

MARIJUANA AND MISDEMEANANT MINNESOTA COURTS

Memorandum

by

Judge Herbert E. Wolner

Hennepin County Municipal Court

with the Assistance of  
Steve Muth,  
Office of Continuing Education for  
State Court Personnel,  
with the cooperation of the  
Drug Abuse Section, State Planning Agency

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Minnesota Statutes, Sec. 152.15, was amended by the 1973 Legislature to make possession of a small amount of marijuana a misdemeanor. This memorandum is prepared to assist in understanding that law, and to assist judges in the performance of their duties under that law.

### I. GENERAL OBSERVATIONS

Marijuana is the common name for a mixture of various parts of the plant, *Cannabis sativa* L, or Indian hemp plant.

Sometimes the name marijuana is applied to the plant itself, but hemp or India hemp is the correct name for *Cannabis sativa* L, and marijuana refers to the part of the plant prepared and ingested for mind-altering effects. Marijuana is the name most frequently used in the Western Hemisphere for the variety of *Cannabis sativa* grown and for the method in which it is used, i.e., smoked in a pipe or cigarette. The form of *Cannabis* grown in the Western Hemisphere is relatively mild compared to that used in other parts of the world. Potency varies depending on (a) method of cultivation, (b) climate, (c) parts of the plant used, (d) gender of plant used, and (e) maturity of plant. The active ingredient in *Cannabis* is tetrahydrocannabinol, sometimes referred to and sold as THC (because it is chemically very unstable, however, it is very rarely ever available).

Marijuana is usually not specifically cultivated, but in the Far East methods of cultivation produce a generally more potent form of Cannabis, often referred to as "ganja".

A hot, dry, upland climate usually produces a more potent plant. Tunisian Cannabis, for example, is usually three times as potent as the American varieties. Growing conditions affect the degree of the plant's intoxicating power. Plants grown in the Northern Hemisphere produce less resin, and "mood-altering" potency decreases directly as the plant is grown in more northern regions. The "grade" of Cannabis referred to in the streets reflects the geographical origin and hence the alleged potency: Mexican green, Kentucky blue, Acapulco gold, Jamaican red, etc. In other parts of the world, Cannabis products are referred to as bhang, ganja, and charas, which reflect varying levels of alleged potency and methods of usual administration. Most marijuana consumed in the United States is derived from plants grown in Mexico or within the continental United States, especially the Southwest, although Cannabis grows wild as a weed in most parts of the country. Marijuana from plants grown within Minnesota is referred to as "Minnesota green" and is considered relatively weak. The origin of many of these uncultivated plants in Minnesota, particularly southern Minnesota, derive from extensive hemp production (fiber of which also comes Cannabis sativa) during World War II.

The most potent part of the Cannabis plant is the resinous exudation from the flowering female plant, and is referred to as hash or hashish. In lower quality forms, parts of the male plant are mixed with those from the female plant, or from immature plants, which have less resin. Generally, the flowering tops, stems, and leaves of both male and female plants are dried, shredded, and separated from twigs or seeds before ingestion. Although the marijuana issue has local and regional variations concerning use patterns, social impact, and public attitudes, the second report of the President's National Commission on Marijuana and Drug

Abuse made the following observations after considerable study and expense concerning Cannabis' impact on American society.

Particularly in the doses commonly used in this country, cannabis is not a highly reinforcing drug. This drug does not induce physical dependence and no significant degree of tolerance is developed. Although compulsive use of the more potent forms of cannabis does occur in cannabis-origin countries, there is no evidence that such a use pattern is developing in this country where use is generally experimental or intermittent and is confined primarily to the less potent forms. Although there is some evidence that the availability of hashish is increasing, the users generally titrate their doses to reach the desired effect. Finally, most persons using cannabis heavily in the United States can be classified as intensified rather than compulsive users. Consequently, dependence on marihuana is but a minor problem in the United States today. We should note in this connection that whatever tranquilizing effect marihuana has may be sought in alcohol and other sedative, anti-anxiety drugs. For this reason, the likely penetration level of cannabis dependence is fairly low.<sup>1</sup>

It should not be inferred from the above quotation, or from other literature, that marijuana as a social intoxicant does not have potential dangerous effects, both for the individual or for society. Considerable research is presently being undertaken at the University of Minnesota and at other research points to determine the exact extent of both the social and physical threat presented by the recreational use of marijuana.

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<sup>1</sup>Second Report of the National Commission on Marihuana and Drug Abuse, Drug Use in America: Problem in Perspective, p. 147; March 1973.

## II. THE LAW

Chapter 152 deals with "Prohibited Drugs".

Sec. 152.09 relates to "Prohibited Acts", and Subd. 1 reads:

Subd. 1. "Except as otherwise provided in this chapter, it shall be unlawful for any person, firm, or corporation to:

- (1) Manufacture, sell, give away, barter, deliver, exchange, or distribute a controlled substance.
- (2) Possess a controlled substance, except when such possession is for his own use and is authorized by law."

Minnesota Statute, Sec. 152.01, Subd. 9, provides:

Subd. 9. "Marijuana. 'Marijuana' means all parts of the plant *cannabis sativa* L, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extract from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks<sup>2</sup>, oil or cake manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination." (emphasis added)

Minnesota Statute, Sec. 152.09, Subd. 16, provides:

Subd. 16. "Small Amount. 'Small amount' as applied to marijuana means 1.5 ounces avoirdupois or less. This provision shall not apply to the resinous form of marijuana." (emphasis added)

Minnesota Statute, Sec. 152.15, as amended<sup>3</sup> in 1973, relates to violations and penalties. Violations of Sec. 152.09 to 152.12 are gross misdemeanors, except as provided in Subd. 2(5), which reads as follows:

- (5) (One who possesses) a small amount of marijuana is guilty of a misdemeanor. A subsequent violation of this clause within one year is a misdemeanor; and a person so convicted may be required to participate

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<sup>2</sup>The marijuana plant is a hemp plant. The stalk fiber is used for sail cloth, cordage, oakum, and other commercial products. The mature stalks and their fiber are not the intoxicant sources.

<sup>3</sup>Session Laws 1973, Chapter 693, effective August 1, 1973.

in a medical evaluation. A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passenger more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

Section 152.15, Subd. 1(5) reads:

- (5) "The distribution of a small amount of marijuana for no remuneration shall be treated as provided in Subdivision 2, clause (5)."

The wire tap law, MSS 626A.05, MSA, Subd. 2, was amended by Chapter 704, Laws 1973, to permit interception of evidence relative to offenses dealing with controlled substances, subject to the required report of MSS 626A,17 MSA.

### III. THE ISSUES

The question for resolution is: Has the accused (a) been identified as the person who (b) possessed, or knowingly allowed in a motor vehicle, (c) marijuana in a (d) quantity proscribed by law?

#### (a) Identification:

The accused may be an individual, copartnership, corporation, or association of one or more individuals (MSA 152.01(13)).

The issue of identification is the same as in all other criminal cases (see Dunnell, Vol. 5A Revised, page 484, Sec. 2468d), except where a vehicle is involved.

The owner of a private vehicle, if present in the vehicle, may be the accused if he knowingly keeps or allows to be kept more than .05 ounce of marijuana in the vehicle within the area normally occupied by the driver or passengers, without regard to constructive or actual ownership.

Where the marijuana is in the trunk or out of the driver or passenger area of a vehicle, the possessor must be identified (see State v. Resnick, 287 Mn. 168, 177 N.W. 2d 418).

(b) Possession:

Possession may be actual or constructive, and it may be sole or joint.

Possession is based upon ownership, dominion, or control -- a condition of facts under which one or more persons can exercise power over a thing corporeal (see Starits v. Avery, 204 Ia. 401, 213 N.W. 769).

Actual possession exists where a person knowingly has direct physical control over a thing at the given time.

Constructive possession exists where a person who, although not in actual possession, knowingly has the power and the intention at a given time to exercise dominion or control over a thing.

The knowledge required in connection with possession need not be proved by direct testimony, but may be deduced from or shown by circumstantial evidence. (See State v. Siirila, 292 Mn. 168).

Joint and several possession by two or more persons as disclosed by joint ownership, dominion or control, actual or constructive, will support a conviction for a possessory offense. (See State v. Zoff, 196 Mn. 382, 265 N.W. 34.)

The court should take "judicial notice of the fact that Cannabis, sometimes called 'marijuana', grows in the State of Minnesota in a wild state and that possession or control of it may or may not justify the inference of contemplated use as a 'narcotic drug', depending upon the circumstances of the particular case." (See State v. Resnick, supra, 287 Mn. 168, 169.)

Incidental questions relative to "purpose of possession" generally develop out of the particular facts of a case, but as a general proposition no crime can exist without the combination of a criminal act and a criminal intent, purpose, or motive; and possession should be shown to be without authority of law. MSA 152.09 (1) (2).



