

SCR 75/SR 42

Measure Title:

**URGING THE FEDERAL GOVERNMENT TO RELEASE
ROGER CHRISTIE ON BAIL PENDING TRIAL**

To: Members of Committee on Public Safety.
Testimony in support of SR 42 & SCR 75 from Senator Russell Ruderman

Aloha Chair, Vice Chair, and Senators,

I ask for your support for SR 42 & SCR 75, urging the federal government to release Roger Christie on bail pending trial.

Roger Christie has been held without bail and without trial for almost 3 years. His visitations are severely limited, such that even his wife is only allowed to see him a few times per year. In recent weeks additional charges have been added, and the trial postponed once again.

Holding a defendant without bail, while denying his constitutional right to a speedy trial, is unheard of in our state. Even repeat offenders of crimes such as large-scale distribution of ice, violent criminals, rapists and murderers are routinely released on bail pending trial. Is Roger Christie, whose alleged crime is distribution of marijuana to medical patients with a permit and those claiming a religious right to use marijuana, a greater danger to society than offenders such as these?

If not, why is he the only person held for years without bail in Hawaii?

I have personally known Roger Christie for over 25 years. Roger is truly one of the most gentle and caring people I have ever known. I do not believe he has ever harmed a soul. He is completely non-violent in the deepest sense of the word, and tells the truth under any circumstances. He is a strong advocate for religious and medical use of marijuana. While I would not endorse his distribution efforts, I cannot see how such activity justifies being held without bail. To all of us who know him, the claim that he is a danger to society is so absurd as to be laughable, if only it weren't being used in such a tragically flawed effort to keep a citizen incarcerated without trial.

Roger Christie deserves to be released on bail, just as much as any other non-violent offender. Please support this resolution to bring attention to this terrible miscarriage of justice, and to insist that the federal government treat Hawaii's citizens with the rights all Americans are guaranteed under our constitution.

Thank you,
Senator Russell Ruderman

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

TED SAKAI
DIRECTOR

Martha Torney
Deputy Director
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Max Otani
Deputy Director
Corrections

Keith Kamita
Deputy Director
Law Enforcement

TESTIMONY ON
SENATE CONCURRENT RESOLUTION (SCR) 75 AND SENATE RESOLUTION (SR) 42
RELATING TO
URGING THE FEDERAL GOVERNMENT TO
RELEASE ROGER CHRISTIE ON BAIL PENDING TRIAL.

By
Ted Sakai, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Thursday, March 21, 2013, 2:45 p.m.
State Capitol, Room 224

Chair Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety (PSD) **does not support** SCR 75 / SR 42, which urges the Federal government to release Roger Christie on bail pending trial. In July 2010, Mr. Christie was arrested and charged with three Federal counts of "knowingly and intentionally" conspiring to manufacture, distribute and possess marijuana, along with harvested and processed pot and other products containing marijuana such as food, tinctures and oils. Hawaii's United States (U.S.) District Court found that Mr. Christie's release while awaiting trial, would compromise public safety. This decision was twice appealed to the U.S. 9th Circuit Court of Appeals. After due consideration, the 9th Circuit Court upheld the U.S. Federal District Court's decision.

We understand the sentiment of those who believe that Mr. Christie should be released pending trial. However, the Federal Court has properly considered this matter. We recommend that the Legislature allow justice to run its course.

Thank you for the opportunity to testify on this matter.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Roz Baker, Vice Chair

Thursday, March 21, 2013

2:45 p.m.

Room 224

SUPPORT FOR SCR 75 - URGING THE FEDERAL GOVERNMENT TO RELEASE ROGER CHRISTIE ON BAIL PENDING TRIAL

Aloha Chair Espero, Vice Chair Baker and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons supports this resolution.

In our view, it has been a travesty of justice to hold a citizen who poses no threat to public safety without bail. This action by the federal government has challenged the integrity of the U.S. Justice system and the Constitution that every citizen holds dear.

Mr. Christie has no criminal history of violence, was deeply respectful when his premises were raided by the federal government, and has never proven to be a threat to anyone. This action by the federal government to hold a citizen without bail has threatened the rights of due process of every citizen.

It is amazing that the federal government has not pursued those responsible for the 2008 economic crisis - the CEOs of the big banks and corporations - that have caused major harm to citizens, shaken the world economy, and used bailout funds - our money - for their own personal aggrandizement.

Please pass SCR 75 and urge the federal government to release this peaceful, nonviolent man on bail pending a fair and open trial.

Mahalo for this opportunity to testify.

SR42/SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Lichty	Drug Policy Action Group	Support	No

Comments: The Drug Policy Action Group strongly supports this resolution urging the federal government to grant bail to Roger Christie. The notion that this peaceful man represents a danger to any community is absurd - especially since his county voted strongly in a referendum to give the lowest arrest priority to cannabis arrests. Please pass on this compassionate and sensible resolution to send a message to our federal government.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 5:56 PM
To: PSMTestimony
Cc: kat.caphi@gmail.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM
Attachments: 3.21.13 PSM ~ SCR 75-SR 42 DPFH Testimony.docx

Follow Up Flag: Follow up
Flag Status: Completed

SCR75

Submitted on: 3/20/2013

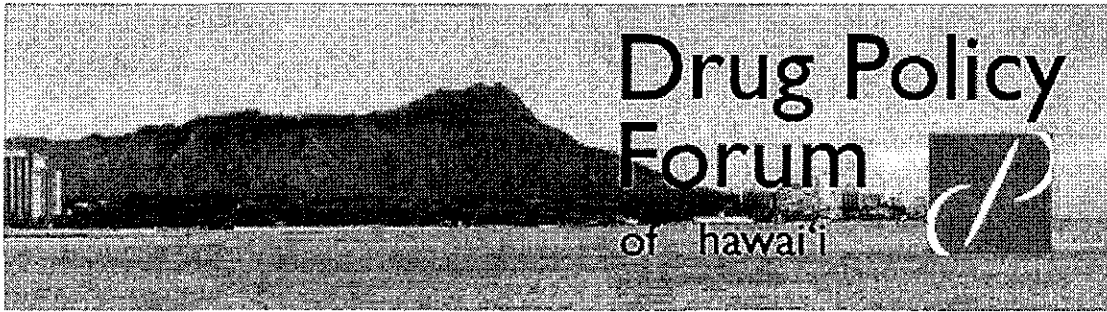
Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Brady	Drug Policy Forum of Hawai'i	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Dedicated to safe, responsible, humane and effective drug policies since 1993

March 21, 2013

To: Sen. Will Espero, Chair

Sen. Roz Baker, Vice Chair and

Members of the Committee on Public Safety, Intergovernmental, and Military Affairs

RE: SCR 75/SR 42

Hearing: Thursday, March 21, 2013, 2:45 p.m., Room 224

Position: Strong Support

The Drug Policy Forum of Hawai'i testifies in strong support of SCR 75/SR 42 urging the federal government to release Roger Christie on bail pending trial.

Mr. Christie has been held without bail and denied a speedy trial for two and one-half years. This denial by the government is without reason since Mr. Christie poses no threat to the public. The government's denial of bail, however, threatens the freedom of every citizen and the basic rights enshrined in the U.S. Constitution.

It is ironic that the federal government has been bringing democracy to other countries while denying the rights of our own citizens.

The Drug Policy Forum of Hawai'i urges the federal government to release Roger Christie on bail pending trial.

Mahalo for this opportunity to testify,



Progressive Democrats of Hawai'i

<http://pd-hawaii.com>

1418 Mokuna Pl. Pl, Honolulu, HI 96816

email: info@pd-hawaii.com

tel: 808.371-9334

SENATE PSM COMMITTEE

Sen. Will Espero, Chair

Sen. Roz Baker, Vice Chair

Date: Thursday, March 21, 2013

Time: 2:45 p.m.

Place: Conference room 224

SCR 74/ SR 42, URGING THE FEDERAL GOVERNMENT TO RELEASE ROGER CHRISTIE ON BAIL PENDING TRIAL

In support

Good afternoon, Chair Espero, Vice-Chair Baker and members of the committee,

My name is Bart Dame and I am testifying today on behalf of Progressive Democrats of Hawaii.

We support passage of both these resolutions. We agree with the authors of the resolutions that Roger Christie has been unfairly incarcerated without bail for far too long, in violation of his constitutional right to a speedy trial. We further believe that it is appropriate for state officials to call upon federal authorities when they witness what appears to be an inappropriate abuse of their authority.

The only proper reasons for denying bail to a defendant and incarcerating them prior to trial is when they are judged to be a danger to the community or are a flight risk. While we can understand legal authorities may be frustrated and annoyed by Mr. Christie's actions and views, we do not believe being a "pain in the okole" to government officials can be allowed to pass as a "danger to the community."

We further think it obvious federal authorities in charge of this case have lost perspective and are locked into a mindset which necessitates a gentle prodding from other officials to ask them to reflect upon and publicly justify their insistence on holding Mr. Christie. It appears they are using pre-trial detention for punitive purposes, which constitutes an abuse of their power.

So please, pass these resos and help law enforcement authorities over there come to their senses. A lot of people ARE watching and the situation is quite unsettling to those who believe in our justice system.

