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Feds want to ban medical pot references at trial



HELENA, Mont. (AP) — Federal prosecutors pursuing drug charges against Montana medical marijuana operators want to keep jurors from hearing any evidence at trial about the state's medical pot law or whether the operators were complying with it.

U.S. Department of Justice attorneys have made motions in at least two cases stemming from federal raids on dozens of pot operations this spring, asking those

judges to forbid any testimony or evidence at trial about medical marijuana or related issues involving state and federal laws.

"Montana's medical marijuana laws have no relevance to the present prosecution, which consists of various charges the defendants violated federal law in relation to a marijuana manufacture and distribution scheme," Assistant U.S. Attorney Joseph Thaggard wrote in an August court filing.

The question will go unanswered in one case, after Ryan Blindheim and Evan Corum of the Black Pearl dispensary in Olney recently pleaded guilty — Blindheim to a charge of conspiracy to manufacture marijuana and both to money laundering charges.

But attorneys for a Miles City family of medical marijuana operators plan to fight the prosecutors' attempt to keep the question of what's allowed under Montana's medical marijuana law out of their trial.

"There are enormous issues in the fight against the federal government versus states' rights in these cases," Billings attorney Brad Arndorfer said in a recent email to The Associated Press.

Arndorfer represents Richard Flor. He argues that Flor, his wife, Sherry, and son Justin were in compliance with state law and conducted their operations in full view of law enforcement.

"Evidence concerning the fact that medical marijuana is a legal drug in Montana, and that Mr. Flor was not some nefarious drug dealer, should be allowed at trial," Arndorfer wrote in his reply to Thaggard.

But federal prosecutors said the Flors shouldn't be allowed to use that defense because they didn't comply with state law — they are accused of selling more than the state's legal limit to an undercover agent who was not registered as a Montana medical marijuana patient. More importantly, Thaggard said, the Flors are accused of violating federal law, meaning that it's irrelevant whether they complied with the state law.

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The Flors are scheduled to appear Wednesday before U.S. Magistrate Judge Jeremiah Lynch to plead to a new indictment that alleges manufacture and distribution of marijuana, plus money laundering, weapons and conspiracy charges.

Each charge carries a minimum penalty of five years in prison and a fine. The maximum penalty for possession of a weapon during a drug trafficking offense is life in prison.

The Flors have pleaded not guilty to a previous indictment. Arndorfer indicated that they planned to plead not guilty again on Wednesday.

Richard Flor was a partner in Montana Cannabis, one of the largest medical marijuana growers and distributors targeted in a series of raids carried out in March by the FBI, the U.S. Drug Enforcement Agency and other federal law enforcement agencies.

Agents executed 26 search warrants at medical marijuana operations across the state as the state Legislature was considering repealing or adding restrictions to the state's medical marijuana law. U.S. Attorney Michael Cotter has said the raids were part of a long-term drug trafficking investigation.

Besides the Flors, at least eight other medical marijuana operators involved in those raids face federal drug charges.

Montana Cannabis provided pot for about 300 people and had locations in Helena, Missoula, Billings and out of the Flors' Miles City home.

Richard Flor's partners were Tom Daubert, a medical marijuana advocate who was a leader in the 2004 voter initiative to legalize medical marijuana in Montana, and Chris Williams, who was responsible for the operation's large growing warehouse in Helena.

Flor is the only one of the three who has been charged, and prosecutors call the other two partners "unindicted coconspirators" in their brief.

Williams is suing the U.S. government over the raids. Federal prosecutors have said Daubert was responsible for the operation's daily distribution of marijuana until he had a falling out with Williams.

DEA and state officials have been investigating the Flors since 2007, according to an affidavit by DEA special agent Wesley Smith that accompanied an application for a search warrant for the Flors' home.

Then, Smith said undercover agents bought marijuana and a rifle from Sherri and Richard Flor. An undercover officer in March also bought marijuana from Justin Flor in the operation's Billings office, according to the affidavit.

An inventory returned after the March raids said agents seized marijuana, hashish, computers, cell phones, a vehicle and more than 20 rifles and handguns from the Flors' Billings and Miles City locations.

All three have been released from prison on the condition that they disengage from medical marijuana activities and not leave Custer County except for court appearances and medical trips.

-<http://www.necn.com/09/05/11/Feds-want-to-ban-medical-pot-references->

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