

Federal Government to “Allow” Whole Truth In Trial in US vs. Smith

By **Thomas** | *Published in Hawaii News Daily*

Steele Smith is the first US citizen to be given a chance to use a medical defense in a Federal case. All 50 states are watching the outcome of this unfold as it denies the Federal government further opportunity to withhold information from its citizens as it relates to medical marijuana trials.

U.S.A. v. Smith et al is a landmark cannabis case that could change federal [medical marijuana](#) law for all 50 states.

This is the first case in which a defendant in the United States has been allowed to raise an affirmative [medical marijuana](#) defense in federal court.

Cormac J. Carney is the presiding federal judge in *U.S. v Smith*. In a courageous and historic ruling he decided that the [medical marijuana](#) issues will be heard as testimony. This is the first time this has happened in U.S. history.

This story started in 2001 when [Steele Smith](#) — a law abiding business man — became very ill. He landed in an emergency room. Over the next four months it happened several more times. But the doctors could not figure out what was wrong. He was prescribed [pain medication](#), and lost 40 pounds.

Ultimately a rare diseases doctor diagnosed Steele’s disease as Zollinger-Ellison (Z-E). The disease causes painful ulcers, making it difficult for patients to eat and is so rare most doctors have never seen it. The result is extreme pain and [nausea](#). Doctors prescribed him the strongest acid reducing drug available. For the severe pain, the doctor also prescribed high doses of morphine and sent him to a specialist (a pain doctor) who ordered a morphine regimen.

Steele became heavily addicted to morphine. With the support of his wife starting in 2004, he began to try and “kick” his morphine [addiction](#). It almost killed him and he ended up in the [intensive care unit \(ICU\)](#). Over the next year and a half Steele battled his morphine [addiction](#). After painstaking [research](#) he found a new drug, Suboxone, and under the care of a doctor over several weeks he was finally able to become completely drug free. However the under lying pain and [nausea](#) returned. He was unable to eat or live a normal life.

After more [research](#) Steele was given a [medical marijuana](#) recommendation. He bought his marijuana at one of the [dispensaries](#) in Los Angeles.

His recovery is nothing short of miraculous with his pain and [nausea](#) now controlled using cannabis, Steele was able to eat again and his health returned. There are no [dispensaries](#) in Orange county where the Smith's live so they must travel to L.A. to buy cannabis.

Steele and Theresa decide to open a small collective — [California](#) Compassionate Caregivers — in their home. After researching the law and [proposition 215](#), they began to grow cannabis for safe access patients. Within a few months they found their patient base growing and by 2006 it reached over 1,000.

This did not escape the attention of the local police department. Officers from the Placentia Police Department came to the Steele home, seizing 18 plants, patient records, 4 pounds of [medical marijuana](#), a small amount of concentrate and cash, but no charges were filed. After unsuccessfully trying to get his property and records returned repeatedly and after seeking legal advice, Steele decided to sue the city of Placentia, again simply seeking the return of his property.

The city of Placentia retaliated and moved the case to a federal level. This quashed Mr. Smith's standing in the civil court, effectively killing the lawsuit. But that was not the end of it as the Smith's were about to find out.

On Nov. 1, 2007 in an early morning raid, federal agents stormed the Smith's two homes using paramilitary style tactics. Officers wearing masks and paramilitary gear broke down the front door and roused the sleeping couple at gunpoint, holding them at gun point through out the raid. The agents abused the couples dogs by spraying them with a fire extinguisher. One of dogs died four days later.

As is standard procedure during [marijuana](#) raids nationwide the officers destroy the home during the [search](#) that followed. The home — as are most homes raided like this — was totally vandalized.

“In [Hawaii](#) county where I have lived for 30 years they conduct their [marijuana](#) raids in exactly the same way. Doors and gates are broken down, then left wide open for any and all of the public to take furniture and belongings at will... the police also rob these homes taking anything they want, cooking dinner, and joy ridding vehicles around the neighborhoods as they harass the neighbors searching there homes also even with out [search warrants](#) or probable cause.” ~ Thomas

In the Smith's case the police also went to C3's medical dispensary. They seized 2 pounds of [medical marijuana](#) and a small amount of concentrate. Police left the door wide open, inviting theft and vandals there also.

Steele, Theresa, Alex Valentine, a young patient with Elephant man's syndrome and over thirty

surgeries, and Dennis La Londe, a homeless man recently given shelter, were jailed. All but Theresa spent most of the next year in a maximum security, level-five Federal prison in Los Angeles. They were all charged with conspiracy to manufacture or grow marijuana and are facing ten years in federal prison.

Theresa was released after 2 months but forced to post a \$200,000 bond, using her dying mother's home and two signatures to meet the requirements of the bond. The remaining defendants suffered in federal prison for another 10 months. When Steele was finally released he had to wear an electronic ankle bracelet for another year. All the defendants to this day are still required to report regularly to federal pre-trial services.

While medical marijuana is not technically a legal defense, for the first time in U.S history the defendants will be able to testify to the jury that they were operating under prop 215. That testimony will show they were in complete compliance with California law, and the collective was very professionally run to provide safe access for patients in Orange county. The DEA is (as they always do) portraying these legal patients as ordinary drug dealers. But this time, for the first time, the jury will hear the other side.

In an interesting twist the government has offered a deal for time served to Steele. To his credit and at great risk to himself, he has decided not to take the deal and faces up to ten years in federal prison for that decision. Steele Smith wants to go to trial because he believes the issues are too important and need to be adjudicated. He is in a fight to uphold the Tenth Amendment of the United States Constitution, protecting States' rights to allow their citizens safe, legal access to medical marijuana. The Smiths are true heroes and deserve our support.

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