Thank you for this opportunity to testify.



TO: The Senate Committee on Public Safety, Intergovernmental and Military Affairs

FROM: Andrea Tischler, Chair, Big Island Americans for Safe Access

RE: SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial

HEARING: Thursday, March 21, 2013 at 2:45pm in room 224

POSITION: Strong Support

My name is Andrea Tischler, Chair of the Big Island Americans for Safe Access. There are nearly 5000 medical cannabis patients on Hawai'i Island. I would like to testify that I have personally known Rev. Roger Christie since 1991 and have always known him as a spiritual/religious man with the highest moral values of anyone I have ever known. No one has ever come forth and said that Rev. Christie has ever hurt them physically, emotionally or psychologically. No one has complained that Roger is a "danger to the community".

It is unconscionable that a Federal judge would ever deny Rev. Christie the right to post bail. Yet judges have denied him the right to bail eight times. He has been in the Federal Detention lockup for nearly three years and his trial is finally going to be heard in July.

Please, please pass Resolution SCR75/SR42 to support that he be given bail so that he can adequately prepare for his defense in the few months ahead. By supporting this measure you are not saying that you believe him to be innocent. You are merely stating that you think that in all fairness and by constitutional law that you believe he should be given the right to post bail.

Mahalo Nui Loa for giving this resolution your utmost attention and approval. Mahalo Nui Loa.

SR42

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Henshaw	Libertarian Party of Hawaii	Support	Yes

Comments: Text of testimony: Testimony in strong support of SR42, "Urging the Federal Government to Release Roger Christie on Bail Pending Trial". The Libertarian Party of Hawaii strongly supports SR42. Roger Christie is on trial for something that shouldn't be a crime at all: exercising his First Amendment right to voice his opinion about a law criminalizing entirely harmless conduct, namely individuals smoking a weed, and his First Amendment right to participate in religious sacraments. He is essentially a political prisoner. This good man poses no danger whatsoever to the community, unless you consider it dangerous for someone to speak out against laws that they think are both wrong and unconstitutional, and attempt to persuade others to that point of view. He has been wrongfully denied bail. He has been wrongfully denied his right to a speedy trial. He has essentially been serving a prison sentence without being convicted or even getting to make his case to a jury of his peers. He should not spend even one more day in prison. I urge this committee to pass this resolution unanimously and send a strong message that prosecutorial misconduct like this is not tolerated in Hawaii. Thank you.
Jim Henshaw Chair, Libertarian Party of Hawaii

Jim Henshaw, Chair, Libertarian Party of Hawaii

Honolulu, HI

mobile: 808-927-5728

jhenshaw@hawaii.rr.com

Testimony in strong support of SR42, "Urging the Federal Government to Release Roger Christie on Bail Pending Trial".

The Libertarian Party of Hawaii strongly supports SR42. Roger Christie is on trial for something that shouldn't be a crime at all: exercising his First Amendment right to voice his opinion about a law criminalizing entirely harmless conduct, namely individuals smoking a weed, and his First Amendment right to participate in religious sacraments. He is essentially a political prisoner.

This good man poses no danger whatsoever to the community, unless you consider it dangerous for someone to speak out against laws that they think are both wrong and unconstitutional, and attempt to persuade others to that point of view.

He has been wrongfully denied bail. He has been wrongfully denied his right to a speedy trial. He has essentially been serving a prison sentence without being convicted or even getting to make his case to a jury of his peers.

He should not spend even one more day in prison. I urge this committee to pass this resolution unanimously and send a strong message that prosecutorial misconduct like this is not tolerated in Hawaii.

Thank you.

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room.224

Submitted By	Organization	Testifier Position	Present at Hearing
Share & Roger Christie	Individual	Support	No

SR42

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position Present at Hearing	
Share & Roger Christie	Individual	Support	No

Hello Chair Espero, Vice Chair Baker, Committee Members and citizens,

Aloha to thee. It's our pleasure and civic duty to give our STRONG SUPPORT in favor of Resolution SCR 75 / SR No. 42.

Share and I ask you to PASS the Resolution before you 'urging the federal government to release me on bail pending trial', primarily because my fundamental constitutional right to reasonable bail has been, and continues to be, violated, and 'MY constitutional rights are YOUR constitutional rights'.

As public servants and officials elected by "we the people" who's primary job it is to support and defend the constitution, we remind you of your sacred oath of office to carry-out that duty for those of us who want to continue to believe in you as some of the best and brightest and bravest among us. Please help to restore our faith in government and PASS this Resolution. Pass it for me, pass it for you, and pass it for your family, your friends and for who and what you represent.

Our government is a beautiful idea in the collective mind of humanity. Like our money, our government's value and worth is solely dependent upon the people's confidence in it. As I have been denied reasonable bail by numerous federal judges and federal courts, confidence in the fairness of our legal system has diminished. We have come to wonder, does zero fair bail = zero fair

trial? We ask you today to restore our confidence in the system of government that we all rely upon for justice, and the one that we want to pass-on to our children. Mahalo and aloha.

Sincerely,
Roger and Share Christie

SR42/SCR75

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Myron Berney	Individual	Support	Yes

Dr. Myron Berney Support

SCR 75/SR 42 URGING THE FEDERAL GOVERNMENT TO RELEASE
ROGER CHRISTIE ON BAIL PENDING TRIAL.

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Rosalyn H. Baker, Vice Chair

DATE: Thursday, March 21, 2013

TIME: 2:45 p.m.

PLACE: Conference Room 224

Support

The Senate may want to consider adding:

Whereas, Marijuana is kosher in the Jewish Bible and used as a sacrament by Hindus, Buddhists and to the Church to which Roger Christie belongs and ministers;

Whereas, the President by Executive Order has made the Recreational Use of Marijuana the Lowest Level of Law Enforcement meaning no Federal Law Enforcement for the Recreational Use of Marijuana;

Whereas, the VA Health Care system having recognized the medical use of Marijuana means that Marijuana does not fit the definition and is no longer a Federal Schedule I drug anymore;

SR42/SCR75

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kyle Sleppy	Individual	Support	No

Kyle Sleppy

March 21, 2013 @ 1445 hours

PSM- Room 224

SR42/SCR75

I am in support of this resolution. I do feel the person in question should be released pending trial for his crimes. I do see that said person was not given their Constitutional right to a speedy trial and that further, that should be used in his criminal court case to minimize his sentencing. I do want the State of Hawaii to see that they are supporting a person of a marijuana related crime and therefore should be further in favor of individuals in criminal cases involving marijuana within the State of Hawaii.

Sincerely,

Kyle Sleppy

TESTIMONY

Tracy Ryan
1658 Liholiho St #205
Honolulu, HI 96822

SUPPORT S.R. NO. 42

To the Senate Committee on Public Safety, Intergovernmental and Military Affairs

RE: SR42 to be heard Thursday, March 21, at 2:45 PM in room 224

Thank you Senator Espero and members of the committee for taking this step to consider the abuse of the rights of Roger Christie. I, and many others, believe that the Federal authorities both in law enforcement and on the bench have engaged in bias and malice in their handling of the criminal charges brought against Roger Christie. He has operated his THC ministry openly in downtown Hilo for many years. During that period he has consistently claimed a religious exemption from Federal marijuana laws. He has also been active in various political efforts undertaken by Big Island residents to reign in law enforcement of marijuana related offences there. He has effectively been thumbing his nose at the Federal government for years. Now they have him and they don't want to give him up either to bail or to the risk of an acquittal through a public trial before a jury of his peers.

It is indeed a sad day when the citizens of this country have to come before our legislative representatives to appeal to them for assistance in getting the judicial branch to obey the law. The briefs filed by the prosecution, the rulings from the bench, and the quotes attributed to them in the newspaper present a very troubling picture of government run amok.

The Rev Christie was arrested in June of 2010 following a raid on his church and home wherein marijuana was discovered. At his bail hearing the prosecution argued that he presented a danger to the community and should not be released pending trial. They presented various pieces of evidence that supported their case against the defendant as a person who had distributed marijuana and recounted an earlier raid in March of 2010 wherein marijuana had also been found. Their conclusion was that since marijuana had been found twice the Reverend could not be trusted to refrain from his alleged illegal activities when free on bail. The court agreed. In so doing it accepted a position without requesting any evidence to support it. Simply saying something is dangerous because it is illegal is an incomplete argument. How are the alleged activities in and of themselves a danger to the community? Many people accused of crimes far more dangerous than Roger's are routinely released. If the prosecution can show why distribution of marijuana is dangerous let them do so before the neutral views of a jury.

The court further supported the prosecution's motion to add burdens to the defense in its requests for bail. The defense was given the challenge of showing how Roger would be prevented from committing crimes while on bail. This allocation of the need to prove a negative to the defense, by the court, is a clear abuse of its authority. Its attempts to wrap itself in legal precedent do not excuse these rulings when the clear malice of comments attributed to Senior Judge Alan Kay as reported in the Star Advertiser are considered. According to Kay "You

would think the light would come on when the first search of his residence was made.” In other words we are denying bail because you didn’t stop using marijuana when we told you to. The fact that the defense has maintained that Rev Christie’s activities are protected under the freedom of religion clause of the First Amendment doesn’t register at all. In their eyes he should have knuckled under when told to. By the way the Feds “recovered” over \$21,000 in cash in the March raid. This just adds stealing to the list of crimes they have committed against Roger in my book.