(c) Marijuana<sup>4</sup>:

Marijuana may be identified by sight, smell, taste, microscopic examination and chemical testing.<sup>5</sup>

The hemp plant, *Cannibis sativa*, is an annual herb. It has angular rough stems and alternately deeply lobed leaves. The leaves have five to seven leaflets, the form of which is lanceolate-acuminate, with a serrate margin.<sup>6</sup> The height of the plant varies greatly with season, soil, and manuring, and can vary from 3 to 17 feet. The plant when fresh is greenish in color.

Hemp, as a drug or intoxicant in its lowest form, consists of the dried leaves and small stalks, and some fruits or seeds. It is of a dark brownish-green color. The plant gives the sensation of a musty or stale odor, but more pungent. When smoked, there is a distinctive identifiable odor. By sight and smell, marijuana can be recognized by one familiar with it.<sup>7</sup>

Since there may be a possibility of error in identification,<sup>8</sup> the microscopic examination and chemical test should be employed.

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<sup>4</sup>Also spelled "marihuana".

<sup>5</sup>See Appendix I: Description of common physical and chemical tests used in marijuana identification, prepared by the Minnesota Bureau of Criminal Apprehension.

<sup>6</sup>See Appendix II: Drawings of marijuana plant characteristics.

<sup>7</sup>See State v. Labarre, 292 Mn. 228, 195 N.W. 2d 435, where marijuana was observed and seized.

<sup>8</sup>A new drug is on the market known as TMD, which looks like marijuana, but is not marijuana.

## PHYSICAL AND CHEMICAL IDENTIFICATION

### (1) Microscopic Examination:

Silicious hairs cover the leaves, stem, and flowering head of the *Cannabis sativa* plant. The silicious hairs are a reliable physical characteristic of marijuana and are visible only with the aid of microscopic analysis. They are of definite shape and contain at their base a small cystolith, a calcium carbonate crystal. Experts believe that *Cannabis sativa* is the only plant which exhibits these silicious hairs and the cystolith.

Only a very small quantity of the organic material is needed to perform the microscopic examination. In Siirila, supra, 1/2800 of an ounce was sufficient.

### (2) Chemical Testing:

A widely used and accepted test for marijuana is the Duquenois Reagent test. Tetrahydrocannabinol, the active chemical in marijuana, is extracted from the sample material and reacted with the Duquenois reagent consisting of one gram of vanillin to 30 mls of methyl alcohol and 10 ml of acetaldehyde. Two ml of the resulting solution is used to extract each 35 mg portion of the suspected substance. The material is shaken vigorously with the Duquenois reagent, allowed to settle, and drained from the solid plant material remaining. Two ml of hydrochloric acid (HCL) is added to two ml of extract solution, and this is shaken.

If tetrahydrocannabinol (THC) is present, the solution is a purple color, the intensity of color indicating the strength or amount of THC present.

*Cannabis sativa* is the only plant known to produce the purple color under the Duquenois test. A properly qualified expert can render an opinion as to whether or not the material tested is marijuana, based upon either or both the microscopic examination or chemical test.

### (d) Quantity:

By statute, possession of even a small amount of marijuana is a crime. (See State v. Siirila, 292 Mn. 1, 193 N.W. 2d 467; State v. Morgan, 287 Mn. 406, 178 N.W.

2d 697; State v. Resnik, 287 Mn. 168, 177 N.W. 2d 418.) A "small amount" of marijuana is 1.5 ounces or less (M.S. §152.11(2)(5)) Prior to the 1973 legislation, possession of any amount of marijuana could be illegal. The amount illegally possessed was not required to be a "usable" amount (Siirila, supra).

The Minnesota Legislature, in 1971, rejected the concept that conviction could be based only upon possession of a usable amount of marijuana. (Ex. Sess. Journal of the House, 1971, pp. 649-650; State v. Siirila, 292 Mn. at p. 8.)

The significance of the legislative language relative to the misdemeanor for marijuana in a motor vehicle must be closely evaluated. The new law states:

(One who possesses) a small amount of marijuana is guilty of a misdemeanor... A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than .05 ounce of marijuana is guilty of a misdemeanor.

Hence, it would appear in a light most favorable to the defendant that there is a quantity limitation for marijuana in a vehicle (.05 ounce) below which a small amount of marijuana may not fall in order to sustain a conviction for the owner or driver if the owner is not present.

It would appear that proof of the weight of the marijuana is required only (1) if it was found in a private motor vehicle, or (2) if there is a possibility that the offense is greater than a misdemeanor.<sup>9</sup>

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<sup>9</sup>The Statute declared that the weight system used is to be avoirdupois, the ordinary system of weights in the United States. A pound is broken down as follows:

27.35+ grains	= 1 dram
16 drams	= 1 ounce
16 ounces	= 1 pound

A small amount of marijuana is 24 drams or less. .05 ounce of marijuana is about 22 grains, producing perhaps 2 joints or reefers. With reference to marijuana, the following additional weights may be employed (See State v. Labarre, 292 Mn. 228, N.W. 2d 435):

one kilo	= 2.2 pounds
one brick	= one-half kilo, or 11 pounds
one lid	= one ounce

The legislators were desirous of establishing in specific terms a violation which should not go unpunished, i.e., marijuana in a motor vehicle. In the past, in response to a variety of studies leaving many law enforcement personnel unsure of the efficacy of laws punishing all marijuana possessors and in response to many frustrations in securing convictions for possession of marijuana, it seems numerous violations of marijuana laws were tolerated. Legislative intent in 1973 was to decrease the degree of the offense for possession of marijuana and at the same time remove some obstacles in the path of conviction for driving with marijuana present in a motor vehicle.

No conclusive record of legislative intent exists with regard to the .05 ounce as a limitation on misdemeanor conviction in the motor vehicle context. It seems that the 1973 legislation can be read to make legal the possession of .05 ounce or less of marijuana in a private motor vehicle by the owner or by the driver if the owner is not present.<sup>10</sup>

#### IV. THE TRIAL

The issues should be tried to court and jury, unless the accused voluntarily and with full knowledge waives a jury, with the consent of the court.

The burden on the state is to prove the elements of the offense to the satisfaction of the trier of the facts beyond a reasonable doubt. The court's instruction on the particular charge may be as follows:

"By reason of Minnesota Statutes, Sections 152.09 and 152.15, Subdivision 1(5) and Subdivision 2(5), it is unlawful for any person to possess or have in his (her)

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<sup>10</sup>This is indeed an unhappy result, since apparently the same car owner would be guilty of a misdemeanor for possession of marijuana the instant that person stepped out of the motor vehicle. Equally disconcerting is the supposition that legislative intent was to create an offense similar to the open bottle law, making proof of possession per se unnecessary. This section was in fact referred to in the legislature as the "open bottle for marijuana section".

control for use or distribution without remuneration a small amount of marijuana, and such violation constitutes a misdemeanor.

"Before the defendant may be found guilty of this offense, the state must prove by evidence which satisfies you beyond a reasonable doubt that there are present these elements:

That the defendant on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, in the State of Minnesota, did --

(1) possess or have in his (her) control

(2) a small amount of marijuana.

"The first element relates to possession, or control.

"One who possesses a thing is he who has dominion over it; that is, one who can control its use or disposition. The ultimate evidence of such possession or control is absolute and sole ownership. But a person may share that control or dominion with others, as is done in a partnership or association, and still be a responsible agent or part owner.

"The law recognizes two kinds of possession; namely: actual possession, and constructive possession.

"A person who knowingly has directed physical control over a thing--such as marijuana--at the time and place stated, is in actual possession of it.

"A person who, although not in actual possession, knowingly has the power and the intention at a given time to exercise dominion or control over the thing--such as marijuana--is then in constructive possession of it.

"The knowledge required in connection with possession need not be proved by direct evidence, but may be deduced from or shown by other evidence in the case.

"If you find from the evidence in this case that the accused beyond a reasonable doubt either alone or jointly with others had actual or constructive possession of the material in question, then you may find that he (she) did possess or have it in his (her) control.

"The second element that must be established to your satisfaction is that the material was a small amount of marijuana.

"Any amount not greater than 1.5 ounces of marijuana is a small amount. The principal burden is to determine from the evidence whether or not the material is marijuana.

"The evidence in this case consists of the material, and the opinions of persons who are familiar with marijuana.

"An opinion is not conclusive, and the weight to be given such opinion is for the jury to determine. You should consider the person's ability, intelligence, experience, education, the means and opportunity for inspection and observation, the reasons for the opinion, and the other factors usually employed in evaluating the testimony of witnesses.

"Where the opinion is given by an expert, you apply the same rules and give that opinion such weight as you believe it deserves.

