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JUDGE SAYS ROSENTHAL CHARGES VINDICTIVE, DISMISSES
Press Conference Thursday on Rare Finding of "Vindictive Prosecution" in Prominent Case

WHAT: Press conference on vindictive prosecution ruling in medical marijuana case

WHEN: Thursday, March 15, 2007 at 12:00 pm

WHO: Advocate and author Ed Rosenthal, attorneys Robert Amparán, Shari Greenberger, and Omar Figueroa

WHERE: Law Offices, 506 Broadway (at Kearney), San Francisco

Medical marijuana advocate Ed Rosenthal had some of his federal charges dismissed today by U.S. District Judge Charles Breyer, who said the government was acting vindictively against the outspoken author. Judge Breyer issued an order early this morning granting Rosenthal's motion to dismiss money laundering and tax counts.

The order is sharply critical of the government's decision to expand the charges, saying the new allegations were clearly intended to "dissipate the criticism heaped on the government after the first trial" by characterizing Mr. Rosenthal as a criminal. The judge also said that such actions by the government "discourage defendants from exercising their First Amendment right to criticize their prosecution and their statutory right to appeal their convictions."

"All the charges should be dismissed," said Mr. Rosenthal. "This case has been about silencing medical marijuana advocates from the beginning. They're wasting our tax money trying to undo California law."

Mr. Rosenthal will have a hearing before Judge Breyer On Friday, March 16 at 2:15 to discuss the remaining charges against him, which all relate to the "manufacture" of marijuana for qualified medical patients. Mr. Rosenthal is facing trial again on charges related to growing medical marijuana after an appellate court overturned his 2003 conviction and the government re-indicted and added 11 more felony charges.

Mr. Rosenthal was originally tried and convicted on three federal felony counts related to marijuana cultivation. Following the verdict, the jury learned that Mr. Rosenthal was providing medical marijuana to patients, and the majority publicly recanted and criticized the trial in the press. At sentencing, Judge Breyer made a dramatic departure from federal guidelines, imposing only a single day of jail time.