The motions filed by the prosecution make clear reference to Roger’s political activities. In regards to his advocacy for passing a marijuana reform referendum for Hawaii County in 2008, the prosecution states “While arguably Christie’s support and advocacy of the marijuana ordinance was an exercise of freedom of speech, this observation was not accurate, because as indicated during the Title III investigation, Christie’s hidden agenda in supporting the ordinance was to enhance his marijuana sources of supply” The First Amendment allows people to advocate for changes in law that would benefit them. The fact that they annoy members of federal law enforcement doesn’t change that.

There is little chance that Roger will receive justice at the hands of the Federal Court. The case of Peter McWilliams a few years back is instructive. Mr. McWilliams was a long time libertarian, marijuana legalization activist, and author. He suffered from both AID’s and cancer. He used marijuana as medicine protected under a California law created by the voters. The Federal Government targeted him and tried him for marijuana violations. He was not allowed to defend himself in court based on the clear vote and law of the State he lived in. The court only allowed the decision to be based on the government’s position. Mr. McWilliams had his marijuana medicine taken away. He died choking to death on his own vomit as a result.

Roger will be freed by any jury which is allowed to hear all the evidence and rule as they see fit. The Federal Government knows this and will do anything in its power to prevent it. Appealing to the Federal Judiciary to correct its abuses of Roger seems pointless in light of their attitude. Only elected officials with the power to stop them can restore justice in this case. I appeal to you to and all of your Senate colleagues to send a statement directly to the President of the United States with an aim to achieve the following. 1. The immediate release of Roger Christie. 2. The dropping of all charges outstanding against him, his wife, and any of his associates. 3. The reversal of any convictions and the dropping of all charges against anyone arrested in association with him and 4. An investigation into the conduct of the employees of the US executive department involved in this case to determine if they have engaged in misconduct that would allow Rev Christie compensatory damages for the loss of his liberty and the disruption of his life.



Tracy Ryan (808) 534-1846

March 19, 2013

Dear Chair, Vice Chair and Committee Members,

My name is Nancy Kern. I am providing this testimony as a private citizen.

Thank you for this opportunity to provide my testimony in strong support of HR 42

I strongly support this Resolution urging the release of Roger Christie pending trial.

I further strongly recommend that all charges against Roger Christie be dropped due to the unconstitutionally long time Roger has waited for a trial.

Thank you for seriously considering the passage of this resolution, the release of Roger Christie, and for caring enough about the integrity of our judicial system and the rights of our citizens in Hawaii to act upon these recommendations.

SCR75/SR42

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
George Peabody	Individual	Support	No

Comments: Roger Christie must be released post haste on his own recognizance according to the Constitution for the united States of America, the Supreme Law of the Land ! Christie is a long time stable resident of Hawaii who has never assaulted or committed a crime against anyone! Put Barack H. Obama II into prison because he is an illegal alien criminal usurping the Office of POTUS with no verifiable I.D., FURTHERMORE, INDICT Barack Hussein Obama II aka Barry Soetoro charged with fraud, perjury, and conspiracy by refusing to confirm his lawful eligibility to serve as President of the United States of America under the Constitution for the united States of America, Article II, Section 1, constituting high crimes and misdemeanors in violation of Article II, Section 4; Obama library? Hell NO! There already is a SPECIAL prison cell at the federal facility near Honolulu Airport in which criminal usurper, murder, treasonous SOB, perjuring communist dictator known as Barack H. Obama II aka Barry Soetoro who has no valid I.D. even to prove his citizenship, and without which he could not even be eligible for a custodian job in the basement of the WH. Obama must be impeached and arrested, held without bail for criminal trial before being sent to prison for at least 10-years before being deported to his home country of Kenya and banished from USA for life along with all those complicit in Obama-crimes against the Constitution for the United States of America, and murdering people even American Citizens in foreign countries. charged with attempted bribery in the cases of Joe Sestak, Andrew Romanoff, and Jim Matheson, in violation of United States Code, Title 18, Section 201; charged with having knowingly allowed American gun to be delivered to Mexican drug lords by federal government agency [BATF] personnel --resulting in the assassination of an American federal Border Patrol Agent-- in his effort to undermine the Bill of Rights' 2nd Amendment; charged with giving the enemies of the United States of America aid and comfort by consorting with, supporting, and installing in powerful government positions persons who in writing, word, and deed have called for and promoted the overthrow of America's constitutionally guaranteed republic form of government, in violation of our Constitution, Article III, Section IV, and United States Penal Code, Section 2385; charged with violating the War Powers Resolution by engaging in war with Libya without the Constitutionally required consent of Congress; charged with refusing to secure America's borders from illegal invasion, international criminal incursion, and terrorist cadre penetration, thus violating Article III, Section 3, and Article IV, Section 4 of our Constitution for the United States of America; charged with violations of his Oath of Office with his statements and deeds, including but not limited to refusing to have his U.S. Justice Department defend in federal court the congressionally authorized Defense of Marriage Act, as well as refusing to prosecute the New Black Panthers for their violations of federal voting security laws, etc.; charged

with mobilizing and funding mob violence, sedition, and insurrection in the sovereign states by his own reelection organization, and personally making statements inciting his supporters to insurrection, in violation of U.S. Penal Code, Chapter 115, Section 2383; For these and other crimes not herein mention, Barack Hussein Obama II is hereby indicted, and he is to be immediately taken into the custody of State of Hawaii and federal law enforcement officers while he is on vacation in Hawaii sometime in December 2012 and to be held without bail for trial. Obama aka Barry Soetoro & Mochelle enjoy the perks, which is boarding Air Force 1 to spend Christmas in Hawaii all the while America burns !! Obama is a thief and a USURPER and Criminal Fraud. ARREST OBAMA immediately, NO BAIL for Obama aka Barry Soetoro the domestic terrorist who is infact the GREATEST Threat to society and USA.

From: Tree House Palace [dsusott@gmail.com]
Sent: Tuesday, March 19, 2013 1:31 PM
To: PSMTestimony
Subject: SCR75/SR42 Thursday

SENATE

The Senate Committee on Public Safety, Intergovernmental and Military Affairs has scheduled SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial.

I support this measure.

Daniel Susott, md, mph

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John A. Ervin	Individual	Support	No

Comments: Aloha, I personally know Reverend Roger Christie. Reverend Christie is a peaceful, spiritual man and is not a danger to Hilo, or any other community. Please pass this Resolution and ensure justice in this matter. Mahalo, John A. Ervin

Name: Ken Charon

Committee: The Senate Committee on Public Safety, Intergovernmental and Military Affairs

Date and time of hearing: Thursday, March 21, 2013 at 2:45 p.m.

Measure Number: SCR75/SR42

Dear Committee on Public Safety, Intergovernmental and Military Affairs,

My name is Ken Charon. I am an artist living and working in East Hawaii Island since 1984.

My personal friend for over 20 years, Rev. Roger Christie has been held in a federal detention facility in Honolulu since July 8th, 2010. Two and a half years without bail or a trial, this in a country that prides its human rights record. While our diplomats point fingers around the world at others, Rev. Roger Christie, sits in a cell in Hawaii. U.S. District Judge Alan Kay ruled that Roger is a "danger to the community" and denied him bail. Some here believe that he is being held under the Patriot Act, instated by the Federal government to protect us from terrorists. Well, Committee Members, Roger is not a terrorist or a danger. We all know him as a peace-loving man who happens to believe that marijuana is a sacramental plant and in his right to religious freedom.

But those who use marijuana responsibly are also doctors, lawyers, scientists, musicians, members of the military, teachers, grandparents and friends of yours and mine. Here, in Hawaii, Democratic Party delegates, including myself, have overwhelmingly passed pro-marijuana resolutions at all recent conventions here since 2008. The people have also spoken with petitions, countless testimonies and voter initiatives. A majority of our citizens believe that medical, religious and recreational use is socially acceptable for adults. So, what can we do about this injustice? Now that Colorado and Washington have legalized recreational use please help us do something about decriminalizing marijuana at the State level and free Rev. Roger Christie on bail and let him defend himself in court. This would only be normal in a civilized democracy and it's what Rev. Roger wants and deserves.

Thank-you for your continued efforts to work on Hawaii's problems for us and future generations, and Godspeed.

Aloha,

Ken Charon / Artist

From: Marie Fontana [ricketyr@sbcglobal.net]
Sent: Tuesday, March 19, 2013 9:41 PM
To: PSMTestimony
Subject: Roger Christie

Measure 2013 March 21, 2013 at 2:45pm

By no stretch of the imagination, could Roger Christie ever be considered "a danger to the community". He is a gentle, god-fearing man who, by his activism in promoting marijuana and hemp for their true value to humanity, has incurred the wrath of the Federal Government. His incarceration without trial for this long, the multiple denials of release on bail by Federal judges, all smack of a Federal crack-down on free speech, a shredded Constitution, and blatant disregard for the laws of this country.