"If you conclude that any opinion is unsound, you may reject it entirely.

"After due consideration of all the evidence in this case, if you are satisfied beyond a reasonable doubt that the defendant possessed or had in his (her) control a small amount of marijuana, then you should find the defendant 'guilty'.

"If, however, you are not so satisfied, then you must find the defendant 'not guilty'.

The forms of verdict will be substantially as follows:

"We, the jury, find the defendant \_\_\_\_\_ of possession or having in his (her) control a small amount of marijuana at the time and place charged."  
(guilty) (not guilty)

Where the charge involves the owner, or in the owner's absence, the driver, of a vehicle in which marijuana is found in the passenger area, there can be no conviction unless the amount of marijuana is more than .05 ounce and not more than 1.5 ounces. The charge would have to be modified accordingly.

V. THE SENTENCE

The sentence can be \$300.00 or 90 days, or both.

It is good practice not to impose sentence without making a pre-sentence investigation personally or through a probation officer.

The statute provides that upon a second violation within one year the accused may be "required to participate in a medical evaluation". This provision does not limit the authority of the court, but should be a guide for the court to follow in imposing sentence.





APPENDIX I

BASIC REQUIREMENTS AND PROCEDURES FOR THE ANALYSIS OF MARIJUANA

Prepared by the Bureau of Criminal Apprehension

## BASIC REQUIREMENTS AND PROCEDURES FOR THE ANALYSIS OF MARIJUANA

Prepared by the Bureau of Criminal Apprehension

### A. Methods of Analysis

An analyst takes possession of evidence, he takes the necessary precautions regarding preservation and security. He then evaluates the evidence and depending on type of sample, he selects the proper method of analysis using one or more of the following tests:

#### 1. Microscopic

##### a) Observations

1. leaf characteristics
2. seed characteristics
3. stalk characteristics
4. bracts, hulls, flowers, pods, etc.

##### b) Results

If a sufficient number of above characteristics are present, a positive identification can be made.

#### 2. Modified Dequenois Test

##### a) Observations

A properly conducted test for marijuana will result in a purple color in the chloroform layer of the final step.

##### b) Results

The purple color strongly indicates the presence of active ingredient in marijuana, tetrahydrocannabinol (THC).

#### 3. Thin-Layer Chromatography

##### a) Observations

The spots developed on the thin-layer chromatogram have color and Rf corresponding to components of known marijuana.

##### b) Results

This test shows that a particular combination of compounds found only in marijuana are present.

#### 4. Instrumental Methods

##### a) Observations

A number of instruments are capable of determining various chemical and physical properties and comparing results with known marijuana.

##### b) Results

In most cases the measurements obtained are not as specific as the above three tests.

##### c) Drawbacks

1. Instruments are very expensive
2. Most analyses are time consuming
3. Instruments are designed for specific purpose and have limited use for the analysis of marijuana.

### B. Amount of Marijuana

The amount of marijuana is measured by placing sample on an analytical balance capable of determining the weight of the sample to 0.1 gram. This weight is then converted to British units using the factor: 1 ounce (avoir) = 28.3 grams.  
(e.g. 42.4 grams = 1.5 ounces)

## APPENDIX II

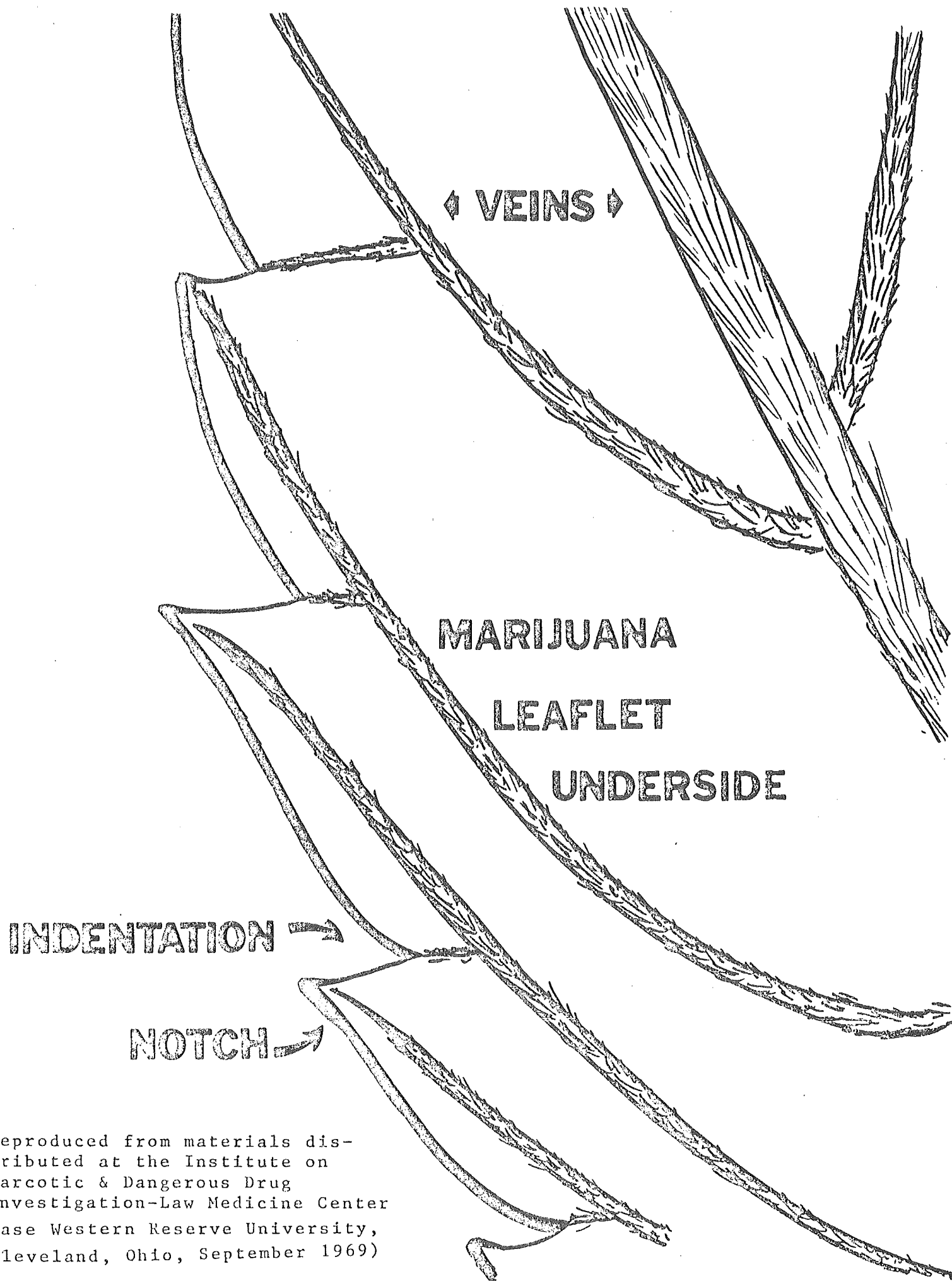
### PHYSICAL CHARACTERISTICS OF THE MARIJUANA PLANT

(Reproduced from materials distributed  
at the Institute on Narcotic and Dangerous  
Drug Investigation-Law Medicine Center,  
Case Western Reserve University,  
Cleveland, Ohio, September 1969.)



