

Victory for The Friendly Market in Oklahoma

The verdict is in for the trial against a Norman city councilman and his business partner, the owner of The Friendly Market.

Robert Cox and Stephen Holman were found not guilty on all counts. The DKT Liberty project supported this case by paying for Cox's and Holman's defense.

The two were accused of a felony and several misdemeanors for selling drug paraphernalia.

The state raided The Friendly Market in Norman back in 2015 because the store stocked glass pipes, which the state called drug paraphernalia.

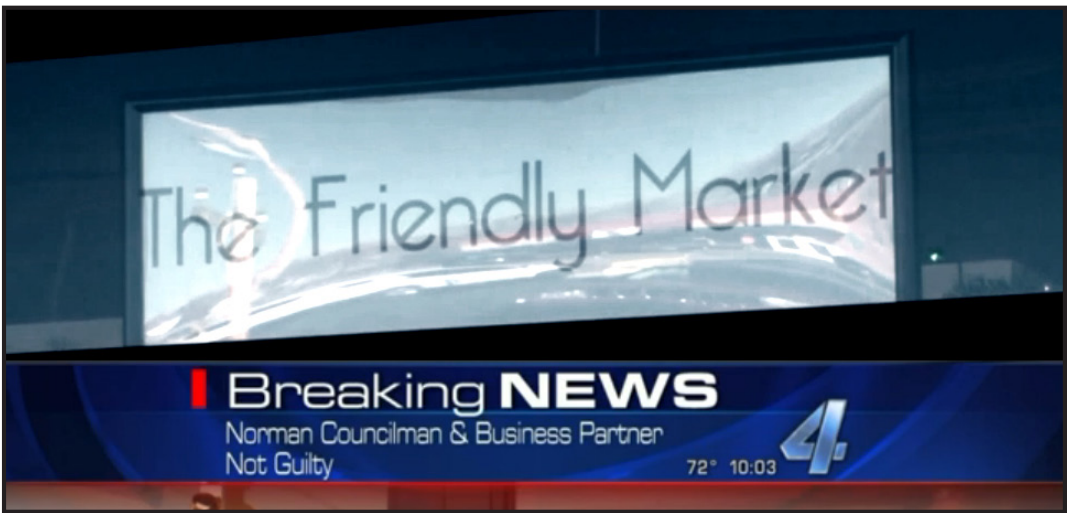
But, the jury didn't buy it.

The trial against Cox and Holman lasted an entire week.

This is the third trial Cleveland County prosecutors have lost against workers at The Friendly Market.

Brecken A. Wagner, a senior partner with Wagner & Lynch, represented the store.

"It is a surprise to me," said Wagner. "We thought they might [drop the charges] after the first trial. We thought they might do it after the second trial. We



Two men accused of violating the law for selling drug paraphernalia were found not guilty on all counts in a third trial pursued by prosecutors in Cleveland County, Oklahoma.

thought they might do it after the third trial."

Friendly Market juror Melissa Costello said she felt the prosecution of the Friendly Market defendants

wrong," Costello wrote. "The more I heard about The Friendly Market and all of the items it sold (other than glass pipes), the more I wish I'd known about it before it

also said she and other jurors felt intimidated when local law enforcement filled the courtroom when Norman police Chief Keith Humphreys testified during Cox and Holman's trial.

I wondered, 'Why am I here?' I did not see where anyone broke the law.

JUROR BETTY GILSON

"I wondered, 'Why am I here?'" Gilson wrote. "I did not see the point in all of this. I did not see where anyone broke the law."

was a waste of public time and money.

"I was not impressed with the state's case. I just didn't believe that Robert or Stephen had done anything

was closed down. I would have liked to have shopped there, and it didn't bother me one bit that they sold glass pipes."

Juror Betty Gilson echoed Costello's sentiments and

The Friendly Market has since reopened at a new location and is doing more business than ever before.