I am outraged that he continues to be held when rapists and murderers are released on bail, while the Government continues to classify Marijuana as a Class I substance, ignoring the mountain of testimonials as to its benefits. It is a sad day for America that this man has been denied visitors and the means to prepare his defense, a man who has harmed no one, but rather given many hope and relief from pain.

You may quote me on this.

Sincerely,

Marie Fontana
14-4427 Kapoho Paho Road
Paho, HI 96778
808-936-2718

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Latenser	Individual	Support	No

According to SR No. 12, "Reverend Christie's political activities have caused annoyance and embarrassment to the Federal Government leading some Hawaii residents to suggest that his denial of bail is based on his prior political acts rather than any 'danger' he poses;"

All this over a plant. Why is the government so afraid of Cannabis, anyway?

It's time to stop this insanity. Taxpayers are footing the bill to hold a gentle man, who has healed and ministered to everyone from dignitaries to street people. A man with zero weapons, zero prior criminal history and one kilo dried cannabis herb when his home and ministry were raided before dawn July 8, 2010.

Who did he hurt? Where are the victims?

Do you feel safer with him locked up without bail or trial?

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 19, 2013 11:08 PM
To: PSMTestimony
Cc: victoriahokulani@gmail.com
Subject: *Submitted testimony for SR42 on Mar 21, 2013 14:45PM*

SR42

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Latenser	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 19, 2013 11:33 PM
To: PSMTestimony
Cc: n_berardinelli@hotmail.com
Subject: *Submitted testimony for SCR75 on Mar 21, 2013 14:45PM*

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Berardinelli	Individual	Support	No

Comments:

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From: Timothy Tipton [commjexpert@gmail.com]
Sent: Tuesday, March 19, 2013 11:40 PM
To: PSMTestimony
Subject: re:SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial.

Hello:

Please allow this statement for the Official Record as Senate considers SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial.

As has been said:

"The laws of the federal jurisdiction that claim ultimate control over the many uses of cannabis are a fraud. This centralized jurisdiction of authority can claim what it may but it cannot say it is controlling the fire that burns the premier plant of economic production in the history of civilization. Cannabis hemp has been burning steadily, more available, and used by more people every year, since President Richard Nixon conspired against his Blue Ribbon, Shaffer Study that advised against the promotion of such a fraud.

The fundamental lie that established the earlier prohibition of "marijuana" is still the axle that turns the wheel of the longest eradication war in our country's history. In fact, in 1937 when Prohibition was re-introduced after alcohol's prohibition caused organized crime to become a wedge in the operation of government, and in turn caused the people, by referendum, to prohibit Prohibition with the 21st Amendment to the U.S. Constitution, the major drug companies were selling many cannabis treatments to a variety of health problems within the population — over-the-counter. "The safest therapeutic agent known to mankind," as the DEA's own administrative law judge Francis L. Young concluded in 1988 after this federal agency assessed all the government studies and took in more research to advise changing the definition in the Controlled Substances Act to delete the "dangerous drug" theory that there "is no use in medical treatment in the United States."

Cannabis has a long history of medicinal use in the United States.

Wrong! There always was medical properties in this herbacious plant and the over-the-counter sales in 1937 sold American Cannabis at every apothecary store in business for one dollar an ounce.

With the revised promotion of Prohibition, the cost has increased 400 times and its availability common in every area of every state in the nation.

If this is control, we had better look for another justification for a policy that has managed to remove an entire segment of the population from being politically effective and moving the political spectrum so far the neo conservative right that the successful peace movement of the 60s was incarcerated among the millions of people imprisoned in the next 75 years!

Peace becomes a threat to what has become a war machine. The bankers and gangsters who are independent of auditing or control, have turned the justice system into a cow to milk the profits of the largest cash crop in the economy. Such has been the results of the federal jurisdiction's control over this "controlled" substance.

Now the Prohibitionists have lost the medical argument, and even the First Amendment freedom to be self-governed by participatory elections that are mandated as inviolable procedural freedoms and rights in the basic law of the land — the Constitution of the United States.

The pitch to Hawaii County Prosecutor Mitch Roth — who claims to be ‘low priority’ on cannabis — is to remind him that the people who elected him are also credited with winning the election in 2008 that made the Lowest Priority adult cannabis law enforceable in the County of Hawaii.

Now we have a prosecutor who talks what should be the walk. No more of a war that makes cannabis peace activists into terrorists now being held without bail and without trial.

**Along with Rev. Roger Christie, we are all political prisoners."By George "Greywolf" Klare
Make us PROUD to be AMERICANS once again!**

**Sincerely,
Timothy Tipton**

court-recognized patient advocate,
Caregiver, and cannabis expert
(Colorado Supreme Court and
Eleven Jurisdictions)

court-appointed appeal bond
supervisor
(Larimer County)

member, national board of
directors The
**COMPASSIONATE
COALITION**
501(C)3 educational non-profit
(<http://www.compassionatecoalition.org>)

moderator, **North Denver Medical
Marijuana Discussion Group**
640+ members
(<http://medmarijuana.meetup.com/119>)

~~~Denver Chapter of the  
Compassionate Coalition  
([compassionatecoalition.org](http://compassionatecoalition.org))  
~~~affiliate of the Americans for  
Safe Access
(safeaccessnow.org)

founder, **Rocky Mountain
Caregivers Cooperative**
Patients Helping Patients
in a Collective
Fashion!

Instructor, **CANNABIS
THERAPY INSTITUTE**

(<http://www.cannabistherapyinstitute.com>)

Patient Advocacy Training

Coordinator, **Phoenix Tears**
Foundation

(<http://www.phoenixtearsfoundation.com>)

TESTIMONY FOR HEARING

From: Victor Sagalovsky - Private Citizen. P.O. Box 94, Hanalei, Hawaii.

The Senate Committee on Public Safety, Intergovernmental and Military Affairs

Thursday, March 21, 2013, 2:45, Room 224

Measure # SCR75/SR42

This constitutes testimony I, Victor Sagalovsky, an adult of sound mind and body, do hereby submit about Roger Christie, who has been held in prison without bail for three years. I was Roger's next door neighbor at Wainaku Terrace apartments in Hilo from 2001-2004. In that time, Roger and I struck up a friendship, and in those years I came to know Roger as a sincere Reverend who worked tirelessly for the betterment of his fellow man through his ministry. Every time I saw Roger he was constantly in service to his community, counseling the sick, giving what he could to the less fortunate, donating his time to stand up for the rights of those who could not stand up for themselves, and turning the other cheek when he was insulted and slandered for his beliefs by other tenants of the building. In short, every time I saw him, he was practicing his faith, and setting an example for others as to how to live a life of charity, integrity, and virtue. The fact that this man, an example of selflessness, piety, and true Christian values has been held without bail for three years because he is deemed a danger to the community is utterly malicious, cruel and unusual. Roger Christie is a wonderful man who has only helped anyone he has ever come into contact with; he has no criminal record, and is a valuable asset to his community as a minister of God. He is a champion of the sick and the poor and the voiceless, so why has the State treated him so? Is he a political threat? That is the only reason I can surmise for his unusual punishment. They have chosen to make him suffer for practicing his religion, holding steadfast to his beliefs, and exposing corruption on the County, State, and Federal level. Knowing how things work in Hawaii, I believe the judge is in collusion with the prosecutor and the politicians whose corruption Roger had exposed when he impeached the county council for malfeasance and challenged their power structure and draconian laws that do not represent the wishes of their constituency as has been proven by ballot and petition. He is a threat to those in public office that do not want their agenda questioned or opposed. And so they keep him locked up where he is not a threat to them, while falsely saying that he is a threat to his community, who he has only served and protected. In short, he is the victim of a morally and criminally corrupt system that would rather let violent criminals free before religious ministers who would not compromise their faith. It is illegal and unconstitutional to deny Roger his religious freedom. He should be revered for his honesty and conviction, not condemned and persecuted as he has been. I urge you to free Roger Christie on his own recognizance immediately. Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 7:53 AM
To: PSMTestimony
Cc: hourandahalf@icloud.com
Subject: *Submitted testimony for SCR75 on Mar 21, 2013 14:45PM*

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|---------------------|---------------------------|---------------------------|
| Rosemarie Patronette | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 7:54 AM
To: PSMTestimony
Cc: dlimay7@flex.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Danny H.C. Li | Individual | Support | No |

Comments: Please support SCR75 asking Federal government to release Roger Christie on bail pending his trial. Roger is not a violent offender yet he has been held in jail for over 2 years. Simple justice--and adherece to the U.S. Constitution--requires a speedy trial and no unreasonable punishment. Please add your conscience & your voice to a simple request for justice. Mahalo for your kokua. Peace & Aloha, Danny H.C. Li(Keaau, Hawaii)

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 2:13 PM
To: PSMTestimony
Cc: axelpackage@gmail.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jason Lamoore | Individual | Support | No |

Comments: Free Roger!