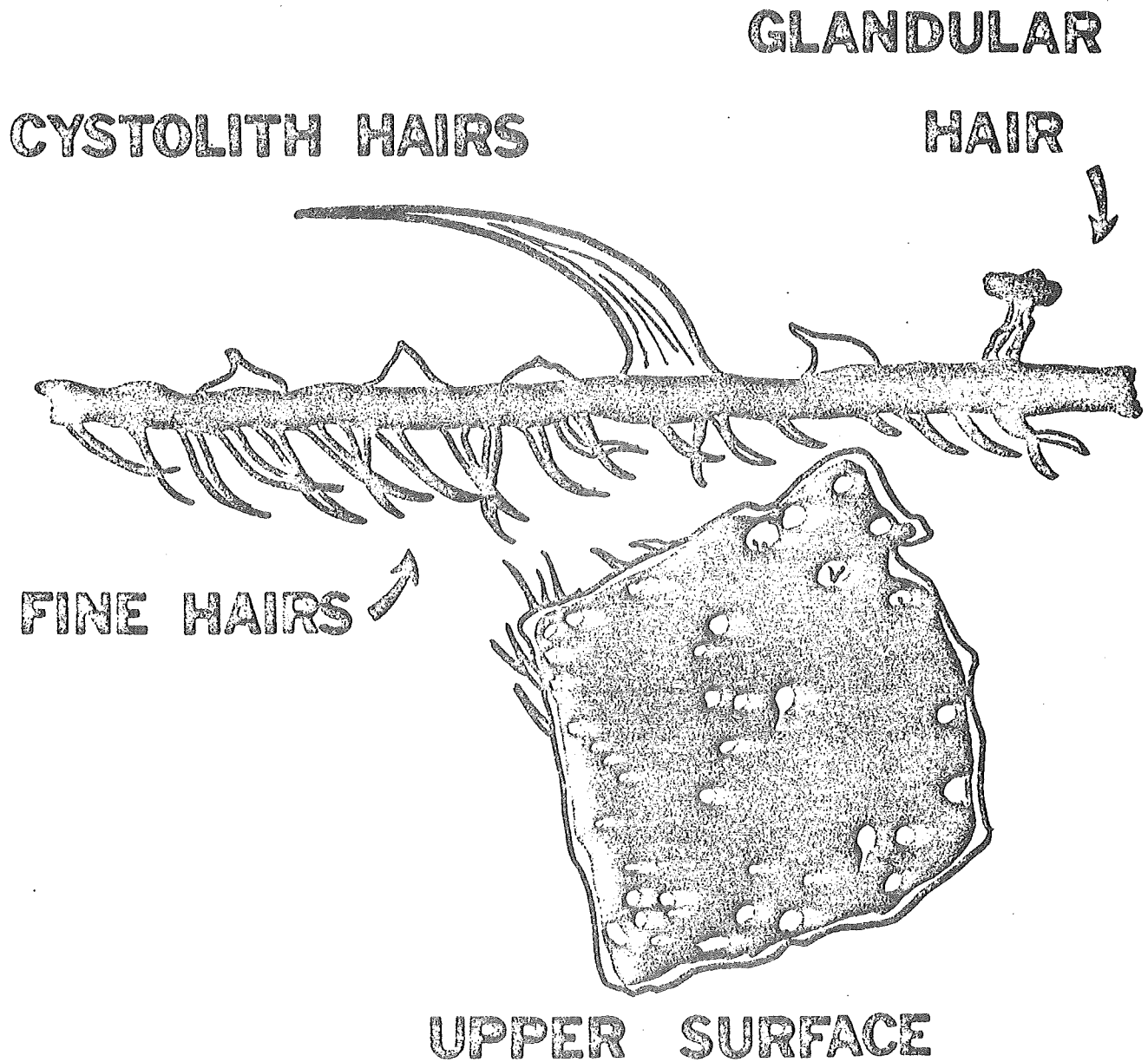
**MARIJUANA**  
**LEAF**

.(Reproduced from materials distributed at the Institute on Narcotic & Dangerous Drug Investigation-Law Medicine Center, Case Western Reserve University, Cleveland, Ohio, September 1969.)



(Reproduced from materials distributed at the Institute on Narcotic & Dangerous Drug Investigation-Law Medicine Center Case Western Reserve University, Cleveland, Ohio, September 1969)

# MARIJUANA



(Reproduced from materials distributed at the Institute on Narcotic & Dangerous Drug Investigation-Law Medicine Center Case Western Reserve University Cleveland, Ohio, September, 1969)

APPENDIX III

DRUG ABUSE INFORMATION: THE USE AND EFFECTS OF DRUGS

by

Joel Houglum, National Director, National Institute of  
Mental Health's Program for Student Health Professionals,

James Rothenberg, Drug Information Service Center,  
University of Minnesota. December, 1972.

## MARIJUANA

Usual dose: 0.5-2.0 grams (one to four joints)  
depending upon quality; 2-20 mg THC;  
fatal dose is almost unattainable

Duration of action: 3-4 hours after smoking  
5-12 hours after oral ingestion

Method of administration: usually smoked, but may be eaten;  
nearly 3 times more effective when smoked

Actions: increased pulse rate (a good measurement of  
the magnitude of drug effect)  
reddening of the eyes  
dryness of the mucous membranes  
usually an alcohol-like intoxication with  
lessened anxiety and inhibitions  
effects vary with the individual

Physical dependence: none

Psychological dependence: a minority of users become psychologically  
dependent

Tolerance: none

Adverse reactions: can precipitate panic, anxiety, and delusional  
thinking  
simple reassurance is usually all that is  
needed to treat a marijuana induced anxiety  
reaction



## HISTORY

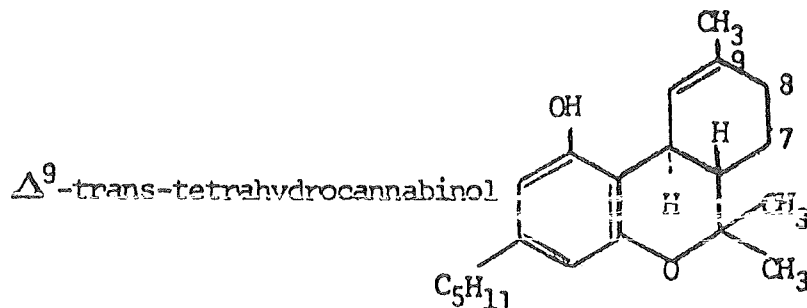
For over 5,000 years man has known about the existence of marijuana. In early China marijuana was given to relieve pain during surgery. It was also used as a medicine in India dating back to 1500 B.C. A weak beverage containing marijuana (bhang) is still legal in India, but use of the more potent resin (charas) is prohibited by law even in folk medicine. Heavy use of marijuana has been common particularly in the countries of Egypt, Morocco, Algeria, and India.<sup>2</sup>

During the 19th century more than 100 medical reports were published in the United States recommending the use of cannabis derivatives.<sup>14</sup> Before removal of the drug from the U.S. Pharmacopeia and National Formulary in 1941, marijuana was considered to have analgesic and sedative qualities. The Ohio State Medical Society in 1860 reported success in treating pain, childbirth psychosis, chronic cough and insomnia with hemp products. The Society also noted its analgesic and orexigenic (appetite stimulating) effects. There were 28 pharmaceutical preparations containing cannabis before its use was banned in 1937 by the Marijuana Stamp Act.<sup>3</sup>

Some more recent experimental uses for marijuana or its synthetic analogues include the treatment of alcohol withdrawal and alcoholism, uses as an antibiotic and antifungal agent, and treatment of high blood pressure and uncontrollable fevers.<sup>3</sup>

In many parts of the world, marijuana, a hemp plant, grows as a common weed (*Cannabis sativa*). However, to many societies it has been a highly valued crop. The trunk fibers are used in the production of hemp rope and cloth similar to burlap.<sup>1</sup> During World War II the Federal Government subsidized the growth of marijuana for the manufacture of rope. The seeds are a source of a product similar to linseed oil and, until recently, were used as bird feed.<sup>1</sup>

## CHEMISTRY



Marijuana contains a number of cannabinoids, most of which have been isolated, purified, and structurally identified. The major constituents of marijuana are  $\Delta^9$  tetrahydrocannabinol (sometimes referred to as  $\Delta^1$ -THC) and in smaller amounts, its isomer,  $\Delta^8$ -THC (sometimes referred to as  $\Delta^1(6)$ -THC).<sup>3</sup>

The hallucinogenic effects are due mainly to  $\Delta^9$ -THC, but both  $\Delta^8$  and  $\Delta^9$ -THC appear to be equally active. Neither of these compounds are water soluble. Their lipid solubility, however, accounts for their rapid entry into the brain through the blood-brain barrier. As the cannabis plant ages past maturity, it begins to lose potency as  $\Delta^9$ -THC is converted to cannabinalol, an inactive cannabinoid.<sup>7</sup>

In 1965, two NIMH-supported scientists in Israel reported the first total synthesis of  $\Delta^9$ -THC.<sup>18</sup> It is now possible to produce 95% pure  $\Delta^9$ -THC; however, this chemical lacks stability when exposed to air, light, or increases in temperature. Some researchers report 50% or less  $\Delta^9$ -THC is lost in the smoking of a marijuana cigarette.<sup>3</sup>  $\Delta^8$ -THC is more stable and can be produced in 98% pure form.<sup>3</sup> There are continual reports of THC being sold on the illicit market; however, samples alleged to be THC have almost always been found to be some other drug, e.g., PCP, LSD, etc.

Contrary to prior beliefs, both the male and female plants contain psychoactive material.<sup>3</sup> NIMH research has shown that roots, large stems and seeds contain very little THC. The small stems are higher in THC content, but flowers and pollen contain more. Bracts (leaves next to the flowers) contain the highest amount, with as much as 11% THC. The potency is also affected by climate, soil conditions, variety of the plant (genetic factors) and the time and method of harvesting and preparation.<sup>1</sup>

#### DOSES, PRICES, AND METHOD OF ADMINISTRATION

Under federal law, "marijuana" is defined to mean all parts of the cannabis plant except for the stalks and the sterilized seeds, since these portions are used commercially in the preparation of hemp and feeds.

