

Ex-owner of smoke shops pleads guilty to dealing "spice"

By Scott Daugherty
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NORFOLK

Jayson Mickle thought the "incense" he was selling was legal.

The former owner of several smoke shops in Hampton Roads was so confident his packages of Headtrip and Dr. Feel Good Kush didn't qualify as a controlled substance that he fought the Newport News Sheriff's Office's seizure of some of his stock. And according to court documents, the 31-year-old even got some of it back.

But then the federal government came knocking with a lengthy indictment, and the U.S. Supreme Court issued a damaging opinion in another case involving synthetic marijuana.

Hope for a legal win eventually evaporated.

Mickle, whose businesses grossed nearly \$10 million in "spice" sales from 2010 through 2012, pleaded guilty Monday to conspiring to sell synthetic marijuana. He faces up to 20 years in prison when sentenced Oct. 13 in U.S. District Court in Norfolk.

Assistant U.S. Attorney Kevin Hudson and Andy Protogyrou, Mickle's attorney, declined to comment on the case before sentencing.

According to court documents, Mickle and his family owned different stores over the years, including Hampton Pipe and Tobacco in Hampton and Norfolk. He also owned Blazin' Herbs in Hampton, which he rebranded in 2013 as 7 City Gifts, and a website and wholesale business.

The stores, which he sold in 2014, provided several herb-like substances in packages labeled Hedgehog, Hampster, Bizarro, Orgazmo and Sonic Zero. The products were marketed as



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for human consumption, but Mickle knew people were buying them to smoke, documents said.

The documents allege some of the drugs were manufactured by Burton Ritchie and Benjamin Galecki, two movie producers who investigators say financed films by selling large quantities of spice. Prosecutors said Mickle's business bought more than 1,060 kilograms from Ritchie and Galecki's Florida-based manufacturing company in the span of about 15 months. The company was originally called Zencense Incense Works but changed its name to ZenBio.

In April 2013, Mickle acquired a property in Hampton to manufacture his own spice. And by the next year, he was employing as many as 15 people to make the drugs in shifts.

Until recently, Protogyrou had argued his client did not know the substances were illegal and therefore was not guilty. In court, however, he noted that a decision last year in *McFadden v. United States* nixed that defense.

Mickle invested a large portion of his drug proceeds over the years. Among other things, he bought more than two dozen rental properties, vehicles and a 36-foot boat named Slow Dance. He also bought a waterfront home in Hampton to live in.

Under a plea agreement, Mickle was required to forfeit most of his properties and possessions.

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