

NJWeedman and Lawyer File Historic Legal Defense Brief on 4/20 – Cannabis Day



Mount Holly, NJ – As medical marijuana smokers around the globe celebrate “4/20”– an internationally recognized date for the celebration of cannabis–Ed Forchion, aka NJWeedman and his lawyer, John Vincent Saykanic, Esq., will be filing a historic legal brief in New Jersey’s Burlington County Superior Court, battling for not only Forchion’s freedom but for the rights and recognition of marijuana smokers everywhere (Indictment No. 2010-08-066-I). The filing is historic as it challenges New Jersey drug legislation and may change how the state’s medical and criminal marijuana laws are enforced.

On April 1, 2010, Ed Forchion was arrested in Mount Holly, New Jersey with a pound of cannabis in the trunk of his car. A Burlington County grand jury indicted Forchion in August of last year for violation of the State’s drug laws. In October 2010 he pleaded not guilty. He faces more than a decade in prison if convicted.

Forchion is a dual citizen of New Jersey and California, and he has been evaluated and approved by a medical doctor in California to use marijuana (and has been given a California Medical Marijuana card, which was valid on the date of his New Jersey arrest). Mr. Forchion also operates a medical marijuana (dispensary) Temple in Hollywood, California called the “Liberty Bell Temple II.”

In December 2010, Superior Court Judge Charles Delehey permitted Forchion to challenge the constitutionality of the state’s marijuana laws, which makes marijuana possession

illegal (and a Schedule I drug) because it purportedly has no medicinal value. At the same time, New Jersey is implementing a medical marijuana program for the treatment of needy and ill citizens since New Jersey became the 15th state to legalize the use of medical marijuana on January 18, 2010.

The legal brief raises eight grounds explaining why the indictment must be dismissed. These include that Mr. Forchion, as a practicing Rastafarian, should be granted a religious exemption under the First Amendment (and Equal Protection Clause) to possess marijuana since marijuana-known as ganja in the religion-operates as a sacrament and is an integral part of the Rastafarian religious ceremony. Since American Indians are granted an exemption to utilize peyote (a Schedule I drug) in their religious ceremonies, and since the Brazilian church Uniao do Vegetal (in New Mexico) is permitted an exemption to utilize the sacramental tea ayahuasca (also a Schedule I drug), Rastafarians should be afforded the same religious exemption and equal protection.

Other issues raised in the brief are: that marijuana should no longer be classified as a Schedule I drug (with the hardest drugs such as heroin, LSD, etc.) since even the State of New Jersey now recognizes its medicinal value; that Forchion should be able to possess the marijuana on the grounds of "medical necessity" since he is a medical marijuana patient (approved in California, one of his two residences); and that the New Jersey marijuana laws do not provide adequate notice that he could not possess his required medicine (and religious sacrament).

Saykanic says, "It's not only un-American that Rastafarians are discriminated against for their sacred religious views, but it's outrageous that the alleged 'illegal' drug that is their sacrament has now been acknowledged by the State to have great medicinal value, yet they continue to be persecuted."

Saykanic also says, "The war on drugs is a complete failure

and the most glaring example is the law illegalizing marijuana. The question to be asked is not whether marijuana should be legal but who is making huge profits (and gaining political capital) by propagating the war on marijuana and other drugs? The failed war is a ridiculous waste of taxpayers' money and a denial of basic American privacy and liberty rights. Ed's case could well be the beginning of the end of drug law tyranny. "

"The state of New Jersey has made a mistake in classifying marijuana as just a criminal substance," avows Forchion. Forchion says he uses marijuana for medicinal and religious purposes. Marijuana is frequently used for healing and ritualistic purposes in Rastafarianism, a religion he practices. Forchion will move to represent himself at trial.

As detailed in his book release, "Public Enemy # 420," Forchion has a history that spans decades in his quest for his right to smoke marijuana legally. A cult figure in the marijuana legalization community, he achieved media notoriety when he was arrested for smoking marijuana in front of the entire New Jersey State Assembly in 2000, and garnered a national platform when he fired it up at Liberty Bell in Philadelphia, PA during the Republican National Convention.

Forchion has since become one of the most vocal and recognized members of the pro-pot movement. He is the founder of the Legalize Marijuana Party of New Jersey and has run previous campaigns for Governor, U.S. Senate, Congress, the State Legislature, and the Burlington County Board of Freeholders.

To read more about Ed Forchion a/k/a NJWeedman and support the cause, go to

<http://www.NJWeedman.com>.

View his video interview about his pending case at

<http://www.vimeo.com/22490539>.

To view the legal brief, go to

http://www.njweedman.com/challenge_brief.htm.