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SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dr. Jeri Rose | Individual | Support | No |

Comments: I am a Doctor of Chiropractic who has therefore no basis to practice with drugs. Herbs, however, are not drugs and are within the scope of my natural healing practice. I became aware of Cannabis through large amounts of medical literature dating back to the 1800's that affirm the healing nature of this herb and that remark on its extraordinary lack of bad side effects. Thus any claim that a person who uses or makes available this herb is a danger to the community is false in the foremost. I have known Roger Christie for over thirty years. He and I have been appalled at the fact that cannabis, which is a healing herb, was made illegal because it provides the American farmer with the means to provide fuel, plastic, paint, cloth, fiber, building materials to the cities that consume these resources. Instead of hemp, we consume our forests, oceans of oil, and make inferior products that are harmful to the environment due to the toxicity of oil and the negative result of destroying our forests. Rev. Roger Christie, has changed and grown in the time I have known him. He has become convinced of an element of the herb that transcends its use as a healing herb as well as this plant's use as a means of providing ecological fuel and plastics and paper to the city. He has come to recognize one of its earliest uses among people in many parts of the world. The cannabis plant has the capacity of lifting the spirit of people and therefore acts as a real connection of the person to his or her own physiology. Cannabis exactly contributes to a person's ability to experience spiritual bliss which is the sense of connection to the Creator. Rev. Christie, whom I know to be of the highest human qualities in honor, decency, and compassion, is being held in jail unable to mount a defense because he has a religious conviction as strong as that of the great martyrs of our human history. It is wrong to so burden him in a country that espouses the concept of freedom of religion. Let him out because to hold him is a disgrace and shames the concept of justice.

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Blake Watson | Individual | Support | No |

Testimony in support of SCR 75 / SR 42

Aloha Senate Honorable Committee on Public Safety, Intergovernmental and Military Affairs.

I support releasing Roger Christie on bail. He is an important and recognized member of our community, and as a right available to any other citizen of the United States who is facing trial for alleged crimes, needs to be allowed to post bail- something he been denied 7 times.

The Federal Judge in his case has stated her reasons for denial of bail to be that since Roger Christie was served a warrant to only investigate his church activities, yet did not cease and desist THC Ministry activities on his own without any direct order to do so after the search was concluded, must be a danger to the community to the extent he can't be released. She says he is a danger to the community because he didn't just stop THC Ministry activities without actually being told to stop; he was never given a cease and desist order at the time of the search, or any time after that- or before that, for that matter. As a matter of fact, the community and local law enforcement already had accepted and allowed his church to function out in the open on Bayfront Hilo for many years. The last time I checked, the government doesn't have legal standing to give someone the hint and use it against them if they don't read the sign language. We don't live in a country like that, do we? Roger was taken out to breakfast by the Federal investigators and given paper work that said "The THC Ministry may be a legitimate Church..", yet this paperwork did not include any information that Roger should stop what he is doing. Roger just took them on the face value that they presented, in that they were "just investigating " his church, which seemed reasonable considering the current (inaccurate) Federal Classification of Cannabis.

I applaud the Senate and Thank all those that support human rights and adherence to the Bill of Rights for each and every citizen of the United States. And speaking of States I would also like to support the State's right to sue the Federal government for Misclassification of Cannabis, as the current schedule 1 requires that for cannabis to fall in that schedule it must not have any accepted medical use in treatment in the United States. Now as a matter of law, because 18 states including our own have said it does have medical treatment, they are acting on a regulation that in Plain Error and factually wrong. I applaud the Senate for beginning to stand up to the Federal overreach and ignorance of the state laws, and the basic rights guaranteed to every citizen of the United States. And I would also like to hammer the point that we (State and Federal governments) operate under a system of dual governments known as Federalism. Unless expressly stated in the law (such as the Civil Rights act) States retain constitutional

authority to look out for the rights of the individual , as well as the health and well-being of it's citizens at large. Thank you for taking a bold stand for one of our citizen's individual rights. I am truly grateful.

Thank you so much,

Blake Watson

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|--------------|--------------------|--------------------|
| Megan Isaac-Magdalene | Individual | Support | No |

Aloha Senators,

Please look into the matter of the detainment of Roger Christie. He has been denied bail and incarcerated for over two and a half years.

I am a personal friend of Roger Christie and a friend of his wife Mrs Sherry-Anne Christie ('Share Christie'). For over two years up until 2009 My husband and I lived in the same neighborhood as Roger and Share in Hilo. I know them both to be very good citizens and neighbors.

Roger Christie may be a proponent of Cannabis but he not a violent person and never one to advocate violence. Mr Christie is in fact a scholar of the law and has advocated legal reform. He has taught the principles of metphysics and prayer for the entire time he operated the THC Ministry and is widely known in the community for his expressions of faith. For a judge to continue to say that he is a 'danger to society' and that this is the reason he is not entitled to bail seems to be 'cruel and unusual punishment' and well outside the bounds of the United States Constitution.

Mrs. Share Christie has been denied visiting rights and I'm told that the Warden has alleged that the reason is that she committed violence while at the prison. I would speak again on Mrs Christie's behalf to say that I understand that there has been serial harassment of Mrs Christie. Once again, Mrs. Christie is not a violent person. I believe that the conduct of certain prison officials including the Warden of the Prison towards Roger Christie and Share Christie should be investigated.

The Warden of the Prison, Mr David Shinn has denied Roger visiting rights with his wife and he has also denied visits with Newsweek, National Geographic and other journalists. This has meant personal hardship for both Roger and Share Christie and it has been an obstruction to Mr Christies right to Free Speech.

I further have concerns for the long term health of anyone detained in this facility. It is situated so close to an airport and the runways that the environment is detrimental to the health of anyone kept there for long periods. I believe this is yet another reason that the Senate must consider taking action.

I believe the Senate of the State of Hawaii has a moral duty to look into this matter and investigate Roger Christie's case. I believe he is entitled to be released until his trial. Please support this resolution.

M. Jasper Moore
140 A Kilauea Avenue
Hilo Hawaii 96720
808 9365212

Aloha Senators,

I'm a Vietnam veteran and I didn't go to war in order to see a US citizen held without bail and without trial for over two and a half years for a non-violent crime.

In our own community we see people who have committed violent crimes granted bail and allowed to return to the community within days if not hours of their arrest. I have seen this personally including those charged with murder.

How is it right that Roger Christie has been held for so long without release?

This is a travesty. It raises the question in my mind "Is this an act of Prosecution or Persecution?"

Those of us who did Military Service didn't fight and die for this injustice on our own soil.

Please support this resolution and investigate the case of Roger Christie.

Michael Jasper Moore

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 1:15 PM
To: PSMTestimony
Cc: mikedruggles@gmail.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mike Ruggles | Individual | Support | No |

Comments: Our leaders all took an oath to uphold the Constitution. They are failing to do so. There is no stronger legal ground to stand on. Our country was founded on the basis of religious freedom. The First Amendment is first for a reason. For the federal government to say that Roger cannot legally smoke marijuana religiously. In America, you're always innocent until proven guilty. That's the whole point of bail. Even Jerry Sandusky got bail. Roger never hurt anyone. He should be granted bail.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 1:03 PM
To: PSMTestimony
Cc: punarasta@yahoo.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Rev. Nancy Harris | Individual | Support | No |

Comments: Aloha, and thank you for accepting testimony on this resolution. Passing this resolution is the right thing to do. As all of you legislators have taken an oath to uphold the Constitution, you have an official duty to uphold the civil rights of Hawai'i citizens, and Roger Christie is one of those citizens. He has been denied several of his civil rights, including but not limited to the right to a speedy trial and the right to post reasonable bail. The Federal legislation that permits this strange suspension of rights is a group of anti-drug laws passed in the Reagan era, and intended to target "drug kingpins." By no stretch of the imagination is Roger Christie a "drug kingpin." His entire life savings, confiscated by the federal government, was about \$20,000. He had no limousine, no minions, no lavish lifestyle. Nor was he ever perceived as a threat to our community by members of our community. He was welcomed and warmly greeted by more than one Mayor and numerous County Council members, one of whom has been extremely vocal in support during Roger's lengthy pre-trial incarceration. He had frequent friendly interactions with the Hawai'i County Prosecutor's office and Public Safety. This encroachment by the federal government on the rights of the Hawai'i citizen Roger Christie must stop, and you, our legislators, are in a position to give voice to the outrage of your constituents. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 1:06 PM
To: PSMTestimony
Cc: aaronzeeman@yahoo.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Aaron Zeeman | Individual | Support | No |

Comments: Even murderers get bail. For weed, really?

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From: kozmomimzi@gmail.com on behalf of lee michael walczuk [leemichael@walczuk.com]
Sent: Wednesday, March 20, 2013 12:50 PM
To: PSMTestimony
Subject: aloha release on bail of rev roger christie

Aloha to the Senate Committee on Public Safety, Intergovernmental and Military Affairs:

My name is Lee Michael Walczuk.

I am a self-employed private citizen living in Hilo, Hawai'i for the past eight years.

SENATE

The Senate Committee on Public Safety, Intergovernmental and Military Affairs has scheduled SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial.

The resolutions are scheduled for hearing on Thursday, March 21, 2013 at 2:45pm in room 224.

I would like to make a Testimony to the integrity and truth of my relationship with The Rev. Roger Christie. I have observed and shared many excellent moments with Rev. Roger Christie.

