

Law Offices of Marvin Cable

PO Box 1630

Northampton, MA 01061,

Dear Attorney Cable,

My name is [REDACTED] and I am writing this letter because I need legal help. I was wrongfully arrested on the evening of 9/2/13 and I believe I've had my 4th amendment rights and my right to possess medical marijuana in MA violated. I was arraigned the following morning in East Brookfield District Court and charged with 5 counts. 90/24/F OUI-Drugs, 90/24/E Negligent Operation of Motor Vehicle, 94c/34/L Marihuana +1 oz. Possession, 94C/32C/C Drug Possession to Distribute Class D, and 90/20/A Safety Standards MV Not Meeting RMV. The last charge, the rejection sticker on my car, is the only charge that I accept responsibility for. My docket number is [REDACTED].

I try to not go too deeply into all the details of the incident, but here is the basic rundown. On September 2nd 2013 at approximately 5:45pm I was driving on [REDACTED] in [REDACTED], MA. I drove past a town police officer backed into a driveway. About a half mile down the road, I saw him speeding up behind me. He proceeded to tailgate me as I drove the speed limit. As I do with any tailgater, I pulled over to let him pass. He subsequently pulled over to let me pass then followed me for another mile or two before he pulled me over right on the town common. I am worried the charges might be ratcheted up since I was about two feet from a public park.

When he approached my car he immediately said he detected a strong odor of fresh marijuana and asked me to get out of the vehicle and if he could search the vehicle. I politely refused stating that I reserved my 4th amendment rights and didn't consent to a search. We went back and forth for a while and I asked him if I was being charged with a crime or if I could be on my way. When he made it clear I was being detained and I was not able to leave I presented him with my medical marijuana "card". Since the DPH has not yet produced and distributed official cards for medical marijuana patients I have been carrying a copy of my doctor's written recommendation, which is also a letter to the DPH stating my intention to enroll in the program, complete with a copy of my certified mail receipt addressed to DPH HUMM Program. According to my doctor's office and their lawyers (and also the DPH website) this is a valid legal document until DPH produces official ID cards. I tried to explain this to the officer who unfortunately did not recognize this document or my legal right to possess marijuana.

At this point I asked for the State Police in hopes that they might have a better understanding of the new law and help protect my rights. They didn't. They immediately told me to exit the vehicle or I would be forcibly removed. I complied and was submitted to a roadside sobriety test. I completed three tests and I believe that I passed all three. I wasn't under the influence! The officers disagreed

apparently, although they didn't tell me I failed when I asked them and didn't arrest me for it until after they eventually searched my car. Later they still couldn't tell me why I failed, just that there were six officers who all agreed.

After the tests, they sat me on the curb and questioned me. I tried to be cooperative while repeatedly making it clear that I did not consent to any search of my vehicle. I had my dog in the passenger seat and they said they would need to move her because it could be a problem for the drug dogs. I said ok. They took her and stuck their whole upper body in my car looking for anything but saw nothing then continued to question me. Eventually when discussing my legal right to possess marijuana I conceded to the state trooper that I had between two and three ounces, below my legal limit under the medical marijuana law. They continued to question me and I continued to refuse consent. Eventually I regretfully said something that I'm afraid they will try to twist into me giving consent although I definitely wasn't. The state police k9 officer said something like "We've got two options, you can let us into the car now or we can have the dogs search, but it takes a long time and it's a big pain in the neck." Looking back I know it was dumb, but I responded "Well I'd hate to inconvenience you, but I'm sure the dogs would find it pretty quick." At which point he stormed to the passenger side door opened it and began searching my vehicle. I yelled from the curb "I did not consent to a search of my vehicle!" Not much longer after that I was placed under arrest.

My car has not been thoroughly cleaned in probably about a year and I'm not the neatest person so there was a lot of junk in there, much of which they confiscated. They found some old marijuana in other jars and containers, hence the intent to distribute. They seized some old half smoked joints. I manage an indoor grow store in [REDACTED] and I am an active gardener. So they found and seized various growing supplies (i.e. light bulbs, soil, pots, fertilizer). They seized lots of receipts, business card, bank statements. Including a box of my personal garden consultant cards and the bank deposit book from the business I manage. I'm not really sure of the full extent of what they took from my car. They seized the rest of my paycheck for the week which I was carrying in cash and they "accidentally" failed to count two \$50 bills when putting it in the evidence bag. I made them recount it. They also seized my phone which has been a real inconvenience to my life since. Then they sent my dog to the pound, my car to the impound lot, and me to the police station where I was booked. I got out on \$40 bail, was arraigned the next morning, and here I am. I have unfortunately wasted some time trying to contact specific lawyers and waiting to hear from [REDACTED] I'm worried because time is ticking (a pre-trial conference is scheduled for 10/9/13). At the time being I don't have very much money and will be unable to pay several thousand dollars upfront. Faced with my potential sentencing, I understand that your services are worth every penny and I am willing to pay you over time. I am also willing to file a civil suit if an attorney believes I have a case.

Is this a case you might be willing to take up? Please let me know either way. Since I have no phone for the time being, email is probably the most effective means of communication. My email address is [REDACTED] You can also reach me at work [REDACTED] Phone messages can also be left on my girlfriend's cell phone at [REDACTED] I will be eagerly looking forward to your response. Thank you.

Sincerely,

[REDACTED]

Complimentary Self-Serve Fax Cover Sheet

To: Law Offices of Marvin Cable

Fax #: 413 268 6500

Date: 10/15/13

Number of Pages (Including Cover): 3

From: [REDACTED]

Phone #: Seized

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