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INSIDE



AFTER 16 YEARS, A FREE MAN



WORKING HARD TO LEGALIZE



JUSTICE IN CALIFORNIA



MARIJUANA ON THE BALLOT



DKT HELPS WIN ON APPEAL

Man Serving Life Sentence for Selling \$75 Worth of Crack Cocaine is Now a Free Man

When we first learned about Christopher Dugger, 54, he had served 16 years in a Georgia prison on a sentence of life without parole for selling \$75 worth of crack cocaine to a narcotics agent. Dugger had 3 prior felony convictions, but none involved violent offenses. All were connected to his addiction to crack cocaine, and he served his sentences in full for those prior convictions.

The judge was upset that Dugger had not cured his addiction and sentenced him to life without parole. Sixteen years later, the lawyers at the Southern Center for Human Rights in Atlanta heard about his case, and with support from the DKT Liberty Project, they worked to get Dugger out of jail. Lawyers examined similar cases throughout Georgia and studied



With support from the DKT Liberty Project, Christopher Dugger's case was reviewed and his sentence vacated.

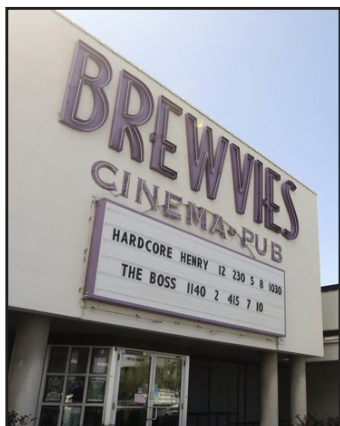
patterns of sentencing in the county in which he was convicted. The review

indicated that Dugger's sentence exceeded others for similar crimes.

They brought this information to the District Attorney and subsequently to a judge in open court. The judge ordered that Dugger's sentence be vacated and resented him to time served in the amount of 16 years, 6 months, and 28 days, as well as probation for 13 ½ years. Upon his release, he stayed at his parents' house and had a job interview the next day.

Both the Southern Center for Human Rights and the DKT Liberty Project feel that cases like Mr. Dugger's — where an individual is serving an excessive sentence — are clearly a miscarriage of justice. We salute the Southern Center for its outstanding work.

In 'Deadpool' Case, Judge Rules Utah Statute Violates First Amendment



"Brewvies" is the name of a theater that serves alcohol and food to moviegoers in Salt Lake City, Utah. The Utah Alcoholic Beverage Control sent undercover agents to view showings of "Deadpool" — an R-rated movie that grossed \$731 million at the box office worldwide, the largest

grossing R-rated movie in history. State agents told the owner of Brewvies that he could not exhibit "Deadpool," which contained sexual content, unless he stopped selling alcohol.

Supported by the DKT Liberty Project, Brewvies sued the state for violating

the First Amendment of the Constitution. After a long legal fight, the judge struck down the Utah law, saying, "The state has violated the First Amendment...(imposing) unacceptable limitations on speech that the state admits should be accorded full First Amendment protection."

The Bronx Defenders Reach Sweeping Settlement with New York City Police

The Bronx Defenders is a nonprofit group that provides legal and other services to low income citizens in the Bronx, New York. They filed a lawsuit against the City of New York (Encarnacion v. the City of New York) on January 8th, 2016. This federal class action lawsuit challenged the police practice of keeping personal property that they had been taking during arrests long after the conclusion of the criminal cases.

The lawsuit focused especially on property seizures by police that often included seizure of suspects' wallets. In a Catch 22, those who were arrested could not apply for the return of their property because they had no ID.

Previous informal negotiations between the police and The Bronx Defenders went nowhere. When the lawsuit was filed, the police changed their tune and were willing to address needed reforms. This happened because the police would have had to turn over data and thousands of documents, give depositions, and withstand public scrutiny. With a settlement, however, they were not



With the support of the DKT Liberty Project, legal pressure from The Bronx Defenders compelled the NYPD to agree to wide-ranging reforms to protect against injustice.

admitting any wrongdoing and were able to say that these changes were voluntary.

