

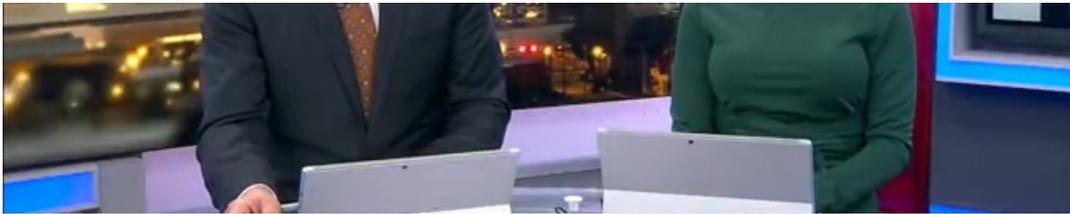
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NEWS

New TBI marijuana policy could result in more case dismissals

New TBI marijuana policy could result in more case dismissals



00:00 / 00:00

Posted: Oct 1, 2019 / 02:07 AM CDT / Updated: Oct 4, 2019 / 08:34 AM CDT

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(WREG) – Tennessee residents may now be able to get away with smoking marijuana thanks to a new Tennessee Bureau of Investigation policy.

“I think it’s going to help a lot of people out for those simple possession cases, for sure,” criminal defense attorney Brandon Hall said.

Hall said the new policy would make it virtually impossible for prosecutors to build a strong enough case against people caught possessing small amounts of marijuana.

“It would result in a dismissal because they could not meet their burden of proof to show that the drug, the alleged marijuana, actually contained THC,” Hall said.

But justice reform advocates aren’t exactly thrilled with the new policy, as one might expect.

“This is not necessarily something that should give us any hope,” Josh Spickler, executive director of Just City, said. “We don’t have decriminalization. It is still a crime, and our police department has been very clear that they pursue arrests for possession of this drug.”

In Shelby County, which already has a drug diversion program, it remains to be seen if the new policy will change much at the court level either.

“There’s not a lot of cases that are a half an ounce or less that are going to trial on marijuana,” Hall said. “The county does try to resolve those cases.”

Even with the new policy in effect, Hall said there will still be people who choose to plead guilty before they go to trial. But he said he wouldn’t be surprised to see more attorneys encouraging their clients to opt for a trial.

NOTE: In recent days, you may have seen reporting about our crime laboratories and changes to our work to analyze plant material that may be marijuana. We want to take the opportunity to provide some context to clear up any confusion that may exist.

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amounts found don't rise to the level of a felony, it will still test misdemeanor amounts less than half an ounce in certain cases if specifically requested by district attorneys for a trial.

The intent of the letter was simply to notify the District Attorneys and Law Enforcement of additional developed testing and to clearly communicate the importance of prioritizing the need for prosecution.

TBI remains opposed to the legalization of marijuana in any form.

TBI



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