He is honest, clear and a sterling character.
He speaks his mind and is a seeker of the truth.

Please allow this gentleman to be with his wife and return home to prepare for his trial.

Mahalo,
Lee Michael Walczuk

SCR75/SR42

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| fred fogel | Individual | Support | No |

18 Mar 2013

Testimony, SR 42/SCR75

“You can’t fight city hall,” as my dad was fond of saying. Of course the same applies to the feds and the proposed Hawaii Senate Resolution 42, but I appreciate the effort – even though you are probably “pissing up a rope.” The feds will do what they darn well please (and you will get little support from the local police), but letting Roger Christie out of jail on bail is the pono thing to do, for heaven’s sake!

Over 2 ½ years in prison without a trial is a travesty of American justice. “Threat to the community?” I’ll tell you what’s a threat to the community (and routinely let out on bail) – repeat drunk driving offenders. Certainly not Roger Christie. What do the feds think he is going to do? Sell pakalolo to kids while out on bail? Get real.

OK – so he’s spent a little money and has the comfort of a computer in his cell. Would you like that for 2 ½ years? OK – so the people who were arrested with him (except for his former girlfriend, now wife) copped a plea, said they would testify against him and were let out of jail. Are these good reasons to deny bail to Rodger? In a word, “NO.”

We have one of the best legal systems in the world, but that doesn’t mean it is without flaws. When the powers that be wield those powers to subjugate its citizens we all suffer. What is the purpose other than to prove “you can’t fight city hall?” Do the right thing and let Roger out of jail until his trial. Enough is enough already.

Fred Fogel

POB 1071
Volcano 96785
808 265 1659

PSM 224 Mar 21, 2013 2:45 PM

RE:SCR75 - SR42

Position: Strong Support

Name: Robert Petricci

Aloha

Senator Will Espero, Chair PSM, Senator Rosalyn H. Baker, Vice Chair, and committee members.

I support SCR75 and SR42. This case calls into question the legitimacy of our court system. Roger Christie is a political prisoner at this point. Held almost three years without bail or trial, as a first time marijuana offender.

The investigation started shortly after Roger Christie helped get the Lowest Law Enforcement Priority for Cannabis passed. Before that a decade ago he helped get Hawaii's medical cannabis law passed. The federal government took note of both of these events and even talked about some of this in arguing against bail. Working within the system to change laws is now held against us? That could have a chilling effect on public participation in law making.

People believe Roger when he says marijuana has accepted medical use in the United States and is misclassified in the federal CSA for good reason, he is right. That made Roger a threat to the Federal Government's misapplication of the CSA and they know it. Roger is a victim of his own success, he changed laws and people's opinions. He was so effective he is known around the world, and he caught the attention of the federal government.

What we see here IMO is the government decided to effectively gag and bind him, at the end of a gun, in order to protect the government from his message. That should not be allowed.

That is why he has been in prison for three years with no visitors allowed except an occasional attorney visit. Under these conditions Roger Christie is unable to even meaningfully aid in his own defense. That is by design. He is unable to recruit or talk to expert witnesses, or fund raise effectively. He is being denied his federal civil right to the best defense possible. He can not possibly get a fair trial being handicapped like this. Roger has already served more time than most first time marijuana offenders get "after" they are convicted, yet has never been convicted of a crime. The man is a pacifist, he is completely non violent. What if he is found innocent? How can anyone be given back three years of their life?

Here we have a veteran that that served his country being repaid for that service by the government in denying him his right to a fair trial. In comparison murders, rapist and all manner of violent suspects are released on bail everyday. Every American should be concerned by the government's conduct in this case. They wanted to get him and they did. Now they don't want to

allow him to defend himself. Many of you may remember when the Hawaii county police and prosecutors tried to frame Roger Christie for importing legal DEA approved hemp seeds. It wasn't about the bird seed that was available at feed stores around the state. They wanted to silence him even then. They told him they would drop the charges if he would quit writing letters to the paper about marijuana, what kind of justice does that? He refused and spent years fighting the government until he finally did prove they framed him, he was acquitted of all charges by a jury of his peers.

They have wanted to get Roger for over twenty years, because he dares to challenge the policy. Now they do not want to let him defend himself because there are real problems with this case as well, and they know it.

Why even have courts or trials if the government can lock us up without a trial or a jury of our peers finding us guilty.

Please help Roger now. Allow the man to defend himself like we would all want to be able to do. He is entitled to that much.

Please support SCR75 and SR42 for all of us. This is a slippery slope, and the government has put itself on trial here by overstepping the rule of law in their zeal to silence a voice that is a thorn in the side of a policy that can not even meet it's own definition.

Schedule I substances are those that have the following three findings:

A. The drug or other substance has a high potential for abuse.....Possibly but certainly debatable.

B. The drug or other substance has no currently accepted medical use in treatment in the United States....

Not true and any reasonable mind can understand this.....In fact the US government holds the patent on medical marijuana US Patent 6630507 titled "Cannabinoids as antioxidants and neuroprotectants" which is assigned to The United States of America, as represented by the Department of Health and Human Services.

The patent claims that -

"Cannabinoids have been found to have antioxidant properties, unrelated to NMDA receptor antagonism. This new found property makes cannabinoids useful in the treatment and prophylaxis of wide variety of oxidation associated diseases, such as ischemic, age-related, inflammatory and autoimmune diseases. The cannabinoids are found to have particular application as neuroprotectants, for example in limiting neurological damage following ischemic insults, such as stroke and trauma, or in the treatment of neurodegenerative diseases, such as Alzheimer's disease, Parkinson's disease and HIV dementia."

The patent was obtained in October of 2003.

and the government in fact distributes marijuana itself under a federal medical marijuana program.

Recipients of Legal Medical Cannabis, provided by the U.S. government under the Investigational New Drug Program (Compassionate Access I.N.D.)

Believe it or not, the federal government sends free pre-rolled cannabis cigarettes to patients on a regular basis beginning in 1976 with Robert Randall. It all started when Robert was arrested for growing cannabis on his back deck and had to prove that this medicine was essential in to prevent his progressive loss of vision from glaucoma. Robert Randall won his case and subsequently the federal government allowed him access to the federal cannabis supply through the Compassionate Investigational New Drug (IND) Program that was under the authority of the FDA.

Finally

C. There is a lack of accepted safety for use of the drug or other substance under medical supervision.....

Not true.....How could it be when the federal government distributes it for medical use. And at least 14 states allow medical use including Hawaii.

The DEA's own administrative judge

FRANCIS L. YOUNG, found that

See complete ruling here..... <http://www.ccguides.org/young88.php>

Marijuana, in its natural form, is one of the safest therapeutically active substances known to man. By any measure of rational analysis marijuana can be safely used within a supervised routine of medical care."

The foundation of the law used to hold this American with out visitors, bail, or a trial for what will be three years this July can not meet it's own definition to any reasonable standard. This is not justice, it is tyranny.

Thank you for your support.

Robert Petricci

SR42

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Troy Abraham | Individual | Support | No |

Comments: i support passage of this bill to release roger cristy for a crime he didn't commit

The Senate Committee on Public Safety, Intergovernmental and Military Affairs: SCR75/SR42 Urging the Federal Government to Release Reverend Roger Christie on Bail Pending Trial.

PSMtestimony@capitol.hawaii.gov

- Testifier's name with position/title and organization;

Paul J. von Hartmann
Cannabis scholar
California Cannabis Ministry

Senate Committee on Public Safety, Intergovernmental and Military Affairs

Thursday, March 21, 2013 at 2:45pm

SCR75/SR42

Dear Committee Members,

I am writing to add my testimony to the community of family, friends, and concerned citizens who are calling for the immediate release of Reverend Roger Christie.

What is happening to Reverend Christie is what the U.S. Constitution and the Hawaii State Constitution were written to prevent. Imprisonment without trial or bail of a publicly awarded "Ho'omaluhia Peacemaker" (libelously accused of being "dangerous") is an insult to the sacrifices made for religious freedom, due process of law and the ideals of justice. That Reverend Christie was not allowed to visit his mother before she died is a cruelty that can never be rectified.

Reverend Christie's imprisonment without trial or bail is itself a treasonous act, an attack of slander wielded against the principles upon which this nation was founded. There is nothing more threatening to the security of our country than false accusation being supplanted as a replacement for the truth.

""We must not confuse dissent with disloyalty. We must remember always that accusation is not proof and that conviction depends upon evidence and due process of law. We will not walk in fear, one of another. We will not be driven by fear into an age of unreason, if we dig deep in our history and our doctrine, and remember that we are not descended from fearful men – not from men who feared to write, to speak, to associate, and to defend causes that were, for the moment, unpopular."

— Edward R. Murrow"

Reverend Christie's cruel and unusual imprisonment is all the more perverse considering the quarter century of public service to his Big Island ohana, well-documented and extensively reported upon, that ought to convey honor and appreciation for his efforts to stop the hard drugs epidemic ravaging Hawaii. The National Institute of Drug Abuse report that Reverend Christie has had posted on his website for more than a decade,

detailing the methamphetamine epidemic that has resulted from marijuana eradication, effectively argues for Reverend Christie's sincerity and courage in taking on the vicious gangs that have profited from the sale of hard drugs resulting from the imposed scarcity of Cannabis in Hawaii.