Normally, it takes from 0.5-2.0 grams of crude marijuana (one to four joints) to get high or "stoned," depending upon the quality of the preparation. One joint rolled from marijuana of high quality, such as Mexican, will usually be sufficient to get two experienced users stoned. Much higher doses are necessary to produce perceptual changes of illusions and hallucinations. Marijuana is reported to be nearly three times more effective when smoked than when taken orally.<sup>1</sup>

The effective  $\Delta^9$ -THC doses range in experienced users from 2-20 mg. smoked or 5-40 mg. taken orally. Dysphoria and restlessness are produced in many users with oral doses above 40 mg.  $\Delta^9$ -THC. Subjective responses tend to be more unpredictable in the inexperienced marijuana users.<sup>3</sup>

Marijuana is sold in kilograms (keys, kilos) for approximately \$200-\$250. A kilogram contains 2.2 lbs. and breaks down to about 35 one-ounce lids, which sell for \$10-\$15, at times as high as \$20-\$25 a lid (Minneapolis street prices). Hashish is sold in pound quantities for \$750-\$1,000 and is broken down into 16 ounces, which sell for \$75-\$100 an ounce. An ounce contains 28 grams, which sell for \$5-\$7 per gram. These prices are approximate and may vary.

When marijuana or hashish is smoked, its effects are noticeable within one to five minutes and reach a peak within 30-60 minutes. The effects are generally dissipated after three to four hours.<sup>18</sup>

Both marijuana and hashish can be cooked into foods and ingested, although this is relatively uncommon in the United States. Such preparations may involve brownies and cookies. A tea-like preparation can also be prepared by boiling the small stems and leaves. When marijuana preparations are taken orally, the effects are diminished but prolonged. The effects have their onset 30-60 minutes after ingestion and last anywhere from five to eight hours or longer, depending on the dose.<sup>5</sup> Rarely do the effects last longer than 12-14 hours.

Due to the rapid onset of effects of smoked marijuana, the smoker is generally able to regulate his dose and will stop when he has reached the desired high.<sup>1</sup> Thus, overdose is a rare occurrence among marijuana smokers. However, overdose can occur following oral administration, when the onset of effects is delayed.

Marijuana overdose is rarely of a serious nature, and sleep is the usual result. No deaths due directly to smoking or eating of cannabis have been documented. Anxiety and panic reactions sometimes follow overdosage and may occur after oral ingestion or smoking.

#### PHARMACOLOGICAL EFFECTS

Pharmacological effects are all dose-related and occur in general to the same extent with all cannabis preparations, including marijuana, hashish, and THC.

1. Increased pulse rate. The pulse may be increased as much as 40 beats per minute. The amount of increase is the best indicator of the magnitude of marijuana effect achieved.<sup>6</sup>
2. Generally, there is no change in the blood pressure, but high doses increase pressure which is correlated with increases in heart rate.<sup>7</sup>
3. Dryness of throat and mouth.
4. Dilation of conjunctival blood vessels causing reddening of the eyes.<sup>18</sup>
5. No change in pupil size.<sup>18</sup>
6. No change in respiratory rate.<sup>18</sup>
7. No change in blood sugar levels.<sup>4</sup>
8. No change in deep-tendon reflexes.<sup>4</sup>
9. Effect on activity is variable and ranges from sedation and sleepiness to mild stimulation. Stimulation is usually seen initially during the intoxication, but may be followed later by sedation.<sup>5</sup> Sedation is common at high doses. Cannabidiol potentiates the actions of barbiturates and may be responsible for some of marijuana's sedative qualities.<sup>8</sup>
10. Marijuana has an individually variable stimulating effect on appetite which has been termed by those experiencing this effect as the "munchies."<sup>8</sup>
11. May cause a cough due to irritating effect of smoking on lungs and throat.

12. Marijuana produces no demonstrated physical dependence or withdrawal syndrome.<sup>1</sup>
13. At this time there is no scientific evidence that cannabis causes adverse human chromosomal damage or deformed children, nor has it been proven that cannabis does not produce these effects.<sup>3</sup>

THC is a mild hallucinogenic agent at high doses, yet cannabis preparations have sedative effects not seen with LSD. In animals, THC does not produce the sympathomimetic effects seen with other hallucinogens. THC produces no tolerance to LSD and exhibits no cross-tolerance to LSD and the other hallucinogens.<sup>4</sup> This suggests that marijuana and hashish might be considered to be in a category separate from the psychedelics (LSD, mescaline, psilocybin, DMT, STP, etc.).

## PSYCHOLOGICAL EFFECTS

### Attaining the High

When marijuana or hashish is smoked it is usually inhaled deep into the lungs and held there for an extended time to increase absorption. The onset of psychological effects is almost immediate with the smoking of more potent forms, peak effects usually occurring within the first quarter-hour. Major effects usually last several hours (3-4), while milder ones may last longer.<sup>1</sup>

It has been claimed by some chronic users, although not experimentally proven, that an experienced marijuana user can suppress his high so that he can act "straight" when necessary.<sup>18</sup> In this way, the user claims to be able to partially control the high.

### Acute Effects

For the majority of persons, smoking marijuana is a pleasurable and self-satisfying experience. The degree of intoxication, pleasure, and mystical experience is variable and depends on several aspects other than the amount of marijuana smoked or ingested. The intoxication may vary with the individual's personality, whether he is aggressive, sedate, compulsive, introverted, or extroverted. It often reflects the person's emotional set and in particular his set in regard to the high, whether or not he expects to have a pleasurable experience.<sup>14</sup>

Lester Grinspoon, M.D., describes some of the subjective effects as follows:

"The intoxication heightens the sensitivity to external stimuli, reveals details that would ordinarily be overlooked, makes colors seem brighter and richer, brings out values in works of art that previously had little or no meaning to the viewer, and enhances the appreciation of music."<sup>5</sup> Many musicians have said that they performed better under the influence of marijuana.

The user may become "giggly" when in a good mood. His arms and legs may feel heavy, and he tends to sit rather than walk around. He is usually agreeable and non-aggressive.<sup>12</sup>

Andrew T. Weil, M.D., reports that regular users of marijuana do not show the same degree of impairment of performance on neurological tests as do naive subjects.<sup>18</sup> In some cases, their performance even appears to improve slightly after smoking marijuana. This is consistent with the idea that regular users "learn" to control their high and show only slight, if any, impairment of activity.

There are two reports which indicate that marijuana may have an effect on immediate or short-term memory.<sup>17</sup> These studies suggest that the user may experience difficulty retaining, retrieving, and coordinating recent memories, perceptions, and expectations that are relevant to the task he is performing, particularly speech. This means that the person may forget what he was going to say next or may have a tendency to go off on irrelevant tangents because his train of thought has been lost. However, Waskow reports that  $\Delta^9$ -THC has no effects on immediate memory.<sup>15</sup> No definite conclusions can be drawn until further research is compiled in this area, although the most recent studies indicate impairment of acquisition but not of retrieval of information.

### Long-Term Effects

There are few reports on the long-term effects of marijuana. The Indian Health Commission report of 1894 studied the long-term effects of marijuana use in India. The report concluded that there was no evidence that moderate use of the cannabis drugs produced any disease or mental or moral damage.<sup>5</sup> The LaGuardia report in New York City in 1944 also reported no mental or physical decline among chronic marijuana users.<sup>5</sup>

### Tolerance and Dependence

A person often does not get high after smoking marijuana the first time.<sup>14</sup> In general, with time and experience, the user will "learn" to get high by recognizing the effects of the drug, gradually reducing his psychological inhibitions, and also developing the proper technique of inhaling the smoke. Many experienced marijuana smokers claim that they require less marijuana to reach a high than they first needed.

