR., ROBERT WANTZ, JR., and LEONARD T. SWIRDA, by the use and threatened use of
8 violence, would and did cause Mayeda to sign and give blanks checks to them.

9 11. It was a further part of the conspiracy that defendants JAMES M. INSKO,
10 JR., ROBERT WANTZ, JR., and LEONARD T. SWIRDA would and did expressly and
11 implicitly threaten Mayeda with the use of violence to his person if he revealed the
12 extortion to law enforcement officials.

13 OVERT ACTS

14 In furtherance of the conspiracy and to effect the objects thereof, the following
15 overt acts, among others, were committed within the Southern District of California,
16 and elsewhere:

- 17 1. On or about October 10, 1986, in San Diego, California, defendants JAMES M.
18 INSKO, JR., and ROBERT WANTZ, JR., caused a shipment of counterfeit
19 nandrolone decanoate to be sent to Mark Mayeda in Phoenix, Arizona.
- 20 2. On or about October 17, 1986, in Phoenix, Arizona, defendant ROBERT
21 WANTZ, JR., registered in Room 2104 at the All-Star Inn, 4130 N. Black
22 Canyon Highway.
- 23 3. On or about October 17, 1986, in Phoenix, Arizona, defendant ROBERT
24 WANTZ, JR., rented Hertz automobile, Colorado license number 2KK455,
25 from their rental company at 1215 South 7th Avenue.
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- 1 4. On or about October 18, 1986, in San Diego, California, defendant
2 WILLIAM P. DILLON received a telephone call from defendants ROBERT
3 WANTZ, JR., and JAMES M. INSKO, JR., who were in Phoenix, Arizona.
- 4 5. On or about October 19, 1986, in Phoenix, Arizona, "Lao" carried defendant
5 LEONARD T. SWIRDA's briefcase which contained two guns, a 12-inch club,
6 a double-edged knife, and leather gloves weighted with metal.
- 7 6. On or about October 19, 1987, in Phoenix, Arizona, defendant LEONARD T.
8 SWIRDA threatened Mark Mayeda and cut him with a knife.
- 9 7. On or about October 19, 1986, in Phoenix, Arizona, defendant ROBERT
10 WANTZ, JR., rented an Avis automobile, license number AZD KY 789, from
11 their rental company at Sky Harbour International Airport.
- 12 8. On or about October 21, 1986, in Los Angeles, California, defendant
13 JAMES M. INSKO, JR., filled in the amount of \$1,500 on one of Mark
14 Mayeda's personal checks and deposited it in defendant INSKO's account.
- 15 9. On or about October 21, 1986, in Los Angeles, California, defendant
16 JAMES M. INSKO, JR., received a Federal Express shipment of counterfeit
17 anabolic steroids sent from the Federal Express office, 2833 N. Central
18 Avenue, Phoenix, Arizona.
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Count 3

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2 On or about October 11, 1986, in the Southern District of California and elsewhere
3 defendants JAMES M. INSKO, JR., ROBERT WANTZ, JR., and LEONARD T. SWIRDA
4 did knowingly participate in the use of extortionate means to collect and attempt to
5 collect an extension of credit from Mark Mayeda, in that they attempted to collect for
6 an illegal shipment of anabolic steroids shipped from San Diego, by expressly and
7 implicitly threatening and using violence and other criminal means on Mayeda and others
8 which could cause harm to their person and property; all in violation of Title 18, United
9 States Code, Sections 894 and 2.
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Counts 4 through 20

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2 1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by
3 reference as if set forth in full herein.

4 2. On or about March 20, 1987, within the Southern District of California and
5 elsewhere, defendants JUAN JAVIER MACKLIS, aka John Fontana, DAVID JENKINS,
6 aka Ed Wilson, WILLIAM P. DILLON, TOIVOL MANSEN, JAMES M. INSKO, JR.,
7 ROBERT WANTZ, JR., DAVID GRIGUS, JEFFREY GOLINI, STEVEN MARX, LON
8 ZEIGLER, MARK DEPEW, STEVEN HENNEBERRY, MICHAEL MacDONALD, STEVE
9 HEIN, GIL R. THOMPSON, JEFFREY HARRISON, JOHN SLECONICH, THOMAS BINNS,
10 and GERALD JONES did, with intent to defraud and mislead, introduce and cause to be
11 introduced into interstate commerce from Tijuana, Mexico to San Diego, California, a
12 number of units (Column A) of the drugs listed below (Column B) that are misbranded
13 within the meaning of Title 21, United States Code, Section 352(b), in that they were
14 packaged with labeling which did not bear the true name and true place of business of
15 the manufacturer, packer, or distributor of said drugs, and within the meaning of
16 Section 352(f)(1) in that the labeling of the drugs does not bear adequate directions for
17 use:

18		(A)	(B)
19	<u>COUNT</u>	<u>APPROXIMATE NUMBER OF UNITS</u>	<u>DRUG</u>
20	4	17	Anavar
21	5	1,080	Dianabol
22	6	147	Finaject
23	7	2,045	Cytomel
24	8	1,300	Methandrostenolone
25	9	300	Nolvadex
26	10	2,400	Nandrolone Decanoate
27	11	58	Oxandrolone

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1	COUNT	(A) APPROXIMATE NUMBER OF UNITS	(B) DRUG
3	12	5,618	Parabolan
4	13	2,364	Sustanon
5	14	505	Stromba
6	15	2,500	Testosterone Cypionate
7	16	852	Testosterone Enanthate
8	17	172	Oxymetholone
9	18	144	Winstrol-V
10	19	131	Equipose
11	20	1,944	Primobolan

12 All in violation of Title 21, United States Code, Sections 331(a) and 333(b), and Title 18,
 13 United States Code, Section 2.

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Counts 21 through 36

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2 1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by
3 reference as if set forth in full herein.

4 2. On or about March 20, 1987, within the Southern District of California and
5 elsewhere, defendants JUAN JAVIER MACKLIS, aka John Fontana, DAVID JENKINS,
6 aka Ed Wilson, WILLIAM P. DILLON, TOIVOL MANSEN, JAMES M. INSKO, JR.,
7 ROBERT WANTZ, JR., DAVID GRIGUS, JEFFREY GOLINI, STEVEN MARX, LON
8 ZEIGLER, MARK DEPEW, STEVEN HENNEBERRY, MICHAEL MacDONALD, STEVE
9 HEIN, GIL R. THOMPSON, JEFFREY HARRISON, JOHN SLECONICH, THOMAS BINNS,
10 and GERALD JONES did, with intent to defraud and mislead, hold and cause to be held
11 for sale the below-listed "counterfeit" drugs (Column A) within the meaning of Title 21,
12 United States Code, Section 321(g)(2), in that the containers and labeling, without
13 authorization, bear the trademark, trade name and other identifying mark of a drug
14 manufacturer and distributor other than those who in fact manufactured and distributed
15 them, thereby falsely purporting and representing such drugs to be the product of and be
16 distributed by the named drug manufacturer and distributor (Column B):

17		(A)	(B)
18	<u>COUNT</u>	<u>DRUG</u>	<u>MANUFACTURER/DISTRIBUTOR</u>
19	21	Anavar	Searle
20	22	Equipose	Squibb
21	23	Dianabol	Ciba Geigy SA
22	24	Cytomel	Smith Kline & French Laboratories
23	25	Testosterone Cypionate	Lemmon Company
24	26	Testosterone Enanthale	Lemmon Company
25	27	Nandrolone Decanoate	Lemmon Company
26	28	Primobolan	Schering
27	29	Winstrol-V	Winthrop Products
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COUNT

(A)
DRUG

(B)
MANUFACTURER/DISTRIBUTOR

Stromba

Winthrop Products

Finaject

Groupe Roussel

Oxitosona

Syntex

Nolvadex

ICI-Farma

Methandrostenolone

Ludwig Heun

Sustanon

Organon

Oxandrolone

S.P.A./Milano

All in violation to Title 21, United States Code, Sections 331(i)(3) and 333(b), and Title 18, United States Code, Section 2.

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1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by reference as if set forth in full herein.

2. On or about January 20, 1987, to on or about February 19, 1987, in the Southern District of California and elsewhere, the following defendants (Column A), with intent to defraud and mislead, did introduce and cause to be introduced into interstate commerce from Tijuana, Mexico through San Diego, California, to the below-listed locations (Column B), a quantity of prescription drugs, namely, steroids, with the approximately value listed below (Column C), which when introduced and delivered for introduction into interstate commerce were misbranded within the meaning of Title 21, United States Code, Section 353(b)(1), in that the drug was dispensed without the below-listed defendants obtaining and furnishing the authorization of a licensed practitioner:

	(A)	(B)	(C)
	<u>DEFENDANT</u>	<u>LOCATION</u>	<u>APPROXIMATE VALUE OF SHIPMENT</u>
<u>COUNT</u>			
37	Jeffrey Harrison	Carbondale, Illinois	\$ 4,707
38	Jeffrey Harrison	Carbondale, Illinois	5,437
39	Michael MacDonald	Duluth, Minnesota	5,455
40	Michael MacDonald	Duluth, Minnesota	4,335
41	Michael MacDonald	Duluth, Minnesota	4,100

All in violation of Title 21, United States Code, Sections 331(a) and 333(b), and Title 18, United States Code, Section 2.

