

Tuesday, March 6, 2007

Ed Rosenthal going back to trial.

Photo from website of U.S. District Court (W.D. Mi.). On April 26, 2006, I exulted over the federal appellate victory of medical marijuana grower Ed Rosenthal, whom I first met during the 1991 Drug Policy Foundation and NORML conferences in Washington, DC. As with most appellate reversals, Mr. Rosenthal's appellate win amounted to the right to a retrial, and not to an outright dismissal. On March 19, 2007, he gets retried, and this time on a superseding indictment that includes allegations of money laundering and tax law violations. On March 1, 2007, the trial judge denied Mr. Rosenthal's motions to dismiss the superseding indictment or in the alternative recuse the prosecutor for grand jury misconduct; to recuse the prosecutor for prosecutorial misconduct; to dismiss for due process violations; to dismiss for selective prosecution; to dismiss for undue delay; and to declare U.S. Attorney's appointment unconstitutional. Also on March 1, 2007, the trial judge agreed to consider Mr. Rosenthal's motions to dismiss on grounds of vindictive prosecution; for reconsideration of severance; for impeachment evidence; and for Rule 404(b) evidence. Mr. Rosenthal's trial court docket is here. As with his original trial, I wish Ed victory on his retrial, and look forward to the day when he may grow marijuana in peace and without legal penalties. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00