Most users who continue to use marijuana do so because they find it produces the enjoyable experiences of euphoria and reduced psychological inhibitions. However, there are a minority of users who are psychologically dependent on the drug and whose regular routine is disrupted if they are unable to use the drug. Marijuana use does not seem to produce the craving as does narcotic or sedative dependence.<sup>1</sup>

### MULTIPLE DRUG USE

Marijuana has not been proven to have an intrinsic or pharmacological property causing progression to other drug use. One explanation for multiple drug use may be that users of one drug may be led to the use of other drugs due to the presence and use of those drugs among their friends or their availability from the dealers.<sup>1</sup>

### ADVERSE REACTIONS

Marijuana and hashish, depending on the dose and subject, can precipitate acute brain syndromes, panic, anxiety, and delusional thinking. Some of the symptoms of adverse reactions are anxiety, fear, tachycardia, shortness of breath, crying, depression, suspicion, dissociation, depersonalization, disorientation, confusion, paranoid ideation, delusions, and hallucinations.<sup>14</sup>

Most adverse reactions are treated by the individual's peers, in much the same manner as drunkenness; that is, with understanding, patience, and sobering up. However, when symptoms persist, or the individual or his peers become frightened by the behavior, medical care may be sought.<sup>14</sup>

Pillard<sup>11</sup> and Weil<sup>16</sup> have discussed the various types of adverse reactions to marijuana. They are as follows:

1. Panic reactions associated with anxiety and paranoia are the most common adverse reactions. The person may interpret the physical and psychological effects of the drug to mean that he is dying or losing his mind. He may be apprehensive, fearful, or panic-stricken. The condition usually occurs in first-time users, but may occur after multiple use. Such persons are not psychotic; their reality testing is intact. The anxiety and panic subside as the drug effect wears off. Firm reassurance is effective treatment.
2. Simple depressive reactions which occur mainly in obsessive, compulsive individuals who are ambivalent about trying the drug or who invested the decision to experience marijuana with great emotional meaning.
3. Toxic psychoses, or acute brain syndromes, are temporary malfunctions of the cerebral cortex due to the presence of toxins in the body; they disappear when the toxins disappear. The person has symptoms of thought disorganization such as disorientation, confusion, paranoia, and depersonalization. Hallucinations, both auditory and visual, are common. This may result from orally ingested preparations, but is also seen after smoking. This reaction is commonly thought to be a manifestation of overdosage in the majority of cases.
4. Prolonged psychotic reaction. The symptoms are the same as for toxic psychosis, only lasting for days or weeks after the drug effects have stopped. This reaction may tend to occur in persons who are predisposed to develop psychotic reactions and often are persons with latent schizophrenia. In such borderline personalities, the effects of marijuana or other mind-altering drugs such as alcohol, amphetamines, and LSD on secondary perception may constitute a stress that pushes the individual in the direction of derealization, an experience generally perceived as frightening by such individuals. Occasionally the drug may precipitate true psychotic breaks in such personalities. Prolonged reactions are not related to dosage.
5. Flashback (the recurrence of hallucinogenic symptoms) is associated with previous use of psychedelic drugs. Marijuana seems to induce the recurrence of the psychedelic drug effects, but the mechanism is unknown.

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#### APPENDIX IV

##### MARIJUANA AND DRIVING<sup>1</sup>

In the period between our first Report and the present one, several studies have been performed to determine whether or not automobile driving performance may be adversely affected by use of marihuana. Generally, the studies indicate that marihuana use, even at dose levels normally consumed in social settings, does impair to a significant degree visual perceptual performance as well as temporally controlled responses (National Institute of Mental Health, 1973).

In actual and simulated driving tests, poorer automobile handling was found among subjects under the influence of marihuana, including slowed reaction times and increased frequency of incorrect or inadequate driver-responses (Dott, 1972; Kielholz, et al., 1972. Miller, et al., 1972).

In experiments designed to study the effects of marihuana on driving-related visual functions, it was found that marihuana interfered with peripheral vision as well as central vision. This deficit was interpreted as a result of momentary lapses of attention during marihuana intoxication (Moskovitz, 1972).

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<sup>1</sup>Second Report of the National Commission on Marihuana and Drug Abuse, Drug Use in America: Problem in Perspective, pp. 184-185; March 1973.

## APPENDIX V

### MARIJUANA AND CRIME<sup>1</sup>

The initial effects of marihuana on the body can be compared with some of those attendant to alcohol use; mild euphoria, stimulation of the central nervous system and increased conviviality. The user experiences a pleasant heightening of the senses and relaxed passivity. In moderate doses the substance can cause short lapses of attention and slightly impaired memory and motor functioning. Heavy users have been known to become socially withdrawn and depersonalized and have experienced distortions of the senses.

Marihuana use is believed to reduce the inclination of the individual toward physical tasks, particularly those requiring sustained effort. The combination of aversion to sustained effort as well as the disruption of the thought processes and alteration of sensory perception occurring from high doses of marihuana is believed to act as a deterrent to those criminal acts which require continuing physical effort and concentration. Only on very rare occasions have individuals under the influence of this substance been shown to become agitated and even aggressive, and many of these persons had long histories of acting out behavior well prior to their marihuana use.

Motivations for use, personal expectations, along with set and setting exert a strong influence upon the individual's behavioral responses to marihuana use. A person who believes that marihuana use does not culminate in loss of control can be expected to remain nonassertive while under its influence.

Because marihuana does not have high dependence liability, the cessation of use, regardless of frequency and intensity of prior consumption, does not induce the physical discomfort attendant to abstinence from other, more reinforcing substances such as heroin, barbiturates or amphetamines. Therefore, it is unlikely that even the heavy marihuana user will resort to crimes to sustain his level of use. It should be noted, however, that some individuals who sustain particularly heavy levels of use may become psychologically dependent upon the substance and may become somewhat more likely to engage in socially disapproved behavior and to become involved in multi-drug use.

As with alcohol, marihuana is not an aphrodisiac and does not chemically induce sexual arousal. Although some observers believe that the sexual experience is enhanced by marihuana use, an equal number disagree with this theory. In its review of the available data, the Commission found no evidence to indicate that marihuana use results in heightened sexual aggressiveness.

From the facts stated above one can conclude that marihuana use is not ordinarily accompanied by or productive of aggressive behavior, thus contradicting the theory that it induces acts of violence. Indeed, the only crimes which can be directly attributed to marihuana-using behavior are those resulting from the use, possession or transfer of an illegal substance.

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<sup>1</sup>Second Report of the National Commission on Marihuana and Drug Abuse, Drug Use in America: Problem in Perspective, pp. 158-159; March 1973.

The Commission has already provided a detailed report of the research findings regarding the impact of marihuana on public safety (see Marihuana: A Signal of Misunderstanding, Appendix, Vol. I, 1972, pp. 424-477). Presented here is a brief updated overview of these findings.