Counts 42 through 62

1
2 1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by
3 reference as if set forth in full herein.

4 2. On or about the beginning of October through November 1986, within the
5 Southern District of California and elsewhere, the following defendants (Column A), with
6 intent to defraud and mislead, did introduce and cause to be introduced into interstate
7 commerce from Tijuana, Mexico through San Diego, California, to the below-listed
8 locations (Column B), a quantity of prescription drugs, namely, steroids, with the
9 approximate value listed below (Column C), which when introduced and delivered for
10 introduction into interstate commerce were misbranded within the meaning of Title 21,
11 United States Code, Sections 353(b)(1), in that the drug was dispensed without the below-
12 listed defendants obtaining and furnishing the authorization of a prescription from a
13 licensed practitioner:

	(A)	(B)	(C)	
<u>COUNT</u>	<u>DEFENDANT</u>	<u>LOCATION</u>	<u>APPROXIMATE VALUE OF SHIPMENT</u>	
14				
15				
16	42	David Grigus	Mesa, Arizona	\$ 10,637
17	43	David Grigus	Mesa, Arizona	19,250
18	44	Michael MacDonald	Duluth, Minnesota	2,839
19	45	Steve Hein	St. Louis, Missouri	42,325
20	46	Toivol Mansen	Miami, Florida	52,600
21	47	Lon Zeigler	Denver, Colorado	6,125
22	48	Steven Henneberry	San Diego, California	1,538
23	49	James M. Insko, Jr.	Los Angeles, California	6,697
24	50	James M. Insko, Jr.	Los Angeles, California	20,928
25	51	James M. Insko, Jr.	Los Angeles, California	9,100
26	52	Thomas Binns	Los Angeles, California	2,855
27	53	Thomas Binns	Los Angeles, California	2,556
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	(A)	(B)	(C)
	<u>DEFENDANT</u>	<u>LOCATION</u>	<u>APPROXIMATE VALUE OF SHIPMENT</u>
1			
2	<u>COUNT</u>		
3	54	Jeffrey Golini	Los Angeles, California
4	55	Jeffrey Golini	Los Angeles, California
5	56	Jeffrey Golini	Los Angeles, California
6	57	Dennis J. Motte	Rialto, California
7	58	Dennis J. Motte	Rialto, California
8	59	Norman Berglund	Placentia, California
9	60	Norman Berglund	Placentia, California
10	61	John Sleconich	Long Beach, California
11	62	Michael Marzella	Los Angeles, California
			\$ 35,080
			39,262
			1,612
			4,657
			35,000
			1,715
			2,500
			3,737
			13,788

12 All in violation of Title 21, United States Code, Sections 331(a) and 333(b), and Title 18,
13 United States Code, Section 2.

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Counts 63 and 64

1
2 1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by
3 reference as if set forth in full herein.

4 2. In or about September 1986, within the Southern District of California and
5 elsewhere, defendant GARRY DE PAEPE, with intent to defraud and mislead, did
6 introduce and cause to be introduced into interstate commerce from Tijuana, Mexico to
7 the following location (Column A) a shipment of prescription drugs, namely, steroids,
8 with the below-listed approximately values (Column B), which when introduced and
9 delivered for introduction into interstate commerce were misbranded within the meaning
10 of Title 21, United States Code, Section 353(b)(1), in that the drugs were dispensed
11 without defendant GARRY DE PAEPE having obtained and furnished the authorization of
12 a prescription from a licensed practitioner:

	(A)	(B)
13	<u>LOCATION</u>	<u>APPROXIMATE VALUE</u>
14	<u>COUNT</u>	<u>OF SHIPMENT</u>
15	63	\$ 3,678
16	64	881

17 All in violation of Title 21, United States Code, Sections 331(a) and 333(b).
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Counts 65 through 78

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2 1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by
3 reference as if set forth in full herein.

