

Medical marijuana advocate: Pot raid 'armed robbery'

Written by

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Uncertainty in Michigan's medical marijuana law allows drug enforcement teams to "commit armed robbery" of medical marijuana dispensaries, said the Rev. Steve Thompson, head of the Michigan chapter of the National Organization for the Reform of Marijuana Laws.

While unfamiliar with the March 2 raid of the Marshall Alternatives medical marijuana dispensary in Handy Township, Thompson said the raid and its authorization were symptomatic of a vague state law which he said does not protect the rights of approved medical marijuana users and caregivers.

An undisclosed amount of marijuana and as much as \$15,000 worth of property was seized during the raid of the Handy dispensary, according to Denise Pollicella, business attorney for Marshall Alternatives owner Christi Marshall.

"What that boils down to is armed robbery,"

Thompson said.

"You do have rogue law enforcement out there, and obviously, this is one of them that pulled this stunt. It would be wonderful if they were going after real drug users," he added.

Thompson said the definition of "dispensary" - a term that doesn't appear in the Michigan Medical Marijuana Act - is causing problems for operations like Marshall Alternatives. The law doesn't say whether such operations are legal.

He said medical marijuana dispensaries have become easy prey for Michigan drug enforcement teams due to such ambiguities within the 2008 law, approved by voters at the ballot box in November of that year.

State forfeiture rules say a portion of funds acquired in raids are to go back into drug team operations. Thompson said those rules are allowing illegal seizures of medical marijuana.

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Livingston and Washtenaw Narcotics Enforcement Team Detective Lt. Philip Menna disagreed.

Menna said there is no "overkill" in raiding medical marijuana facilities suspected of illegal activity.

"We're not targeting marijuana dispensaries. What we do or who we seek charges on is strictly on those violating the law," he said. "If it's a dispensary, then so be it."

Thompson said plenty of people are abusing the marijuana act for financial gain, but that state lawmakers, courts and prosecutors are letting their opposition to marijuana use in general conflict with their judgment.

That conflicts with the will of Michiganders, Thompson added, more than 60 percent of whom approved a referendum to decriminalize marijuana for approved medical use.

"They have their personal opinion about cannabis, and therefore, they let it interfere with their professionalism," he said.

Pollicella said her client has followed the letter of the law, which states caregivers can grow up to 12 plants per patient for a maximum of five patients, and have a maximum of 2.5 ounces of marijuana on hand for each patient.

Police and the prosecutor's office maintain there was illegal activity at the location, a

lthough charges had been filed as of Monday. Menna, of LAWNET, has said police believe there were violations of the law at the dispensary, but so far, police have not specified what violations may have been found.

Livingston County Prosecutor David Morse said the majority of Michigan-based court rulings have found abuses of the statute on the part of medical marijuana users and caregivers.

Morse said his decision whether to seek charges against Marshall, too, will be based in part on court cases in other parts of the state.

"Every opinion of the Michigan Court of Appeals regarding Michigan's Medical Marijuana Act has affirmed the decision of the prosecuting attorney that the defendants were in violation of the MMMA, despite vociferous claims to the contrary. My decisions in this case, as they are in every case, will be guided by the law as established by Michigan's courts," he said.

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Morse said Monday his office is awaiting results of laboratory tests of the material seized at the Handy facility "to determine if, in fact, it is marijuana" before deciding whether to file charges.

Thompson said treatment of medical marijuana users and caregivers varies across the state. He said officials in the Traverse City area have been open to working with responsible card-holding users and caregivers.

He runs a medical marijuana dispensary in a church in Benzie County west of Traverse City. He said he presented the county sheriff and county commissioners with a business plan, and that no one enters the locked door without proof of holding a state card.

Caregivers are charged a \$25 fee to set up shop, approved users pick their products, and a snack bar is available.

"We treat it like a farmers market. Basically, it's a locked private club," Thompson said.

The American Civil Liberties Union of Michigan has spoken out in favor of medical marijuana users and caregivers in a handful of related court cases. This month, the ACLU spoke out in support of Larry King, an Owosso man who the organization said holds a medical marijuana card but faces felony drug charges for growing the plant outside.

Thompson said he expects such legal disputes to ensue for years to come unless

the state law is better clarified.

The ACLU was unaware of the Handy Township raid, said spokeswoman Rana Elmir.

"It's far too premature for us to comment on this developing situation. The ACLU's priority is to ensure that patients and caregivers are able to use and cultivate medical marijuana in accordance with state law without interference," Elmir said.

Contact Daily Press & Argus reporter Christopher Behnan at (517) 548-7108 or at cbehnan@gannett.com.

LAWNET disputes claim of 24 officers at pot raid

By Christopher Sehnaar:
Daily Press & Argus

"Nowhere near 21" drug enforcement officers raided a Handy township marijuana dispensary Monday and none carried automatic weapons, said Livingston and Washtenaw Narcotics Enforcement Team Detective Lt. Philip Menna on Monday. An attorney for Ma'shali Alternatives medical marijuana dispensary owner Christi Ma'shall earlier

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