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## Clallam prosecutors drop medical marijuana case

By Paul Gottlieb  
Peninsula Daily News

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PORT ANGELES -- A case against a Joyce-area couple who provided medical marijuana to an dropped by the Clallam County Prosecuting Attorney's Office.

The county Superior Court convictions of Earl Otis, 47, and Stephanie McCarty, 44, for manufa 2009, by the state Court of Appeals, which ordered a new trial.

On Friday, the Prosecuting Attorney's Office cited "increasingly limited prosecutorial resources"

Otis had been sentenced to four months in jail May 1, 2008, and McCarty to 15 days for growing Eden Valley Road.

"This has been a long time coming," Otis said Monday.

Deputy Prosecuting Attorney John Troberg said Monday in an interview that the case is not "se

Prosecuting Attorney Deb Kelly said her office may establish a separate policy for pursuing crim allegedly being used for medical purposes.

Better guidance is needed from the state Legislature "in light of our diminished resources," Kelly

The state Legislature is clarifying medical marijuana laws in the current session, she added.

Otis and McCarty were in Superior Court on Monday getting refunded a combined \$510 in fines

"I feel that I paid the price for something that I shouldn't have had to pay th

"I was within the law as it was written then."

When they were convicted, medical marijuana laws said users could have that meant, Otis said.

"It did not have a set number of plants, it did not have a set amount," Otis s

When arrested, "I had a quarter-ounce of dried weed in my safe and 52 ce  
The Legislature has since changed the law to allow up to 24 ounces, Otis :  
Washington state also allows up to 15 plants, according to the website ww  
Otis said 18 of his 75 plants had buds on them and were mature and usabl  
"The 18 with buds were the only ones that counted," he said.

Otis' medical marijuana prescription is for a seizure disorder, he said.

Otis was supplying medical marijuana to the late Ronald King Jr.

Otis and King had met as children, when King attended Queen of Angels School in Port Angeles, Otis said.

Decades later, in his early 40s, King needed marijuana "to keep his appetite up since he suffered from several symptoms of AIDS," ac  
his attorneys, Manek Mistry and Jodi Backlund of Olympia.

In its ruling, the Appeals Court said Otis and McCarty should have been allowed to use their status as providers of medical marijuana  
They were convicted in a bench trial before county Superior Court Judge S. Brooke Taylor.

The court said Taylor erred when he ruled that a handwritten note from King's doctor authorizing King to use marijuana was not "valid  
reference to state law.

The doctor had said King "should be able to use marijuana for appetite stimulation."

"The note contains no reservations," the appeals court said.

Backlund said the court struck down the often-used judicial recourse in which doctors were told they had to refer to the state medical  
marijuana use.

Neither Backlund nor Mistry was available for comment Monday.

Voters in Washington approved medical marijuana in 1998.

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## Reader Comments

### Comments:

**Posted by Steve Elliott on Tue, Jan 25, 2011, 6:05 pm Pacific Time.** ([report abuse](#))

It makes me sad to see law enforcement wasting tax money like this.

Surely -- undoubtedly -- they have better things upon which they can spend their time and resources, without going after sick and d  
caregivers.

I thought we, the voters of Washington state settled this matter back in 1998. Evidently some law enforcement authorities didn't get

**Posted by arne on Tue, Jan 25, 2011, 12:41 pm Pacific Time.** ([report abuse](#))

the judge and prosecutors were probably running for re-election. county and state money's would be better spent going after robberi  
sick and ill people, just what the dr. ordered!

**Posted by Lexie Cassidy on Tue, Jan 25, 2011, 10:31 am Pacific Time.** ([report abuse](#))

Wow, only thirteen years after the law was enacted, "Prosecuting Attorney Deb Kelly said her office may establish a separate policy  
which marijuana is allegedly being used for medical purposes." No need to rush into anything, when there are drug kingpins like this

example of.

I know the Deb Kelly fan club will slander the person they imagine me to be for saying this, but ... why is no one concerned about th overturned because of overzealousness?

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 A filmstrip graphic containing five small photographs. From left to right: a group of people in a room; two men in white uniforms standing next to an American flag; a golfer in a yellow shirt swinging a club; a person in a yellow kayak on a body of water; and a bald eagle perched on a branch.

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