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Judge frees medical-pot patient, returns stash

52 plants, 10 ounces of marijuana led to arrest

By JASON SCHULTZ
SENTINEL STAFF WRITER

SANTA CRUZ — Federal prosecutors might not respect the state law that allows people to grow marijuana for medical use, but a judge in Santa Cruz County does.

Medical-marijuana user Greg Brown walked out of the courthouse Wednesday a free man with a legal bag of marijuana.

Superior Court Judge Kathleen Akao threw out two felony charges against the Santa Cruz man after he proved he had a doctor's recommendation to use medical marijuana. She ordered police to return Brown's pot.

Brown was arrested March 15 after police found 52 plants growing at his house, 7 ounces of packaged marijuana and 3 ounces drying. He was charged with



AKAO

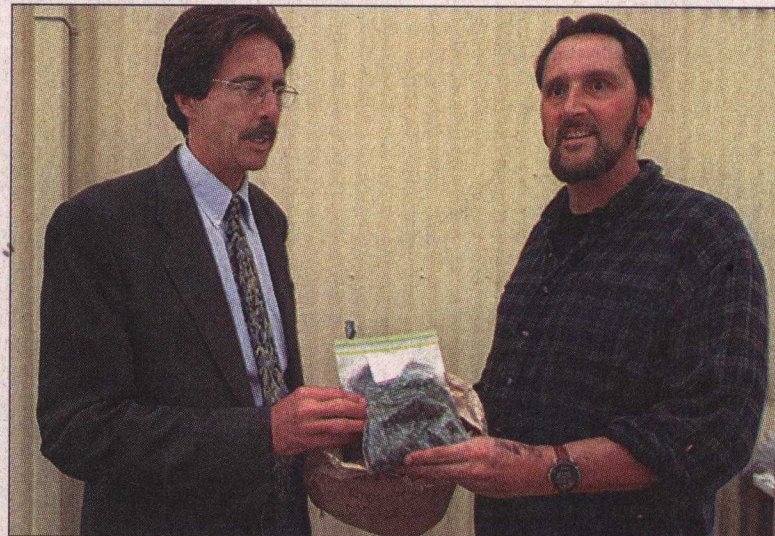
Tossed two felony charges.

cultivating and possessing marijuana for sale, both felonies.

Proposition 215, passed by voters in 1996, allows state residents to grow and smoke marijuana if they have a recommendation from a doctor. A recent decision by the state Supreme Court backed up that law, saying people arrested on marijuana charges can use their doctor's recommendation as a defense in court.

Brown's lawyer, Ben Rice of Santa Cruz, said Brown has a doctor's recommendation. He said Brown fell down concrete steps 10 years

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Greg Brown and lawyer Ben Rice show the 7 ounces of pot returned after possession and cultivation charges were dismissed Wednesday.

Dan Coyro/
Sentinel

Marijuana: Despite federal laws, judge dismisses two felony charges

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ago and suffers back problems from the accident.

He said Brown's written recommendation had expired when he was arrested in March, but he had a valid oral recommendation from the same doctor.

Brown's non-jury trial started Wednesday, and ended the same day when Akao agreed with Rice's motion to dismiss the charges.

The plants and the drying marijuana have been destroyed, but Brown got back the 7 ounces of dried pot.

"I feel great, of course, I feel relief,"

Brown said.

Brown said he also suffers from hepatitis C, which leaves him with heartburn and an upset stomach. The marijuana helps soothe his stomach and increase his appetite, he said, as well as helping him deal with back pain.

Rice said marijuana seized in such cases often is not returned, even after an acquittal.

"What I've started doing is when people hire me, I call the District Attorney's Office and tell them not to destroy any of the marijuana so it can be returned later," Rice said.

The U.S. government considers mari-

juana an illegal drug with no medicinal value. The federal government considers medical-marijuana users to be drug abusers, and those who provide the marijuana to be drug dealers, said Drug Enforcement Administration spokesman Richard Meyer. State law will not protect them in federal court, he said.

The DEA recently raided the North Coast farm of Wo/Men's Alliance for Medical Marijuana, touching off a national controversy about the medicinal value of the drug and the federal enforcement of pot laws in states that allow its medical use.

The furor culminated in a much-publi-

cized distribution of marijuana to patients by the alliance on the steps of Santa Cruz City Hall.

Rice is also the attorney for alliance founders Mike and Valerie Corral. Rice had intended to call one of them as an expert witness in Brown's case on how much usable marijuana plants will yield.

San Francisco attorney John Kecher has joined the team to help defend the Corrals if the federal government decides to file charges in connection with the raid earlier this month.

Contact Jason Schultz at
jschultz@santa-cruz.com.