



Marijuana business owners say they're being robbed by police

By CATHERINE SHAFFER • NOV 2, 2018

Marijuana advocates say legal businesses and caregivers are being targeted for military-style drug raids in spite of attempts to obey the law in good faith.

For owners of mainstream businesses, a minor lapse in regulatory compliance could mean receiving a warning and reinspection later. But for medical marijuana businesses, minor lapses in compliance can put them outside the protection of the law.

Even the suspicion of a regulatory violation, or, in some cases, false accusations, can result in seizure of assets and prolonged court battles.

Darryl Berry studied Michigan's Medical Marihuana Act in detail before he started growing marijuana for his mother-in-law, who was dying of cancer at the time. He researched the medical benefits of marijuana as well as the regulations, and became a registered caregiver, meaning he was legally allowed to grow up to 12 plants for each patient in his care.

He began growing for her and several other patients -- all legally. Berry had relationships with local law enforcement, and even invited them to inspect his operation. He thought he was following the law to the letter. That didn't protect him from being raided in September of 2015.

Berry says police ransacked his home and seized all of his assets. That included two houses, five vehicles, televisions, computers, cash, and many personal belongings. Liens were placed on both houses, preventing him from selling or taking out loans on them. Altogether, the value of the assets seized was over a million dollars.

"I was robbed. It was armed robbery that they did. And it really makes me mad because I am a staunch conservative. I always trusted the police and thought if the police arrest someone, most likely they are guilty. That's what I thought," said Berry.



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Michigan's civil asset forfeiture law allows police to seize property based on suspicion that it is used for illegal drug activity.

Michigan State Police reported more than \$13 million in asset forfeitures in 2017. Most of that came from suspected drug activity. However, MSP does not report how much of that is related to marijuana as opposed to other illegal drugs or other crimes.

Berry's attorney **Michael Komorn** said police are profiting by targeting legal marijuana businesses.

"It's a financial incentive. The officers themselves are getting to decide whether an individual is in compliance or not. That decision is also about whether they are going to take every piece of value that exists in the house or not. This is way too much unchecked authority, with too much incentive," Komorn said.

Amanda Joslin owned a marijuana business in Canton. She opened her business in compliance with state and local regulations.

"It was like if your grandma was going to go obtain some medicine, where would you feel comfortable letting her go? Make it safe, make it clean, make it affordable, and accessible. That's where we found we could fill that niche," said Joslin.

Police raided her business in 2015, arrested her and her adult son, and seized their assets including a house, cars, computers, and savings account. Her business had been open for nine months before the raid. Search warrants were executed at the Canton business and at her home in Ypsilanti. Those search warrants were later found by the Washtenaw County Circuit court to be invalid and unconstitutional, according to **Komorn**, who also represents **Joslin**.

Joslin said the police knew about her business from the beginning, but allowed it to operate for months.



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“It’s like a savings account. They watch, for nine months, until they decide to collect. And that’s when they decided to raid,” said Joslin. The case against Joslin relied on testimony from a police informant who was later determined to have committed perjury, according to Komorn.

Many counts against Joslin were thrown out. She was found guilty on one count of possession with intent to deliver, and is now appealing that conviction.

“That’s a crime she could have defended herself against standing on her head under the Michigan Medical Marihuana Act because she’s a caregiver for five people. But all that was taken away in litigation by the confidential informant before it was known she was perjuring herself. It was one of the most Alice in Wonderland kind of events that one could ever go through in the criminal justice system,” said Komorn.

According to Komorn, cases like Berry’s and Joslin's are extremely common. Charges are often dismissed. But that can take years, and many don't have the resources for a prolonged court battle.

The MSP did not immediately respond to a request for an interview for this story.

Michigan marijuana arrests rise as use increases nationwide

By MICHIGAN RADIO NEWSROOM • OCT 19, 2015

Regular marijuana use is increasing nationwide, and in Michigan, more people are going to jail for it.



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Michigan voters approved the use of medical marijuana in 2008. Proposals for the legalization or decriminalization of marijuana have been voted on in 21 Michigan cities since 2011, with 15 communities approving them.

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