APPENDIX VI

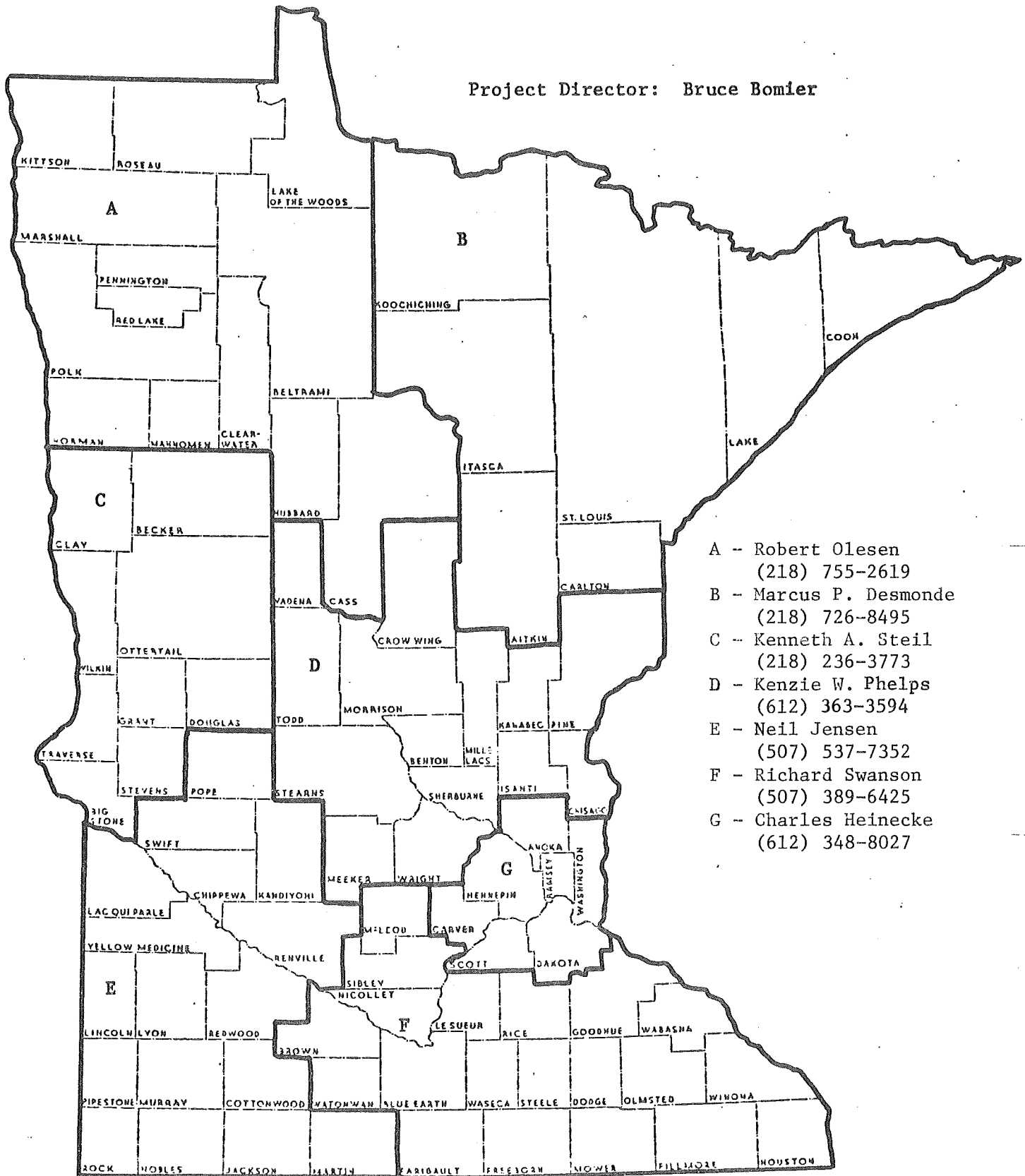
MINNESOTA REGIONAL DRUG INFORMATION CLEARINGHOUSES

There are currently established throughout the state,  
seven Regional Drug Information Clearinghouses operating as appen-  
dages of the Drug Abuse Section of the State Planning Agency.  
These Clearinghouses possess a wealth of information and expertise  
regarding drugs and may be of some assistance to you:

REGION "A"	Robert Olesen, Coordinator Drug Awareness Clearinghouse 113 Birch Hall Bemidji State College Bemidji, Minnesota 56601 (218) 755-2619
REGION "B"	Marcus P. Desmonde, Coordinator N.O.R.D.I.C. (Northern Regional Drug Information Clearinghouse) 231 College Avenue Duluth, Minnesota 55812 (218) 726-8495
REGION "C"	Kenneth A. Steil, Coordinator Region "C" Drug Information Center Box 185 Moorhead State College Moorhead, Minnesota 56560 (218) 236-3773
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REGION "E"	Neil Jensen, Coordinator Region "E" Drug Abuse Prevention Services Department of Continuing Education Southwest State College Marshall, Minnesota 56258 (507) 537-7352
REGION "F"	Richard Swanson, Coordinator Drug Information Clearinghouse P. O. Box 007 Mankato State College Mankato, Minnesota 56001
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APPENDIX VII

RELEVANT MINNESOTA CASES

RELEVANT MINNESOTA CASES

State v. Dill, 277 Minn. 40, 151 N.W. 2d 413 (1967)

Evidence, including findings that on microscopic examination small particles in defendant's pocket had characteristic appearance of marijuana and that substance in envelope thrown from automobile occupied by defendant was marijuana, sustained conviction of defendant for possession of a narcotic drug.

Requiring defendant in custody 36 hours after valid arrest on charge of unlawful possession of a narcotic drug, to remove shirt and trousers which he had been wearing since arrest and subjecting them to scientific examination was reasonable search and seizure even in absence of search warrant.

State v. DeSchoatz, 280 Minn. 3, 157 N.W. 2d 517 (1968)

Evidence was sufficient to sustain jury's verdict that defendant in whose apartment traces of marijuana were found was guilty of possession of narcotics.

Neither defendant's unsupported allegations that others had access to his apartment nor his contention that informant might have had something to do with placing of contraband in his apartment required the trial court to order the identification of informant or to strike officer's testimony that information in support of an application for a search warrant was obtained from an undisclosed informant or to suppress the evidence obtained by the search.

State v. Resnik, 287 Minn. 168, 177 N.W. 2d 418 (1970)

Evidence that a small quantity of marijuana which was unusable for any purpose having narcotic effect was found in a leather briefcase discovered inside suitcase which could be identified as belonging to the defendant and which was found in the trunk of an automobile to which defendant had a key was insufficient to sustain conviction on the charge of knowingly possessing and having under control a narcotic drug.

The court can and did take judicial notice of the fact that marijuana grows wild within the state and that possession or control of it may or may not justify inference of contemplated use as a narcotic drug depending on the circumstances of the particular case.

There was no evidence whatever that defendant was in actual possession of any narcotic drug on the date specified in the information.



State v. Morgan, 287 Minn. 406, 178 N.W. 2d 697 (1970)

Conviction for violating a statute declaring unlawful certain acts with respect to narcotic drugs cannot be sustained on the basis of evidence of possession of a quantity of marijuana so minimal in amount as to be unusable for any purpose having narcotic effect.

State v. Gannaway, 291 Minn. 391, 191 N.W. 2d 555 (1971)

Seizure of a corncob pipe from defendant's outer coat pocket by police officer during process of "frisking" defendant for weapons after defendant, stopped for driving the wrong way on a one-way street, was warned to keep his hands out of his pockets after producing his driver's license and getting out of his car but nevertheless seemed intent on reaching into the right pocket of his outer coat, and seizure of a plastic bag of marijuana from defendant's trouser pocket during the officer's extended search of defendant's outer clothing which gave no indication of possible presence of concealed weapon were constitutionally impermissible and items were properly suppressed.

State v. Siirila, 292 Minn. 1, 193 N.W. 2d 467 (1972); cert. denied 408 U.S. 925 (1972)

In view of a statute which reduced the crime of possession of a small amount of marijuana from a felony to a gross misdemeanor but did not declare possession of an unusably small amount to be no crime, possession of even an unusable quantity of marijuana was a crime under prior law, and defendant who was found to be in possession of less than 20 milligrams of marijuana could be convicted of possession of marijuana.

Knowledge of possession of a narcotic drug may be established by circumstantial evidence. Marijuana which was found in a jacket shown to have belonged to the defendant and to have been worn by him could be inferred to have been in the jacket with the defendant's knowledge.

State v. LaBarre, 292 Minn. 228, 195 N.W. 2d 435 (1972)

Evidence that, during a search of defendant's apartment which he shared with another, two packets containing cocaine were found in a billfold which also contained papers identifying defendant, that marijuana, hashish and LSD were found beneath a dresser in room in which billfold was found, that defendant used the bedroom when contraband had been found and kept his clothing there and that defendant had been seen on open rear stairway to apartment during search sustained conviction on two counts of unlawful possession of narcotics and one count of unlawful possession of a prohibited drug.



## APPENDIX VIII

### PRE-SENTENCE INVESTIGATION

Appendix VIII is intended as a guide to assist judges in questioning the defendant prior to sentencing. The materials in this appendix and the responses of the defendant represent a single case and are not included here to suggest that all users of marijuana respond to the drug in like manner. Other appendix materials represent in-depth study of the effects of marijuana use.

HENNEPIN COUNTY MUNICIPAL COURT

Case #24068, Bloomington, Minnesota

FACTS:

Subject was charged with "hit and run" in June 1972. He pled "not guilty" because he could not remember what happened. At the trial, it appeared that he rear-ended a vehicle which had stopped in the center of the road to make a left turn, with signals working. The drivers got out of their cars. Defendant offered settlement at the scene. The lead car driver suggested calling the police. Defendant struck him in the stomach with his fist. A woman got out of the lead car. Defendant swore at her and ordered her back into the car. Defendant refused to disclose a driver's license. The parties left the scene. After hearing the facts at trial, defendant changed his plea to "guilty".

The judge's interrogation prior to sentencing follows:

Q. How old are you?

A. 23.

Q. When did you start using marijuana?

A. Last Spring, Spring of '72.

Q. What form did you use it in?

A. Just smoked it.

Q. Smoking cigarettes or a pipe?

A. Both, pipe and water pipe.

Q. Also cigarette form?

A. Yes.

Q. In cigarette form, did you roll your own?

A. Yes.

Q. What are they called?

A. "Joint", "reefer".

Q. The marijuana, what was the substance that you used? How did you know it was marijuana?

A. I just bought--someone asked me if I wanted to buy some marijuana. I said "yes" and gave him the money for it, and I just got loaded on it, so I figured it was. It could have been anything, I imagine; I don't know.

