

An Interview with Attorney Daniel Stockmann



For more information please visit:

www.nebraskainterstatedrugdefense.com

Phone: 844-545-3022

Stockmann, Daniel. "Defense Attorney Describes Zeal for Marijuana Interdiction in Nebraska." Interview by Brian Bahouth. *Marijuana Public Media*. December 22, 2014.

Daniel Stockmann: *"Even before Colorado legalized even medical marijuana, law enforcement always had a presence on Interstate 80, looking for or to investigate drug trafficking, whether it be marijuana, methamphetamines, cocaine or what have you. They've certainly stepped up their presence on the interstate since Colorado has both legalized medicinal marijuana, and then recreational marijuana."*

Brian Bahouth: *"Well, since the first of the year in retail marijuana stores began operation in Colorado, I mean, has there been a market increase in the amount of marijuana interdictions since then?"*

Daniel Stockmann: *"Well, what I can tell you is that for 14 years I was a general practice criminal defense attorney, meaning I represented all varieties of persons accused with crimes from homicides down to misdemeanor traffic offenses and DUIs. About a year ago, or 9 months ago, with the rise in arrests for marijuana in Nebraska, it became clear that this was a unique opportunity to specialize and provide assistance and representation to those types of people traveling across Nebraska."*

The one thing you've got to remember about Nebraska is that we have decriminalized marijuana possession, at least user amounts, meaning it's an infraction punishable by a fine only, and no jail for a first offense less than an ounce conviction. However, Nebraska still has a law on the books and still enforced concentrated marijuana or hash is a class four felony.

And what we are seeing a lot of now is people, because there's, well, ten years ago the variety of marijuana was generally just a green leafy substance. Now it's edibles, cookies, candies, oils, etcetera, and now we're finding people who are bringing what are user amounts of marijuana and if it were in the green leafy variety it's an infraction punishable by a three hundred dollar fine but because they use it with a vape tent or something like that, it's in the hash oil variety and they are being charged and prosecuted for felony offenses for hash."

Brian Bahouth: *"So are there folks in Nebraska prisons for, you know, these marijuana concentrates?"*

Daniel Stockmann: *"Sure. There are persons who, I've personally spoken to people who live in Colorado, who have medical cards for things like Crohn's disease, and they travel to, say, Iowa to visit a relative or family and they bring their prescription with them in the hash oil variety and they get pulled over in Nebraska, searched, arrested and jailed because they bring their prescription with them."*

Brian Bahouth: *“You know it’s a question that I... it’s a very hazy thing, and but I’m curious, you know, in the context of the lawsuit that Nebraska and Oklahoma have brought against Colorado, you know my question, I guess, is: has Nebraska kind of invited this problem in terms of its vigorousness in law enforcement? Or is there just a flood of marijuana and marijuana products in Nebraska? How do you size it up?”*

Daniel Stockmann: *“My opinion is that, with the legalization in Colorado, but it being obviously illegal in the majority of the Midwestern states, there is a definite conflict of laws issue, and there are people who are trying to exploit it by, say traveling from Illinois or Minnesota to Chicago and purchasing as much legal marijuana as they can and try to bring it back home for resale, and turn a profit. There is a certain amount of that, but on the other hand, to some extent, the problems that Nebraska is facing are self-imposed.*

They are, for example, the individual who has less than an ounce of, or what would be less than an ounce of the hash oil for her vape tent, if she chose to have it in a green leafy substance, the officer writes her a ticket, she pays the three hundred dollar fine and that’s the extent of the involvement. But, because she chooses to have it in the more, probably, the healthier way, with a vape tent and a hash oil, she gets charged with a felony, she has to spend, she gets booked into the local county jail, she has to post a bond, the prosecutor now has to get involved, a defense attorney has to get involved, the court system has to get involved, all because this lady chose to ingest her prescription with, in a hash oil variety instead of smoking it the more traditional way, I guess. Until Nebraska changes that law to reflect the fact that there are a variety of different ways now that people are ingesting marijuana, it’s, to some extent, a self-inflicted problem.

There are counties in Nebraska where the sheriffs are choosing to book people into jail for misdemeanor marijuana offenses instead of, in their discretion, they can write a citation and send the person on their way and order the person to pay a fine, either, which they can do either online or through the mail. Instead, the officer is booking them into the county jail, and he’s bankrupting our county, because it’s a small county. They don’t have the budget to house these people in the jail, they don’t have the budget to prosecute this people, and if they can’t afford an attorney, they don’t have the budget to appoint a public defender or an attorney to represent them at the county’s expense. But the officer, instead of, or the sheriff, instead of just writing a ticket and sending these people on their way and saying: ‘Now you send us three or five hundred dollars back in the mail, so we can make money off of you,’ he’s costing his county thousands upon thousands of dollars by booking these people into jail, all because he is mad at Colorado, because they legalized it and he doesn’t think it should be legal, so he is making a statement by trying to put as many people in jail as he can. And, in turn, he is bankrupting his county.”

Brian Bahouth: *“Well, that was my question, you know, I mean, is this sort of focused enforcement really a protest against what Colorado citizens decided to do?”*

Daniel Stockmann: *“I don’t think law enforcement would characterize it as that, I think they would characterize it as: ‘It’s illegal in Nebraska, and we have an obligation to enforce the law.’ But I think a reasonable person would recognize that they have certainly stepped up their enforcement of it, there are certainly more officers on the interstate, there certainly have been more joint county task force investigation-type committees put together to enforce it. Those didn’t exist a year ago. There was certainly was a presence on the interstate for law enforcement, but that presence has certainly increased to a point that, in my opinion, if you have out of state plates, and you’re coming through Nebraska, whether you are heading East or West, you’re going to have a hard time making it through without getting pulled over. I travel along the interstate representing people in various counties, and I have Nebraska plates, and because I’m a single, white, male driving a car, heading West, or I’m sorry, heading East on the interstate, I get pulled over. And the officer wants to see if I have been coming from Colorado and then they recognize me or figure out who I am and send me on my way, but it’s certainly a stepped up presence on the interstate, that’s for sure. Both ways, they, there are some counties now that instead of pulling you over coming back from or heading East on the interstate, they are pulling you over heading West, if you have out of state plates, and rather than seize the marijuana that you might have coming, or that they think you might have, coming from the Colorado or California, they’re taking the money and trying to seize the money as you head West.”*

Brian Bahouth: *“Well, Daniel Stockmann, I want to thank you so much for taking time to chat with Marijuana Public Media.”*

Daniel Stockmann: *“Sure, no problem. Thank you.”*