

Chloe Villano

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To: repkagan@gmail.com , pete.lee.house@state.co.us and 10 more...

DUID Proposal



February 26, 2013

Thank you so much! I can help with a group of doctors who would be willing to do testing and scientific research.

To Whom it May Concern,

My name is Chloe Villano and I own Clover Leaf Consulting a Medical Cannabis Business Solutions Firm here in Denver. Over the years I have had the experience of meeting thousands of people in the cannabis industry including business owners and patients. I have been called as an expert witness. I was also recently accepted through the Department of Education for my new found school Clover Leaf University, which just launched a 16 course approved Cannabis Program. I recently held a symposium on the THC DUI subject featuring Professor Daniel Rees (C.U. Denver) and The Heat is on Department of Transportation employee Gary Davis. We held a professional panel discussing the process of developing this THC DUI Bill. I understand your legitimate concerns of public safety and substance misuse however Cannabis is a plant with varies form of ingestion that effects people very differently. The chronic conditions that validate these patient records show that there are thousands of patients who consume cannabis as medication in the State of Colorado. I ask you strongly consider making patients an exemption of the normal cannabis testing requirements. Patients must be exempt from the normal limitations because Cannabis may be taken in larger dosages such as an edible the night before, or therapeutic rubs that are made from high levels of concentrated cannabis but applied in different forms without the mind altering effects. If there were 150,000 total registered patients at one point who have used Cannabis daily, then a 5ng limit would mean that we are unlawfully and unscientifically prosecuting sick patients, which eventually still leads to them loosing their rights to use the very medication that helps them in the first place. This is not the type of America that our forefathers built and I am asking you to open your heart and your mind. I offer my assistance to help in any way. My contact information is below.

With utmost respect to the patients in our community over 1 million people voted for recreational marijuana. There must be proper scientific testing done to facilitate the proper science levels before prosecuting innocent people. It is proven that Cannabis levels higher than 5ng can stay in ones system. We also know specific kinds of Cannabis are more potent than the other. As a matter of fact Cannabis stays in your system for over 30 days.

Last I want you to think of the person you love the most in the world. Have they ever made a mistake or a bad decision. As consequences are a valuable part of learning I understand your job is very important, however forcing anyone to take a blood draw is wrong. Imagine the person you love the most being stuck by some on duty nurse already upset. This is traumatizing and people are dying in this country because of unseen disabilities and this could cause panic attacks, heart attacks, and much more. This is wrong and completely unconstitutional. Especially because a refusal already holds such extreme consequences like automatic suspension of your license for a year. Colorado has voted for you to keep this America. Please demand the proper science for you to leave your mark and do that right thing and the best job that you can possibly do for your community. No matter how different they are.

Here are the facts of my suggestions

I believe medical marijuana use was one of the biggest points of contention during the last couple sessions with respect to opposition against a THC DUI standard. But given the recent passage of Amendment 64 Colorado must have a responsible and reasonable standard in place to protect the public but that takes lawful recreational marijuana use into consideration. As none of the studies being used by both the opposition or proponents of the 5 ng/ml limit has taken lawful recreational marijuana use into account.

A 15 ng/mL rebuttable inference for the use of marijuana alone. This addresses the fact that 1.2 million voters in Colorado now wish to see marijuana use for recreational purposes to be legal and again the 5 ng/mL limit in Europe was a zero tolerance policy and proposed under laws that did not allow the recreational use of marijuana. It would be advisable to have a sunset review to redetermine this limit at a later point based on the real world science collected.

Finally an exemption for medical patients as long as the issue with those drivers was solely based upon the existence of active THC in their system alone and not on their ability to drive. Such an exemption would not apply to medical patients who were driving in a reckless manner. I believe this proposal is a compromise that could appeal to most if not all of the stakeholders concerned and would remove any resistance to the passage of a DUI bill. Please let me know if there is any thing I can do to assist you in your efforts.

Warmest Regards,

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VIA ELECTRONIC MAIL

February 26, 2013

The Honorable Daniel Kagan, Chair and Members
House Judiciary Committee
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Re: **House Bill 13-1114, Marijuana DUI**
“Guilty Until Proven Innocent”

Dear Chairman Kagan and Members:

There are many reasons to oppose House Bill 13-1114, which would create a permissible inference of Driving Under the Influence (“DUI”) criminal offense for drivers with five nanograms or more of tetrahydrocannabinol (“THC”) in blood, reversing the Burden of Proof away from “Innocent Until Proven Guilty” to “Guilty Until Proven Innocent.”

You have already received, and will receive at the committee hearing, ample evidence that the bill is not warranted from a scientific standpoint. THC affects everyone differently, and is not well-suited to a uniform numerical standard.

From the standpoint of a courtroom litigator who has represented Coloradoans charged with criminal DUI offenses, we oppose this bill and urge a “no” vote, because if passed, innocent people will be convicted.

One case I tried to a jury in the past illustrates the point. In People v. Solimeo, Gunnison County Court Case No. 10T288, the driver had ten nanograms of THC in his blood. There was no accident or victim whatsoever in the case. Mr. Solimeo's performance on voluntary roadside tests was not perfect, but easily attributed to high winds frequent in Gunnison (even the sober State Patrol Trooper could not perform the roadside tests perfectly in the courtroom when asked to do so).

Despite the ten nanograms, all evidence in the case showed that Mr. Solimeo was perfectly sober, driving well, and not a danger to anyone on the road that night. Mr. Solimeo was aware of the effects of THC on him and could easily compensate for them. Mr. Solimeo did not testify at trial because there was no real evidence against him, and any testimony from him would have been viewed as self-serving and defensive. Accordingly, the jury acquitted Mr. Solimeo of all charges, and even declined to find him guilty of the lesser included offense of Driving While Ability Impaired ("DWAI").

If H.B. 13-1114 and its "Guilty Until Proven Innocent" standard had been law, then Defendants would be forced to "prove a negative" to a jury or judge. It would also force Defendants to waive their right to remain silent and trial, and attempt to explain that they were not impaired. Most defendants in criminal cases, even if innocent, opt not to testify because their testimony would inevitably appear defensive and self-serving, and testifying in one's own criminal trial can be an intensely stressful experience. Accordingly, this bill would place the Defendant at a severe disadvantage, and will result in innocent people being convicted.

The right to remain silent and the presumption of innocence are tried-and-true legal principles that have served well our country and its people. There is no need to cast these important principles aside. Current law already criminalizes driving a vehicle while impaired by THC or any other substance. The vast majority of drivers charged with DUI-D for THC are convicted, and prosecutors are able to satisfy their burden of proof beyond a reasonable doubt, if they have evidence. Current law thus adequately protects public safety. H.B. 13-1114 removes the burden of proof beyond a reasonable doubt, and makes conviction a near certainty because the bill shifts the burden of proof and forces a Defendant to prove a negative.

I am happy to answer any questions you may have. Please feel free to call me at 303-634-2244 or email at Robert.Corry@comcast.net. Thank you very much for your consideration.

Sincerely,



Robert J. Corry, Jr.