



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

March 13, 2012

John Walsh, Esq.
United States Attorney
1225 17th Street
Suite 700
Denver, CO 80202

Re: Medical Marijuana Dispensaries

Dear John:

During the years since I was sworn in as District Attorney in January of 2009, I have worked hard to set clear priorities for the District Attorney's Office in the 20th Judicial District and to assist law enforcement in maintaining public safety and effectively serving our constituents in Colorado's sixth largest judicial district. As we have restructured and refocused this office, I have established four clear priorities for law enforcement and exercise of my prosecutorial discretion within this district. Those four priorities are:

1. Violent crime, including sex assault and domestic violence;
2. Serious economic crime;
3. Serious drug dealing (defined by my office as significant amounts of methamphetamine, cocaine or heroin); and
4. Public corruption.

Which brings me to the issue of medical marijuana. I have watched the law of medical marijuana and the dispensary business develop in Colorado ever since passage of Amendment 20, and I have realized that striking the appropriate balance with regard to medical marijuana is an issue of some delicacy and nuance under Colorado law. As we have taken various cases to juries and watched their responses, I have realized that, although we will prosecute significant marijuana distribution and possession cases that are outside the medical marijuana dispensary framework, there is a limited role for criminal enforcement relating to medical marijuana dispensaries. Moreover, as the industry has developed and adapted to Colorado's statutory and local land use and regulatory schemes, I have watched a maturing business that pays substantial tax revenue fit within the fabric of this community. Thus, my office has developed the firm position that there is no role for criminal enforcement against a medical marijuana dispensary if it is complying with Colorado's statutory framework and local land use regulations.

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Moreover, medical marijuana has been an area where our local communities have vigorously asserted their rights of local control. Within Boulder County, some cities have banned medical marijuana dispensaries entirely, as is their right under Colorado statute, and others have adopted strict regulatory schemes. These strategies appear to be working and as far as can be determined from all objective evidence, they are an appropriate and effective measure to control marijuana within this community, much more so than the expensive and haphazard process of criminal enforcement.

Accordingly, I have watched with some interest as the United States government, the United States Department of Justice and the United States Attorney's Office have issued repeated and sometimes conflicting messages about medical marijuana over the last three years, culminating in the recent comments in the March 7, 2012 *Denver Post* interview of the new SAC of DEA, Barbra Roach, which struck many Coloradoans as completely out of touch with the issues that matter to us and on which our communities have expended significant effort over the last several years. As a lawyer and a law enforcement officer, I fully understand that possession or distribution of any amount of marijuana is illegal under Federal law. This fact, however, does not change anything about the practicality of using the criminal justice system to control or regulate marijuana distribution within this community. Although it is certainly possible for federal authorities to engage in high profile prosecutions and seizure of medical marijuana, I see no reasonable basis for doing so if the target is a dispensary that is otherwise compliant with state statutes and local regulation.

My view is that the resources of the United States Attorney's Office should be focused elsewhere: on terrorism, serious economic crime, organized crime and serious drug dealing (involving significant amounts of heroin, cocaine and methamphetamine). I can see no legitimate basis in this judicial district to focus the resources of the United States government on the medical marijuana dispensaries that are otherwise compliant with Colorado law or local regulation. The people of Boulder County do not need Washington D.C. or the federal government dictating how far dispensaries should be from schools, or other fine points of local land use law.

Accordingly, speaking solely on behalf of myself as the District Attorney in the 20th Judicial District, I am urging you to exercise your prosecutorial discretion to back away from the threatened criminal prosecution of medical marijuana dispensaries in Boulder County if they are compliant with state law and local land use regulations. In my opinion, such prosecution would serve no practical purpose, would expend important resources and would be very disruptive to communities who have spent significant time and resources exercising their right of local control to balance the competing issues around medical marijuana.

In closing, I note that I have very much enjoyed the opportunity to work with you and with other federal authorities on a number of complex and significant cases since I became District Attorney of the 20th Judicial District. In addition to certain cases involving Ponzi schemes and Medicaid and mortgage fraud, your office and the DEA have been extremely helpful to me in

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pursuing cases that have a significant impact on public safety in Boulder County, including the "private dancer" case that resulted in dozens of indictments for distribution of hard drugs after a lengthy wiretap and grand jury investigation. I look forward to continuing a strong and collaborative partnership with your office and other federal agencies on such cases.

John, I have the highest personal and professional respect for you, for your exemplary staff and for the office of United States Attorney. If you or any of your staff wish to discuss these issues with me, I am more than happy to do so at your convenience.

Very truly yours,



Stan Garnett

SLG/psm

cc: First Assistant, Robert Troyer
Boulder County Board of County Commissioners