

AMERICANS FOR SAFE ACCESS

MOLLIE & DALE'S STORY

Patients Caught in the Crossfire

MONDAY, MAY 2

Dr. Mollie Fry and her husband Dale Schafer live in Cool, California with their family until May 2nd, when they will be forced to serve 5 years each in federal prison. Mollie and Dale are both qualified patients who use cannabis therapeutically. They should never have been tried in federal court let alone sent to prison for helping patients.

Mollie is a physician and a breast cancer survivor who underwent a radical mastectomy in 1997. When more common drugs meant to deal with the effects of chemotherapy didn't work, Mollie turned to medical cannabis. After her oncologist, who agreed with her use of medical cannabis, refused to provide Mollie with written approval, she quickly learned that the struggle for patients was finding doctors who were willing to recommend its use. Mollie soon thereafter, with encouragement from the local sheriff, started a specialized clinic for medical cannabis patients.

Dale, an attorney, is also a qualified patient who has treated the effects of his hemophilia and chronic back pain. Dale has been active for years in the medical cannabis movement and ran for El Dorado County District Attorney in 2001. Dale began cultivating Mollie's medication and eventually also provided it to a handful of local patients for free, with the consent of the sheriff and in full compliance with California law. Dale also provided classes

and the equipment for patients to be able to cultivate their own medication.

The same year that Dale announced his candidacy for district attorney, he helped establish medical cannabis cultivation guidelines for the county. Also in 2001, the U.S. Supreme Court ruled that medical necessity could not be used as a defense in federal court, at which point Dale abruptly stopped providing medical cannabis to other patients. Nevertheless, on September 28, 2001, more than 20 state and federal agents with guns drawn raided the home and offices of Mollie and Dale. Only 34 plants and less than 2 pounds were seized in the raid, but agents turned their home and offices upside down and additionally seized Mollie's private patient records.

No indictments resulted from the 2001 raid until less than 3 weeks after the U.S. Supreme Court ruled in June 2005 that the government could enforce federal marijuana laws even in medical marijuana states. On June 22, 2005, Mollie and Dale were arrested and charged federally with manufacturing and conspiracy to manufacture and distribute marijuana. Although Dale never grew more than 44 plants in a given year, well below the local 99-plant guideline, the federal government was able to add up the plants he had grown over a multi-year period in order to seek a 5-year mandatory minimum sentence associated with growing more than 100 plants.



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After a 2-week trial in August 2007, during which they were denied any medical defense, Mollie and Dale were found guilty and the following year were sentenced by U.S. District Court Judge Frank Damrell to 5 years each. Released on bail pending their appeal, Mollie and Dale saw the transition to the Obama Administration and had hope for a more compassionate federal policy. However, the Obama Justice Department did not break stride and continued to vigorously prosecute their case. In November 2010, the Ninth Circuit denied their appeal and shortly after the government moved to revoke bond on the couple. Then, in March Judge Damrell ordered them to surrender on May 2nd.

Mollie and Dale have been punished enough. They already had their licenses to practice medicine and law revoked. By sending Mollie and Dale to prison, the Obama Administration is further punishing them and needlessly breaking up their family of 5 children and 2 grandchildren. "Cannabis is proven medicine. Why would the state of California create laws based on what the people want, and then allow the federal Government to override them?" Mollie asked in an article about their case. "I had cancer, we were growing medicine. I was helping people."

President Obama has failed to keep his pledge to medical cannabis patients

After President Bush's aggressive campaign against medical cannabis, the patient community embraced then-Senator Obama's pledge on the campaign trail that he was "not going to be using Justice Department resources to try to circumvent state laws." And, his October 2009 Justice Department memo seemed to be proof that Obama was serious about medical

cannabis policy change. However, we are learning that the patient community has been deceived.

Since the memo was issued, the Obama Administration has conducted no less than 74 raids on medical cannabis patients, providers and laboratories in California, Colorado, Michigan, Montana and Nevada, resulting in nearly two-dozen new indictments. The Obama Justice Department has continued to prosecute federal cases leftover from the Bush presidency with equal if not greater vigor. The prosecution against Mollie and Dale is such a case.

In addition to aggressive federal raids, the Obama Administration is using the banking industry and the IRS to undermine the implementation of state medical cannabis laws. Under the guise of a new policy on medical cannabis, President Obama has not only continued his predecessor's tactics but increased their intensity and broadened their scope. This duplicity must stop!

Demand clemency for Mollie and Dale

Mollie and Dale don't deserve to go to prison, but President Obama may hold the only key to their freedom. Mollie and Dale are seeking clemency from the U.S. government and need your help. By granting clemency, President Obama can end Mollie and Dale's unnecessary incarceration, but he needs to hear from you to know how important this is.

Send a note to President Obama and urge him to grant clemency for Mollie and Dale: AmericansForSafeAccess.org/clemency.

Get updates and donate to Mollie and Dale's defense fund: **FreeDocFry.com**