Reverend Christie's visionary work, has been carried out in full cooperation and knowledge of state and local authorities, for ten years, establishing a working model of respect and responsibility for the "herb bearing seed" recognized as a "strategic resource" referred to as "hemp" in Executive Order 13603 (Obama, 3/16/2012), available by "essential civilian demand."

Erroneous valuation of Cannabis in Schedule One is directly contradicted by President Obama's assessment of Cannabis as a strategic resource. The Senate Committee on Public Safety, Intergovernmental and Military Affairs may wish to recognize the unique and essential properties of Cannabis in order to retain access to a crop that is critical to national security. Consider the true value of Cannabis evident in that during WWII hemp was grown for the war effort in spite of marijuana prohibition.

For Reverend Christie to be repeatedly denied bail reveals that the justice system has been corrupted by political prejudice, warped by economic competition from toxic chemical-based industries.

That Reverend Christie has endured almost three years of coercive, indefinite imprisonment, while maintaining his spiritual integrity and manner in the face of injustice, shows his spiritual sincerity like nothing else could.

Thank you for taking action to effect Reverend Christie's immediate release.

Sincerely,

Paul J. von Hartmann

P.O. Box 1117

McCloud, CA 96057

(831) 588-5095

Paul J. von Hartmann
Cannabis scholar

California Cannabis Ministry

"Our freedom to farm "every herb bearing seed" is the first test of religious freedom."
<http://www.californiacannabisministry.blogspot.com>

Between the Dreams Productions : projectpeace channel on You Tube

"Video documentation is the most time efficient and cost effective way of communicating a complex message."

<http://www.youtube.com/user/projectpeace>

"Return to Reason" film trailer

"Drugs don't make seeds, herbs do.

You can make a drug from an herb, but you can't make an herb from a drug.

They are not the same thing."

http://www.youtube.com/watch?v=o_Tpxf1b1kEundefined

"We have nothing to fear but the atmosphere itself."

July 4th, 2009 BlogTalkRadio Broadcast

<http://www.blogtalkradio.com/projectpeace>

"What Now" KOWS FM radio interview

Extended interviews with accomplished thinkers, writers, artists, farmers and scientists addressing the global crisis, 11-15-10 Paul von Hartmann // On Cannabis the plant

<http://www.pantedmonkey.org/>

"The Fundamental Challenge of Our Time"

Translated into Dutch and adopted as the manifesto for the Cannabis College Amsterdam in 1998

<http://fundamentalcoot.blogspot.com/>

Origins of the ministry: Project P.E.A.C.E. (Planet Ecology Advancing Conscious Economics)

"There is no money on a burned-out planet."

<http://www.webspawner.com/users/projectpeace>

To find out about wheelchair accessible gardening systems, and how you can receive a tax deduction for supporting the work of the California Cannabis Ministry, please contact Paul von Hartmann at (831) 588-5095

From: Karla Gottschalk
Sent: Tuesday, March 19, 2013 6:35 AM
To: PSMTestimony
Cc: Roger Christie
Subject: SCR 75/SR42 May 21@2:45

I'm writing in support off Roger Christie to be released on bail as he is not a danger to any community that I know of except the community that would not allow people to medicate themselves or have a spiritual reason for using cannabis.

I'm a Hieromonk in the Orthodox Church and have known Roger Christie for many years.

Quite naturally we did not agree on all points of his ministry but the Jewish scholars are in agreement that the word kannabosm or kannabos do not translate as sweet flag but translate as cannabis as part of the original sacred anointing oil in the law of Moses.

This alone should protect him from prosecution under the religious freedoms granted in our country from long ago.

There is no credible opposition to Roger Christies' position as every other religious organization that uses ayahuaska or peyote or marijuana is allowed to under the laws and statutes of the United States.

Further, health and spirituality are connected -marijuana medical laws should be respected particularly in the context of a ministry and with regard to religious beliefs.

Hawaii should not allow anyone to practice religious persecution nor allow the United States to prosecute a religiously founded THC ministry.

Free Roger Christie to freely practice his ministry.

Hieromonk Bartholomew
Ocean View, HI

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Lee Eisenstein | Individual | Support | No |

Comments: The Justice Department in being petty, cruel, childish and may be breaking the law, with it's unconscionable, indefinite detention of Roger Christie. Eric Holder now tells us that not only are the large banks too big to allow to fail, they are now too big to jail, while at the same time, keeping Roger Christie incarcerated for years, before trial. Apparently to them, predatory, criminals in the banking industry are less of a threat to America, than a pastor, accused of providing cannabis to parishioners. This, while tons of Mexican cannabis comes over our borders, daily. This entire thing, (the "drug war"), is a cynical hoax, played out by our nation's leaders, which they engage in for money and power, at great expense to the American people. It's common knowledge. The drug war funds "terrorism", criminal gangs, US allies and assets and the large, "Too Big To Jail", drug money laundering, US banks. This is rule by and for organized crime. Shame on the Federal Government. Free Roger Christie. The Federal charges against him pale in comparison to the truly heinous crimes mentioned earlier, that go on with full and open, government consent. Shame on them. Their "drug war", inflates the value of street drugs, flushing that money thru large US banks, who do so with near total immunity, by official US policy. Stop using our communities as dumping grounds for artificially valuable, "Prohibition Value Enhanced", drugs. Hard drugs, should be individually and appropriately, (as determined by doctors, not politicians and police), regulated, controlled and put into the hands of doctors, taking ALL the artificial drug war enhanced profits out of the lawless cartels and drug money laundering banks that are so attractive to our nations leaders. Marijuana, which Administrative Judge for the DEA says, is less toxic than most of the foods people commonly consume and that is the scientific truth. We now know marijuana fights cancers, bacterial infections, MERSA and a host of other diseases, ailments and conditions. It has been shown to have life extension properties, as well. It's use reduces violence, as it has mild sedative properties and encourages honest reflection. That's right. It is the exact opposite of alcohol, SSRI's, ect., which increase social problems, crime and violence. Our government must stop lying about marijuana, which they do for the money and power they receive in exchange for their war against the American people over cannabis. The mainstream media, is finally starting to tell the public just how lifesaving and beneficial marijuana is in reality. It's time for the politicians to do the same. In the name of decency, proportion and justice, free Roger Christie!

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 18, 2013 10:10 PM
To: PSMTestimony
Cc: ja@malu-aina.org
Subject: Submitted testimony for SR42 on Mar 21, 2013 14:45PM

SR42-

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Jim Albertini | | Support | No |

Comments: Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224 Aloha Legislators. I speak in strong support of SR42 on Roger Christi. I have known Roger for many years. I believe he is a very honorable person. It is a travesty of justice that he has been locked up for over 2 and 1/2 years with no bail and no trail. Although I am not a member of his church, I support his stand on religious freedom. Neither he nor his church pose a danger to the public. The longer he remains imprisoned the more we are tarnished as a community which is suppose to stand for equal justice under the law. Roger has become a political prisoner and should be freed now. Mahalo. Jim Albertini -- Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box AB Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at www.malu-aina.org

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 18, 2013 11:44 PM
To: PSMTestimony
Cc: tomasbelsky@gmail.com
Subject: Submitted testimony for SR42 on Mar 21, 2013 14:45PM

SR42

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Tomas Belsky | Individual | Support | No |

Comments: Roger Christie's loss of Constitutional Rights is a blasphemy and disgrace to all of us who hold the American judicial system up to the world as an example of civilized behaviour. citizen Christie is a threat to no one and deserves the right to all avenues proscribed by law to defend himself while awaiting trial--among these is the right to be free on bail during this time. His current plight is that of a citizen of an underdeveloped, nation lacking the institutions guaranteeing individual liberty and respect thereof. America must be better than that--and Hawai'i must show the way back to the sanctity of personal freedom. mahalo

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SR42

Submitted on: 3/18/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ronald Fujiyoshi | Individual | Support | No |

Comments: While I am not a member of Mr. Roger Christie's church, I must stand together with him to strongly support the freedom of religion and his right to express his faith as long as it does not pose a threat to the public. I personally know Mr. Christie and believe him to be a sincere and honest person. I fully support this resolution. He should never have been locked up this long. Mahalo for allowing me to testify in this manner. Aloha Ke Akua, Ronald Fujiyoshi ex-missionary of the United Church of Christ (for 29 years)

From: Star Newland [starnewland@yahoo.com]
Sent: Wednesday, March 20, 2013 12:55 PM
To: PSMTTestimony
Subject: Re: FOR roger please see text and reply.FW: scheduled for Thursday,please add your testimony

Aloha

On behalf of Roger Christie:

Testimony in his support in the upcoming hearing:

The Senate Committee on Public Safety, Intergovernmental and Military Affairs has scheduled SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial.

Please include my strong support for the release of Roger Christie before his pending trial. Roger has served much time awaiting his trial. It is time to release him on bail. Roger is a great benefit to our community and I strongly urge his release.