Q. What did it look like?

A. Kind of a darkish brown color. And it reminded me of just dried weeds.

Q. Or dry leaves, crushed up?

A. Yes.

- Q. Brown, brownish in color?
- A. Yes, light brown. I guess you can get almost any different color you want. They cure it in different colored wines and stuff, and it sometimes colors the marijuana.
- Q. When you say "cure", they soak it and then dry it?
- A. Yes.
- Q. How do they hold it together for sales purposes? In a baggie or something like that?
- A. The largest amount I ever bought--I bought three pounds. That was just in plastic bags.
- Q. Smaller quantities also, in plastic bags or baggies?
- A. Usually always in plastic bags. Or I guess it can be pressed into a brick, but I never seen it that way before.
- Q. Does it have an odor?
- A. Yes, it has a distinct odor.
- Q. In the dry state?
- A. In the dry state, and when you smoke it.
- Q. What is the odor in a dry state?
- A. It's just an odor of its own. I can't compare it with anything I've ever smelled.
- Q. When you smoke it, what's the odor?
- A. Just an odor of its own. Like you can walk into a room where you got a hundred different odors, and if someone is smoking marijuana in there you can pick it out because it's there. With me it's that way. Like even when I walk down the street, if I walk by a house where someone is smoking marijuana inside, if they've got a window open I can smell it.
- Q. Is it sweet or--?
- A. Not sweet.
- Q. Just distinctive?
- A. Just really distinctive.
- Q. Sort of permeates the area?
- A. Yes. Or if I talk to someone that's been smoking it, I can smell it on their breath.
- Q. You can?
- A. I can, yes.
- Q. Can it be on his clothes?
- A. I imagine, if he's sitting in a room where there was a lot of smoke it would be in his clothes, too.
- Q. So his person might smell of it or give off the aroma of marijuana?
- A. Yes.

- Q. When you smoked it, what was the effect on you?
- A. Just like a sedative. It was just relaxing. Made you forget about things. Makes you forget an awful lot. Just kind of loss of memory and just makes you feel good, I guess.
- Q. Does it distort your perception in any way?
- A. Just your reflexes, it distorts.
- Q. In other words, they're slowed down?
- A. A lot slower. Like you might see something and know that you should do something, and you just think about it too long, and you just don't do it. You just think, "I should do that."
- Q. Sort of a "dreamy" effect?
- A. Yes.
- Q. And over a period of time you said the marijuana, you could get "high" (or whatever you call it) on less and less? Is that right?
- A. Less and less, yes.
- Q. In other words, you don't build up a tolerance for it?
- A. It's like an "anti-tolerant". It just works backwards.
- Q. In your case it was an anti-tolerant?
- A. In most--most people I know of it's that way; or people that I knew at the time. Like a lot of people that go to smoke marijuana the first time, they'll smoke three or four joints and nothing will happen to them the first time. So they figure it's nothing, so they never go back to it.
- Q. Do you inhale the smoke?
- A. Ues.
- Q. In other words, you get it into your blood stream through your lungs?
- A. Your lungs.
- Q. And then it passes through your blood stream to your brain, apparently?
- A. Yes.
- Q. And that way it affects the brain?
- A. I imagine, yes.
- Q. You never used it in any other form?
- A. No.
- Q. In other words, you never ingested it or ate it?
- A. I think I--yes, I think I did eat it once. But it wasn't that I wanted to. I got stopped once, and I think I ate three or four joints, I think.
- Q. Swallowed them to conceal the evidence, is that it?
- A. Yes.
- Q. Any effect from that?
- A. Yes. I got awful sick. I don't know if I--

Q. Vomited, and things of that nature?

A. Yes.

Q. Did you vomit?

A. Yes, about a half-an-hour later.

Q. Any diarrhea or anything like that?

A. No, just got sick to my stomach. I was really "stoned" from it.

Q. In other words, you got the same mental reaction, is that it?

A. Yes, I got the same mental reaction. But I got a physical sickness with it.

Q. Plus the vomiting and stomach aches, I take it?

A. Yes.

Q. Now have you ever taken it in a drink form?

A. No.

Q. You might get the same reaction that way, I assume?

A. Maybe. I don't know. I've never heard of it at all before. I don't know.

Q. Never injected it?

A. No. I've never heard of that, either.

Q. It's the oil in the plant that affects the body, isn't it?

A. I'm not really informed on that. I just got into it.

Q. Now this accident occurred on the 14th of June?

A. Yes.

Q. How long before that had you been using it?

A. Probably about a month and a half; two months, maybe.

Q. When you got to this particular scene and they mentioned "police", you got real violent?

A. That's what I--I don't know.

Q. Now in that situation you weren't regressive, but you were actually impulsive and violent?

A. I've noticed that if something sets you off when you're on it, you're just like you go crazy. But if nothing sets you off or nothing bothers you or irritates you, you're just fine. But if someone--I don't know--like getting into an argument or something when you've been smoking it, you would just go to extremes that you wouldn't normally go to.

Q. And that was your reaction here--

A. There was no reason.

Q. --as soon as they mentioned "police", you went into a violent reaction and you struck the individual?

A. Yes.

Q. They couldn't understand why.

A. I can't either. I didn't even know that.

- Q. You punched him in the stomach?  
A. Yes.
- Q. But that was a reaction that you don't recall?  
A. I don't even remember it. In fact I didn't remember--like they said I used some foul language and all that. I didn't remember that, either. All I remembered--what I thought that happened was that I bumped into someone and I got out and I talked to him. And then it was just blank. And that he left and then I left. I didn't remember even arguing or hitting him or swearing at his girl friend or none of that.
- Q. So, in other words, part of it could be a loss of memory, is that right?  
A. Yes.
- Q. And then an overreaction to a situation?  
A. I just didn't know what I was doing, I guess. Yes, it would be just reacting a lot different way than you would normally. Like you just don't care. Like you don't understand what you're doing, you know. It would be real easy to kill someone (I don't know) if you're real stoned on marijuana, I think, because you wouldn't realize what you were doing. You wouldn't actually realize that this is another person, you know. That's what it kind of does to you.
- Q. Takes you out of the realm of reality?  
A. Yes, it's just not real, you know. You don't understand what life is about or that other people are alive. All you know is "you", and if anything gets in your way that's just too bad for them.
- Q. Now was this sort of habit forming, or just a reaction that you kept desiring, or--?  
A. I don't think--well, after I was on it all summer long and I think it was about two and a half weeks I was in Grand Rapids Jail--I've heard from a lot of people you can't get addicted to it, but I started breaking out all over my body. I just started getting so nervous. I couldn't eat, and I had scabs all over me from scratching so much in my sleep, and had to call the doctor and stuff. And I think that's what it was from. I don't know what else. It was just that your nerves really go through a "crumble" when you come "down" from it, if you stayed "stoned" for a long time.
- Q. Now prior to this time, were you in good health?  
A. Yes.
- Q. How far through school had you gone?  
A. I went up to 10th grade, but that was because I stopped to start working. But one thing I did notice about it was, when I got picked up in November, I couldn't--like it would take me maybe 20 minutes to read a page of a book. And in May I never even studied, and I passed my G.E.D. test. Just from not being stoned, I mean.
- Q. In other words, your attentiveness--  
A. I started thinking again.
- Q. You just couldn't think, is that right?  
A. Yes.



Q. And you couldn't retain anything?

A. No.

Q. Everything was sort of a blank to you?

A. Yes.

Q. And you really had to work to try and figure out what was on the page, I take it?

A. Well, a lot of times like I'd start reading, and by the time I got to the bottom of the page I couldn't be sure what was on the top of the page.

Q. You had already forgotten it?

A. Yes.

Q. So you were just going through the motions? You weren't actually--

A. Yes, just something to do. And that's the way it was when I first got started, thrown in jail. And just as the months and weeks passed, it started to make more sense and more sense. And I never studied any schoolwork at all and, just from reading, I passed that G.E.D. test. And I never would have even been able to read it before, I don't think.

Q. Now are you off the stuff pretty well? You're staying away from it?

A. Yes.

Q. And building back your home life?

A. Yes, I'm trying awful hard.

Q. And you're working nights? Third shift, as I recall?

A. Third shift, yes.

Q. And you wouldn't recommend marijuana to anybody, would you?

A. No, I don't think I would. Like I was asked earlier if I would vote for it or against it. I just--if there was ever a vote, I just don't think I'd vote. I just don't want anything to do with it any more, that's all. But if there ever was a vote, the only people I think would vote for it are the people that are smoking it.

Q. Why do they want to smoke it?

A. Because when you're smoking it, you don't understand what it's doing to you. You just don't understand, you know. You don't think there's anything wrong with you. You think you're acting all right. And they're just, you know--it's like someone saying, "You're crazy." Well, "I'm not crazy." You know. "I know what I'm doing." You just don't believe it, no matter what. Unless you can stop someone from using it for long enough until they can start thinking again and then look back and see how they were acting, is the only way.

Q. This information that you've given to me, have you got any objection to my using it wherever I can find it advantageous for using it?

A. No.

Q. Well, you've been very frank, and during the course of the trial, after you heard the evidence, you admitted or pled guilty to the offense without offering any testimony. Apparently you were satisfied in your own mind that you had done wrong, and you're trying to do right now, trying to straighten yourself around.

I'm inclined to waive the fine if you'll apologize to the people that you struck, and also to make restitution, if you would take the time to find them out and go down and apologize and tell them why it was.

- A. I meant to do that in court, but I felt like such a fool after what I heard that I just didn't even want to look at them.