As part of the settlement of the lawsuit, the police have agreed to wide-ranging reforms. These include:

- The introduction of systems to assure that all arrestees will receive property vouchers specifying the property police seize at the time of arrest.
- The creation of a phone line that provides access to a designated prosecutor

to find out the status of requests for release of property.

- The elimination of a policy that led to an unusually high number of property release denials on the grounds that the police were "considering" forfeiture.
- The creation of new written policies codifying these reforms, with obligations to implement through training, supervision, monitoring, and discipline to ensure compliance.
- The establishment of a working group of

stakeholders to discuss any issues that arise, with a federal judge retaining jurisdiction of the case for two years to monitor compliance and enforcement of the agreement.

Johanna B. Steinberg, The Bronx Defenders' General Counsel and Director of Impact Litigation, said "None of this could have happened without the Liberty Project's support and partnership to challenge these injustices ... This is a really big win."

Working Hard in Missouri to Legalize Medical Marijuana



The New Approach Missouri campaign to bring legal medical marijuana to Missouri has collected more than 250,000 signatures. Over half of these have been gathered by dedicated volunteers. The campaign is also using paid signature gatherers.

Volunteers at a community event help gather signatures to petition the state to legalize medical marijuana. More than a quarter million signatures have been gathered so far.



Given the alarming rise in opioid overdose deaths in Missouri, it is especially important that this bill becomes law: in states where medical marijuana is legal, opioid death rates are lower than in comparable states where all marijuana is still illegal. Far from being a so-called “gateway drug,” marijuana can be an exit drug from addictive pharmaceuticals.

Don't forget these important statistics from 2016:

62,497

Number of Americans who died from drug overdoses

0

Number of Americans who died from marijuana overdoses

Kala Rains Wins Case on Appeal

Kala Rains and her husband owned a small ranch in rural southern California. After her husband died, everything seemed to go downhill for her.

Temptation came knocking in 2013 when a man said he would give her \$300 to let two Mexican aliens stay one night at her ranch. She agreed, but one night turned into two, and then into five days. She did not know that the man she spoke with was part of a small smuggling group that had been infiltrated by a federal law enforcement agent.

Kala was arrested and convicted of conspiracy to bring in aliens. She was sentenced to 33 months in prison, plus the forfeiture of her \$175,000 ranch as a fine.

This level of punishment for letting two undocumented individuals spend a few days on her ranch was wildly out of proportion and, as her lawyer and the Liberty Project agreed, a probably violation of the

Eighth Amendment's "cruel and unusual punishment" clause. Her attorney, Rick Barnett, explained to the Court that in the three years prior to this case, there were 1,750 defendants in 555 cases in San Diego County. Similar fines were imposed in only four cases, and the largest fine was \$2,500. The seizure of the ranch was 70 times greater than the largest previous fine.

In January of 2017, the Ninth Circuit Court of Appeals overturned Rains' convictions on "bringing" two undocumented aliens to the US, aiding and abetting, and conspiracy to bring in aliens. They also overturned the seizure of Rains' ranch. They sent the remaining parts of the case, transporting and harboring aliens, back to the district court for resentencing.

Time had gone by during the lengthy appeals process: Kala Rains had served 27 months in prison before she was released.



After serving more than 27 months in prison, Kala Rains had two of her convictions overturned.

FLASH UPDATE From Kayla's Attorney Rick Barnett

"As you are aware, the 9th Circuit reversed some of Kala's convictions and ordered the case remanded for a new forfeiture hearing.

At the original hearing, the court ordered her ranch forfeited in its entirety. At the resentencing/new forfeiture hearing, the court agreed to reduce the forfeiture from a complete and total forfeiture of the proceeds of the sale of the ranch (\$150,000) to \$20,000. Obviously, this was a great victory and Kala was totally thrilled. She specifically asked that I pass on her gratitude to the DKT Liberty Project for funding her appeal. She's been out of custody now for 14 months with no problems and is anxious to move on with her life."

