

May 27, 2008

The Honorable Judge Claudia Wilken
United States District Court for
the Northern District of California
1301 Clay Street
Oakland, CA 94612

Re: *United States v. Martin*

Dear Judge Wilken:

I write to request leniency in your sentencing of my friend Mickey Martin. Whereas Mickey was convicted of offenses in violation of federal law, that same conduct is not only legal, but is "encouraged" under state law. See Cal. Health & Safety Code § 11362.5(b)(1)(C). The reason is that the voters of California recognize that marijuana is effective in treating numerous conditions, including AIDS wasting syndrome, nausea, multiple sclerosis, and chronic pain. See Cal. Health & Safety Code § 11362.5(b)(1)(A). Although Mickey has been convicted of violating the Controlled Substances Act, I believe that he and his associates were doing what was necessary and legal under state law to address their serious medical conditions and assisting many other patients with safe access to the medicine they needed.

My name is Noah Mamber, and I am the Legal Services Coordinator/Legislative Analyst for Americans for Safe Access, a non-profit organization that advocates for the rights of medical marijuana patients in California and across the country. I went to Yale University for my B.A., and I received my J.D. from Cornell Law School. Since I moved to California in November 2006 for this position, I have had the pleasure of getting to know Mickey in both the employment and personal contexts. Mickey is a strong supporter and friend to Americans for Safe Access and the medical marijuana movement as a whole, and I admire very much all the work that he accomplished, and the beliefs that drive him to do so. I have spent time with and observed Mickey's conduct at least once or twice a month since I met him in November 2006.

I am writing to you because Mickey Martin is a very good person, who has demonstrated to me his honesty, intelligence, law-abidingness, and his significant commitment to his family, his job and the medical marijuana movement. Mickey best demonstrated his honesty, when, even though neither Mickey nor I believe did anything that should be deemed illegal, he told the truth to the court, and was honest about his work with Compassion Medicinal Edibles.

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Mickey Martin is also a very intelligent person. In the time we have spent together, we have shared great philosophical dialogues about law and justice and freedom, and his impressive Buddhist approach to his current trials and tribulations. Mickey also demonstrated his intelligence to me in the success that he enjoyed in running his not-for-profit organization manufacturing medicinal products. He demonstrated his acumen in achieving significant distribution for his products, and garnering widespread customer loyalty, in addition to running a secondary business renting event party equipment.

Mickey Martin is also a very law-abiding person. I have not known Mickey to have broken any other laws since I have known him. Indeed, he has only been convicted on several federal offenses, where his conduct was legal and "encouraged" by state law, and neither Mickey nor I believe that the laws under which he was convicted are just and appropriate laws, and we are both working to change them. Additionally, in his capacity at Compassion Medical Edibles, Mickey continually pushed the medical marijuana community towards self-regulation and the best and safest practices, in the absence of settled regulation of medical marijuana edibles imposed by California or its localities. Mickey's strong commitment to the law, and to providing patients with the best and safest medicines drove these efforts to perpetually refine the best practices of edibles preparation. I was often impressed with Mickey's new design ideas and recipes for his products that included even more safeguards to prevent anyone from unknowingly or mistakenly consuming them, and at the same time continually raising the bar on the quality and cleanliness of the food prepared.

Mickey is also very committed to his family. Whenever we met, Mickey would tell me stories about his family, and I know that he has been a great son, and husband, and father, and it is devastating to everyone who knows him to know that any prison time given to him by the court will keep him away from the family that he loves so much. I pray that the court will take into account his desire and ability to continue to be a positive influence in his family's lives if he is allowed to stay out of prison, or receives a several-day sentence similar to that of Ed Rosenthal.

Finally, Mickey is incredibly committed to his job, and to the medical marijuana movement as a whole, so much so that he is willing to go to prison for his beliefs as a horrific casualty in the DEA's war on medical marijuana patients. Mickey is well-known in the medical marijuana community for his strong commitment to fighting for the rights of others and for the freedom to make one's own health choices. As the leader of Compassion Medicinal Edibles, an active medical marijuana advocacy organization that fought not only for the rights of patients but also for improving the community at large, Mickey supported patients at countless court proceedings to ensure that justice was served. Hundreds of patients relied on and were thankful for the work of Mickey and others at Medicinal Edibles. I am proud to have worked alongside Mickey in advancing the issue of medical marijuana and providing greater protection to patients, not only in the Bay Area but across the country.

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Therefore, I beg the court to please treat Mickey with as much leniency as possible, and to give him the minimum sentence allowed under its discretion. Today, you have the power to send a message to the U.S. Attorneys still prosecuting medical marijuana patients, and to the DEA who is still raiding them, that patients should be treated with mercy, and not vengeance. I pray that you will be able to find it in your heart to extend that mercy to Mickey, and allow him to return to be a good father to his children as soon as possible.

Thank you for your thoughtful consideration.

Sincerely,



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