

Holder's New Drug Guidelines Already Changing Marijuana Cases

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Southfield, Michigan attorney Michael Komorn announces mandatory minimums dropped in case; charges remain, 5 year minimum sentences are out



SOUTHFIELD- Noted Michigan cannabis attorney and radio show host Michael Komorn announced that Monday's declaration by US Attorney General Eric Holder to step away from mandatory minimums has already begun to alter federal cases.

Komorn says that his case involves two brothers, each federally charged with manufacturing more than 100 marijuana plants. Those charges were originally written by Assistant U.S. Attorney C. Barrington Wilkins to include 5 year mandatory minimum sentences; although the charge of manufacturing still remains, Wilkins stated in a letter to Komorn and his co-counsel that he will remove the mandatory 5 year penalties for the defendants.

Holder's remarks were addressed to the American Bar Association meeting in San Francisco; within his speech he outlined a new direction for his Attorneys to follow, one that would defeat the mandatory minimum policy and revise who is kept in jail and for how long.

One of the methods described by Holder to accomplish the administrative castration of the mandatory minimum system includes not reporting on the charge sheet the weight or amount of drugs seized during the investigation. This weight or plant count number is the yardstick by which mandatory minimums are measured: without a specific quantity reported on the charge sheet, sentencing requirements are normal.

Komorn read this excerpt from the Wilkins letter on the air during the Planet Green Trees show: "Good morning. I just wanted to alert you both that in light of some new directives from Washington, D.C., I will not charge either of your clients with mandatory minimums."

In Komorn's case, the minimums will be defeated by Wilkins' resubmittal of federal forms known as 'Rule 11's'; those sheets will reflect the adjusted charges, in the manner described by Holder.

Wilkins is an Assistant US Attorney in Michigan's Eastern District. Earlier this year in the same district, US District Judge Bernard Friedman [set aside mandatory minimums](#) when sentencing a throat cancer patient who was charged with manufacturing 8,000 plants. That defendant, Edward Schmeiding, received a penalty of two years probation and one day in jail.

The Planet Green Trees Radio Show is broadcast every Thursday evening at 8 pm EST on [blogtalkradio.com](#). Komorn has 166 shows to his credit, featuring interviews with national and local newsmakers.

Listen to the show at: www.blogtalkradio.com/planetgreentrees