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Federal prosecutors drop pot charges after court approves bar on spending money charging defendants

Hallie M. Hoffman, chief of the criminal division at the Northern District U.S. attorney's office, dismissed the complaint for conspiracy to manufacture and possess with intent to distribute marijuana against Anthony Pisarski and Sonny Moore without prejudice on Wednesday.

Less than two months after a 9th U.S. Circuit Court of Appeals panel affirmed a judge's decision to halt the sentencing of two Humboldt County men who pleaded guilty on federal marijuana charges, prosecutors have dropped charges against them.

Hallie M. Hoffman, chief of the criminal division at the Northern District U.S. attorney's office, dismissed the complaint for conspiracy to manufacture and possess with intent to distribute marijuana against Anthony Pisarski and Sonny Moore without prejudice on Wednesday.

U.S. District Judge Richard Seeborg granted the motion. *U.S. v. Pisarski et al.*, 14-CR00278 (N.D. Cal., filed May 21, 2014).

The government dismissed its long-running case against the two men a week after Ronald N. Richards of Ronald Richards & Associates APC in Beverly Hills filed a motion asking Seeborg to dismiss the case, citing an appropriations rider passed by Congress that barred federal prosecutors from pursuing the case further even after they pleaded guilty.

"This is the first time anyone has ever won on this appropriations rider and the first time a case has been dismissed," Richards said Thursday. "This will set the blueprint" for criminal defense attorneys to attack federal pot prosecutions in the future.

The timing of the appropriations rider, which blocked the U.S. Department of Justice from spending any money to prevent a state from implementing its own medical marijuana laws, was fortuitous for the defendants, who had pleaded guilty and faced possible three-year prison terms.

Since then, the appropriations rider has been attached to subsequent federal budget bills signed by both President Barack Obama and President Donald Trump.

In July, the 9th Circuit panel affirmed by a 2-1 margin Seeborg's ruling that Pisarski and Moore were in strict compliance with California's marijuana laws at the time, meaning their sentencing was stayed.

Writing for the majority, 9th Circuit Judge M. Margaret McKeown said state law protected the defendants' possession of 327 marijuana plants.

"We have no difficulty concluding that the district court did not clearly err in determining that Pisarski and Moore proved by a preponderance of evidence that they were in strict compliance with California medical marijuana law at the time of their arrest," McKeown wrote. *U.S. v. Pisarski*, 2020 DJDAR 7138 (9th Circ., filed Oct. 6, 2017).

Abraham A. Simmons, a spokesperson for the U.S. attorney's office, declined to comment.

Richards, who filed a motion seeking dismissal of the criminal charges, said defendants have been unsuccessful in citing the appropriations rider to block federal marijuana prosecutions. "This is the only one that won," he said. "It's a case study to rely on. It's always easier once an appellate court affirmed a dismissal."

In his Sept. 1 motion, Richards cited efforts by various states to legalize marijuana for medical and other purposes and the ongoing bar on spending federal money on prosecutions of cases in states where marijuana is legal.

"Because the at this point, the federal government may not spend any further resources on marijuana and cannot oppose this motion based upon the injunction and prior representations to this Court," he added in the motion.

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