4 2. On or about August 20, 1986, within the Southern District of California and
5 elsewhere, the following defendants (Column A), with intent to defraud and mislead, did
6 introduce and cause to be introduced into interstate commerce from Tijuana, Mexico to
7 the below-listed locations (Column B), a quantity of prescription drugs, namely, steroids,
8 with the approximate value listed below (Column C), which when introduced and
9 delivered for introduction into interstate commerce were misbranded within the meaning
10 of Title 21, United States Code, Sections 353(b)(1), in that the drugs were dispensed
11 without the below-listed defendants obtaining and furnishing the authorization of a
12 prescription from a licensed practitioner:

13		(A)	(B)	(C)
14	<u>COUNT</u>	<u>DEFENDANT</u>	<u>LOCATION</u>	<u>APPROXIMATE VALUE OF SHIPMENT</u>
15	65	Jeffrey Golini	Los Angeles, California	\$ 2,864
16	66	Steve Hein	St. Louis, Missouri	3,160
17	67	Steve Hein	St. Louis, Missouri	6,900
18	68	Steve Hein	St. Louis, Missouri	2,296
19	69	Norman Berglund	Placentia, California	2,748
20	70	Norman Berglund	Placentia, California	1,875
21	71	Gerald Jones	Bloomington, Minnesota	5,122
22	72	Gerald Jones	Bloomington, Minnesota	10,822
23	73	Gerald Jones	Bloomington, Minnesota	21,470
24	74	Jeffrey Harrison	Carbondale, Illinois	2,418

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1	(A)	(B)	(C)
2	<u>DEFENDANT</u>	<u>LOCATION</u>	<u>APPROXIMATE</u>
3	<u>COUNT</u>		<u>VALUE OF SHIPMENT</u>
3	75	Jeffrey Harrison	Carbondale, Illinois
4	76	Jeffrey Harrison	Carbondale, Illinois
5	77	Lon Zeigler	Denver, Colorado
6	78	Lon Zeigler	Denver, Colorado

7 All in violation of Title 21, United States Code, Sections 331(a) and 333(b), and Title 18,
8 United States Code, Section 2.

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Counts 79 through 81

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1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by

reference as if set forth in full herein.

2. On or about August 4, 1986, within the Southern District of California and elsewhere, defendant MICHAEL MARZELLA, aka Kevin Anderson, with intent to defraud and mislead, did introduce and cause to be introduced into interstate commerce from Tijuana, Mexico to Los Angeles, California, a number of units (Column A) of the drugs listed below (Column B) that are misbranded in that the labeling of the drugs does not bear adequate directions for use within the meaning of Title 21, United States Code, Section 352(b), in that they were packaged with labeling which did not bear the true name and true place of business of the manufacturer, packer, or distributor of said drugs, and within the meaning of Section 352(f)(1) in that the labeling of the drugs does not bear adequate directions for use:

<u>COUNT</u>	<u>(A) APPROXIMATE NUMBER OF UNITS</u>	<u>(B) DRUG</u>
79	100	Testosterone Enanthate
80	416	Testosterone Cypionate
81	700	Methandrostelone

All in violation of Title 21, United States Code, Sections 331(a) and 333(b), and Title 18, United States Code, Section 2.

Counts 82 through 84

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1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by reference as if set forth in full herein.

2. On or about July 8, 1986, within the Southern District of California and elsewhere, defendant DANIEL DUCHAINE, with intent to defraud and mislead, did introduce and cause to be introduced into interstate commerce from Tijuana, Mexico to Indianapolis, Indiana, a number of units (Column A) of the drugs listed below (Column B) that are misbranded in that the labeling of the drugs does not bear adequate directions for use within the meaning of Title 21, United States Code, Section 352(b), in that they were packaged with labeling which did not bear the true name and true place of business of the manufacturer, packer, or distributor of said drugs, and within the meaning of Section 352(f)(1) in that the labeling of the drugs does not bear adequate directions for use:

<u>COUNT</u>	(A) <u>APPROXIMATE NUMBER OF UNITS</u>	(B) <u>DRUG</u>
82	2	Testosterone Enanthate
83	1	Stromba
84	3	Cytomel

All in violation of Title 21, United States Code, Sections 331(a) and 333(b), and Title 18, United States Code, Section 2.

Count 85

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1. Paragraphs 1 through 14 of Count 1 are hereby realleged and incorporated by reference as if set forth in full herein.