Update: Lawsuit Settled as City Agrees to Major Changes



Defendants and attorneys in Columbus, Georgia now have access to crucial documents for defending their cases.

Calling the city Records Court in Columbus, Georgia “a troubled and dysfunctional institution whose judges and clerks routinely disregard the rights of defendants, including indigent citizens,” the Southern Center for Human Rights, with support from the DKT Liberty Project, sued the mayor of Columbus, the chief judge of the city Records Court, and his clerk on behalf of two indigent women who contended they were

unconstitutionally jailed and denied court records necessary to challenge their convictions. (See DKT Liberty Project Newsletter, summer 2017)

Now, the lawsuit has been settled as the City of Columbus agreed to major changes in how the Records Court operates. The controversial Chief Judge Michael P. Cielinski has retired. The lone public defender has also retired and been replaced. They

were at the center of the lawsuit over the treatment of Elizabeth King and Kiona Wright who could not afford to pay traffic ticket fines and consequently were jailed. This form of sentencing was routinely imposed on poor defendants by the Records Court.

As a result of the settlement, the Court will now grant defendants and attorneys access to court documents that are crucial for defending these cases.

Access to these records was previously denied, in violation of federal and state law. Access to these records were essential in protecting the constitutional rights of these women to defend themselves. A Public Records Request Compliance Officer has also been appointed. Additionally, King and Wright were awarded \$5,000 each and are no longer threatened with jail for their prior convictions.



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Michigan Campaign to Legalize Marijuana Takes Major Step Toward Getting Full Legalization on the Ballot in 2018



Adults 21 and older are closer to gaining the right to possess and cultivate cannabis in the Great Lakes State.

The Coalition to Regulate Marijuana Like Alcohol turned in more than 360,000 signatures calling for its marijuana legalization initiative to be placed on Michigan's November 2018 ballot. The state Board of Canvassers had approved the ballot language previously. The DKT Liberty Project has helped provide support for this grassroots effort.

"Collecting enough signatures to get on the ballot is always a massive undertaking and we're thrilled to have gathered

more than 100,000 signatures beyond the 252,000 required by the state," said Coalition Spokesperson Josh Hovey. "Just like with alcohol, marijuana prohibition has been a huge failure. Instead of wasting law enforcement resources on a substance that is proven to be less harmful than either alcohol or tobacco, our initiative creates a tightly regulated system that will generate significant revenue for the state that will help fund our roads, public schools

and local governments – three of Michigan's most underfunded needs."

If ultimately passed by Michigan voters in November 2018, the initiative would:

- Legalize personal possession, cultivation and use of limited amounts of cannabis for adults 21 and older
- License marijuana businesses with provisions for testing and safety standards for retail marijuana

- Tax marijuana at the retail level with a 10 percent excise tax and 6 percent sales tax

- Permit local governments to choose whether and where to allow marijuana businesses in their communities.

The DKT Liberty Project is pleased to have joined both national and local advocacy organizations in supporting this initiative. If passed, Michigan will become the 9th state, along with Washington D.C., to fully legalize marijuana.

'Kettle Falls Five' Wins on Appeal in Medical Marijuana Case

Ms. Rhonda Firestack-Harvey, her son Rolland Gregg, and his wife Michelle Gregg for decades led normal lives. Along with their friends Larry Harvey and Jason Zucker, they used medical marijuana for health issues. They each had state medical health authorizations posted, and they carefully followed all of Washington state's regulations for the legal use of medical marijuana.

Nonetheless, they were all raided on August 9, 2012 by state and federal agents who seized 68 marijuana plants and a family computer. The five were subsequently indicated on charges of marijuana possession and production.

