

Friday, April 20, 2007

A pot pipe victory in time for 4/20.

Image from public domain. In yet another example of the importance of pleading innocent when the risks of doing so are no greater than entering a guilty plea, on April 19, 2007, we won our client's drug paraphernalia case. Here are some details: The police stop our client for allegedly failing to stop at a stop sign. The stopping cop "conveniently" has a drug sniffing dog with him. When our client's license is being checked for outstanding arrest warrants, the cop walks the dog around the car, and the dog allegedly alerts to drugs by sitting down (or did he sit down just by having been tired at 8:00 p.m.?) The judge rejects my motion to suppress the stop of the car and the search following an allegedly positive dog alert. After closing arguments, the judge hands down a not guilty verdict, agreeing with our portrayal of our client's car (starting with cross examination) as messy, and the pot pipe as having been found beneath a container lid that was closed, and this being a circumstance where the smell of marijuana and any admissions by our client are absent. Applying the required possession definition (knowledge, dominion and control), the judge agrees that knowledge of the pot pipe's presence was not proven against our client, in part seeing he was borrowing the car from someone else, and there was no showing how long Defendant was in possession of the car. Coming just a day before 4/20, this victory could not have arrived at a better time. Jon Katz.

Posted by Jon Katz in Drugs at 00:15