2. On or about March 20, 1987, within the Southern District of California and elsewhere, defendants JUAN JAVIER MACKLIS, aka John Fontana, DAVID JENKINS, aka Ed Wilson, WILLIAM P. DILLON, TOIVOL MANSEN, JAMES M. INSKO, JR., ROBERT WANTZ, JR., DAVID GRIGUS, JEFFREY GOLINI, STEVEN MARX, LON ZEIGLER, MARK DEPEW, STEVEN HENNEBERRY, MICHAEL MacDONALD, STEVE HEIN, GIL R. THOMPSON, JEFFREY HARRISON, JOHN SLECONICH, THOMAS BINNS, and GERALD JONES did fraudulently and knowingly receive, conceal, and buy certain merchandise, namely, anabolic steroids and other prescription drugs, which merchandise, as the defendants then and there well knew, had been imported and brought into the United States contrary to law, in that it had not been presented for inspection, entered and declared as provided by Title 19, United States Code, Sections 1459 and 1461, and is subject to forfeiture; in violation of Title 18, United States Code, Sections 545 and 2.



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2 On or about the following dates (Column A), within the Southern District of
3 California and elsewhere, the following defendants (Column B) did fraudulently and
4 knowingly receive, conceal, and buy certain merchandise, namely, anabolic steroids or
5 other prescription drugs, which merchandise, as the defendants then and there well knew,
6 had been imported and brought into the United States contrary to law, in that it had not
7 been presented for inspection, entered and declared as provided by Title 19, United
8 States Code, Sections 1459 and 1461, and is subject to forfeiture:

9	<u>COUNT</u>	<u>(A)</u> <u>DATE</u>	<u>(B)</u> <u>DEFENDANT</u>
10		January 30, 1987	Jeffrey Harrison
11	86	January 30, 1987	Michael MacDonald
12	87	October 30, 1986	David Grigus
13	88	November 30, 1986	David Grigus
14	89	October 30, 1986	Michael MacDonald
15	90	October 30, 1986	Steve Hein
16	91	October 30, 1986	Toivol Mansen
17	92	October 30, 1986	Lon Zeigler
18	93	October 30, 1986	Steven Henneberry
19	94	October 30, 1986	James M. Insko, Jr.
20	95	October 30, 1986	Thomas Binns
21	96	October 30, 1986	Jeffrey Golini
22	97	October 30, 1986	Dennis J. Motte
23	98	October 30, 1986	Norman Berglund
24	99	October 30, 1986	John Sleconich
25	100	October 30, 1986	Michael Marzella
26	101	September 1986	Garry De Paepe
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Count 109

2 On or about December 11, 1986, in the Southern District of California and
3 elsewhere, defendants JUAN JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ,
4 DAVID JENKINS, aka Ed Wilson, SAMUEL MARTINEZ-MORENO, UNITED
5 PHARMACEUTICALS, and LABORATORIOS MILANO did knowingly import and bring
6 into the United States certain merchandise, namely, anabolic steroids and other
7 prescription drugs, contrary to law in that they had not been presented for inspection,
8 entered and declared as provided by Title 19, United States Code, Section 1459 and 1461,
9 and are subject to forfeiture; all in violation of Title 18, United States Code,
10 Sections 545 and 2.

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2 On or about February 25, 1987, in the Southern District of California and
3 elsewhere, defendants JUAN JAVIER MACKLIS, aka John Fontana, CULBERTO LOPEZ,
4 DAVID JENKINS, aka Ed Wilson, RAFAEL LEPE-DUENAS, UNITED
5 PHARMACEUTICALS, and LABORATORIOS MILANO did knowingly import and bring
6 into the United States certain merchandise, namely, anabolic steroids and other
7 prescription drugs, contrary to law in that they had not been presented for inspection,
8 entered and declared as provided by Title 19, United States Code, Section 1459 and 1461,
9 and are subject to forfeiture; all in violation of Title 18, United States Code,
10 Sections 545 and 2.

11 DATED: May 20, 1987.

12 A TRUE BILL:

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Foreperson

15 PETER K. NUNEZ
16 United States Attorney

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18 By: PHILLIP L.B. HALPERN
19 Assistant U.S. Attorney

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21 RICHARD K. WILLARD
22 Assistant Attorney General

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24 RAYMOND W. PHILIPPS
25 Attorney
26 U. S. Department of Justice
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