The "Kettle Falls Five" as they were known were reduced in number when Harvey died of pancreatic cancer in August 2015. Zucker, parting company with his friends, made a plea agreement the day before the federal trial and testified for the prosecution.

The trial jury delivered unanimous acquittals on all major counts, conferring conviction only on a lesser possession charge. The judge, however, rejected the idea of a medical marijuana defense and was quoted by the Spokane Spokesman-Review as saying in Court,



Rhonda Lee Firestack-Harvey, left, Jason Zucker, Rolland Gregg and Michelle Gregg stand with Larry Harvey outside a courthouse in Spokane, Washington.

"There is no such thing as medical marijuana. There is no such thing in federal law."

The DKT Liberty Project provided the only *amicus* "friend of the court" brief that was filed in their

Department of Justice may be used ... to prevent... States from implementing their own state laws that authorize the use, distribution, possession, or cultivation of medical marijuana."

If, under Washington law, appellants' conduct was authorized, their conduct may not be prosecuted by the Department Justice.

NINTH CIRCUIT COURT RULING

Ms. Harvey and Ms. Gregg received 12-month sentences, and Mr. Gregg received a sentence of 33 months in prison. They appealed this guilty verdict to the Ninth Circuit Court of Appeals.

case. The brief argued that the Rohrabacher-Farr Amendment, a provision included in every federal budget since 2014, provides that, "None of the funds made available in [the federal budget] to the

The Ninth Circuit agreed and ruled that, "If, under Washington law, appellants' conduct was authorized, their conduct may not be prosecuted by the Department Justice."

Victory! This case overturns an injustice and also provides an important legal precedent.

DEA Agents Seize \$60,000 at LAX in Unconstitutional Search; DKT Liberty Project Gets it Back



The DKT Liberty project intervened to defend a Delaware man's Fourth Amendment rights.

Stephen Clemmons, a bail bondsman from Delaware, decided to start a new chapter in his life, move to Los Angeles, and continue his work there.

In February 2017, he packed his cash savings of \$14,300 in a check-in suitcase under his clothing. In a separate black Nike backpack carry-on, he had another bag with \$46,000 in it.

He flew to Los Angeles International Airport where drug enforcement agents seized all \$60,300, which were the lawful proceeds of Mr. Clemmons' bail bond business. The agents had no warrant, and Clemmons did not consent to the searches of his bags.

Clemmons had a label printer in his luggage that he had bought in Baltimore. He planned to print labels for his new bail bond business. The officers later admitted that their dog had "alerted" them to the brand-new printer which could not have been contaminated with the scent of a controlled substance.

The DKT Liberty Project paid for an attorney to help Mr. Clemmons get his property back, as the stop, detention, and searches of his bags all violated the Fourth Amendment. Responding quickly to the intervention, the government agreed to return all of Clemmons's money.

Ending Nebraska's Property Forfeiture Scam

Kearney  Hub

Ronald Fraser, Ph.D., writes on public policy issues for the DKT Liberty Project, and recently published the following for the Kearney, Nebraska Hub: "Ending Nebraska's property forfeiture scam." Here's a clip:

"In response to mounting cases of private property abuse, Nebraska lawmakers are determined to end state and local law enforcement's addiction to a lucrative federal property forfeiture scheme that enriches police departments — often at the expense of innocent Nebraskan property owners unable to afford the legal representation to get their property back.

Here is how it works. Federal law allows local and state police officers to seize your cash, car or other private property on the mere suspicion that it is somehow connected to criminal activity — and without ever convicting or even charging you with a crime. The property is then turned over to the federal Department of Justice for proceedings under lax federal civil forfeiture laws that stack the deck against Nebraska property owners."

The DKT Liberty Project continues to fight back against these utterly unjustified "policing for profit" seizures that are still occurring all across the country.



Our sister organization is a social marketing nonprofit working in Latin America, Africa and Asia. Find out how DKT International is improving reproductive health at dktinternational.org