Mahalo nui loa,

In the spirit of Aloha,

Star Newland

From: Janet Taylor [swimmerjan1@aol.com]
Sent: Wednesday, March 20, 2013 1:43 PM
To: PSMTestimony
Subject: Measure SCR75/SR42

Dear Sir:

This is my testimony:

Name- Janet Taylor, concerned citizen

Committee on Public Safety

Hearing Thursday, March 21, 2:45 PM

Measure # SCR75/SR42

Please vote to release Roger Christie on bail pending his trial.

I have known him for many years and he is definitely not a danger to the community.

He is being held for political reasons and it is an absolute outrage.

It is hard to believe that his incarceration for this period of time without trial is occurring in a democratic country.

Please intervene in his behalf and release him on bail.

Mahalo for your attention.

Sincerely,

Janet Taylor

From: Michael Hyson [michaelhyson@yahoo.com]
Sent: Wednesday, March 20, 2013 1:36 PM
To: PSMTestimony
Subject: Testimony on behalf of Roger Christie SCR75/SR42

Aloha,

With regard to:

The Senate Committee on Public Safety, Intergovernmental and Military
Affairs SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial.

Testimony on behalf of Roger Christie:

Roger Christie is and always has been of great benefit to our community. Through his THC ministry he has aided many people and made their lives better through proper medicines, compassion, education and counsel for years.

While others charged with violent crimes and similar are readily released before trial on bail, this has so far been denied to Roger Christie.

Roger has served much time while bail has been repeatedly denied. How can this have happened in a just system?

It is time to correct this and release Roger Christie. I strongly urge you to do so.

Please return Roger to our community.

Mahalo nui loa,
In the Spirit of Aloha,

Dr. Michael T. Hyson, Ph.D.

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier
Position | Present at
Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Ann Strong | Individual | Support | No |

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Michael Aiello | Individual | Support | No |

Comments: I am a professional software developer and resident of Keaau, Hawaii. I know Rev Christie personally. I strongly support SCR75/SR42. Christie has been detained at the Honolulu Federal Detention Center on marijuana charges since his arrest by federal authorities on 8 July 2010. Christie's 13 co-defendants were released on bail pending trial following their mass arrests nearly 3 years ago. Why is Rev Roger Christie being held without bail? <http://www.civilbeat.com/articles/2011/12/29/14315-hawaii-pot-ministers-bail-denial-called-rare/> Federal prosecutors have opposed Christie's release on bail on the basis that his long history as a marijuana activist makes him a "danger to the community." As a result, he has been denied bail 7 times by a series of federal judges. <http://hawaiinewsdaily.com/2012/08/non-violent-cannabis-minister-rev-roger-christie-denied-bail-for-7th-time> Another Hawaii State Senate Resolution, S.R. No. 12, comes close to accusing federal authorities of retaliation for Christie's role in ending "Operation Green Harvest", a federal marijuana eradication program, and for his efforts to pass the Lowest Law Enforcement Priority Ordinance on the Big Island in 2008. <http://records.co.hawaii.hi.us/Weblink8/0/doc/53540/Page1.aspx> According to SR No. 12 "Reverend Christie's political activities have caused annoyance and embarrassment to the Federal Government leading some Hawaii residents to suggest that his denial of bail is based on his prior political acts rather than any 'danger' he poses;" http://capitol.hawaii.gov/measure_indiv.aspx?billtype=SR&billnumber=12 It is time for THE PEOPLE to stand up to this out-of-control federal persecution. The federal prosecutors and judges in this case are dead wrong. Their unhealthy obsession with marijuana enforcement has caused pain and suffering for this man far in excess of any supposed crime. I beg you, I implore you -- I DEMAND -- that you PLEASE stand up to this outrageous, unnecessary and unconstitutional detention of our fellow Hawaii state citizen, Roger Christie. Mike Aiello Keaau, HI

SCR75/SR42

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position Present at Hearing | |
|--------------------|--------------|---------------------------------------|----|
| Mary Marvin Porter | Individual | Support | No |

I strongly support SCR 75 and SR 42- Release Roger Christie on Bail Pending Trial

I resoundingly agree with statements of Richard Miller, retired Professor & Dean of U.H. Manoa Law School, in a letter to his former student Florence T. Nakakuni, now U.S. Attorney of D.E.A. in Honolulu, it is a "gross injustice which has led to Roger Christie's lengthy incarceration because of a denial of bail." Professor Miller continues "Our most dangerous 'drugs,' causing very large numbers of deaths, are alcohol and tobacco. Marijuana doesn't even come close." How true!

There is a world wide movement to end the criminalization of marijuana use. June of 2011 a UN commission of world leaders, including former Secretary of State George Shultz, former Chairman of the Federal Reserve Paul Volcker, former UN Secretary-General Kofi Annan, President of Greece, ex-Presidents of Columbia and Mexico, recommended ending the criminalization of marijuana users who "do no harm to others."

Jimmy Carter, the 39th President and winner of the 2002 Nobel Peace Prize, supported their recommendations in

his June 16, 2011 New York Times op-ed piece "Call Off the Global Drug War."

The 2012 Hawaii Democratic Convention passed a Resolution to Repeal the Prohibition of Cannabis. (11HCD)

Hawaii has medical marijuana but no way to legally buy it. Rev Christie's ministry provided marijuana for many of those in need. Rev. Christie has been a long time minister and activist for cannabis in our community. Not allowing him bail, when people committing all kinds of real criminal actions get bail, is a total travesty of justice. Please support SCR 75 and SR 42 and the effort to remedy this injustice.

Mary Marvin Porter
Island Eyes Video

From: Sara Witt [sarawitt12@gmail.com]
Sent: Wednesday, March 20, 2013 11:17 AM
To: PSMTestimony
Cc: Sen. Russell Ruderman; shannon rudolph; Mary Marvin Porter
Subject: SR42..3.21.13.. 2:45 p.m. Room 224 Committee PSM Re: Roger Christie Bail

Sherrian Witt, M.A., L.M.H.C.
Psychotherapist
Witt Counseling Service
Hilo, Hawaii
808-928-8138
sherrianwitt@aol.com

Testimony:

To: PSM committees

Because we live under a set of laws governed by the United States Constitution, and the Bill of Rights, every citizen has the right to due process under the law. Due process includes the right to bail for non-violent charges.

Mr. Roger Christie should have the right to bail while awaiting court process. This is his right. It appears to me that there are political processes involved in his not being allowed bail while awaiting trial. Political processes have no place in our justice system.

I urge the committees to stay within the law and constitution in allowing Mr. Christie bail. Let's be *pono* in Hawaii.

Respectfully,
Sherrian "Sara" Witt

--



From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 10:49 AM
To: PSMTestimony
Cc: tigerbody1@gmail.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Patrick Donegan | Individual | Support | No |

Comments: Rev Roger Christie is a kind fellow. He should be given the Constitutional opportunity to make bail to get out and prepare for his trial. He does not pose a physical threat to anyone, so I don't understand the "compelling STATE interest" in keeping him in jail. Is this because he opposes the status quo of the STATE and not the will of some of the people? Please pass this Bill to support Freedom.

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From: jmoon16@hawaii.rr.com
Sent: Wednesday, March 20, 2013 10:57 AM
To: PSMTestimony
Subject: Roger Christie Bail

We support the resolution granting bail to Roger Christie because he has always been a peaceful and conscientious member of our community.

Jan & Sarah Moon
Hilo, Hawaii

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 11:44 AM
To: PSMTestimony
Cc: MonicaWallach@gmail.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Monica Wallach | Individual | Support | No |

Comments: Testimony for Roger Christie: I am a friend of Share Christie, and an attorney licensed in the State of Missouri since 1989. In the spring of 2011, I started working pro bono to help Share and Roger on their case. On several occasions, I spoke by phone with Dana Ishibashi, the public defender representing Share until October 2011. Share told me that Dana was a friend of the prosecutor, Michael Kawahara. It seemed to me that the federal government's prosecution of Roger was far above what seemed reasonable. On one of my phone calls to Dana, I asked him if he knew the real reason the government wanted to prosecute Roger so much. Dana told me that when operation Green Harvest was in place, the program had a budget of \$460,000, of which, the federal government paid \$400,000, and the local government paid \$60,000. When Roger helped get the Peaceful Skies initiative passed on the Big Island, it prohibited the local government from spending that \$60,000. Dana said that after that, the local authorities went to the federal authorities and complained about what Roger had done, and that the federal authorities said they could still go after Roger, and that is just what they did. It seemed clear to me that Dana believed Roger had been specifically targeted because of his work in getting Peaceful Skies passed. Dana did not share with me where he got this information. I hope the Senate can find out. Sincerely, Monica Wallach, J.D.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 11:43 AM
To: PSMTestimony
Cc: MonicaWallach@gmail.com
Subject: Submitted testimony for SR42 on Mar 21, 2013 14:45PM

SR42

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Monica Wallach | Individual | Support | No |

Comments: Testimony for Roger Christie: I am a friend of Share Christie, and an attorney licensed in the State of Missouri since 1989. In the spring of 2011, I started working pro bono to help Share and Roger on their case. On several occasions, I spoke by phone with Dana Ishibashi, the public defender representing Share until October 2011. Share told me that Dana was a friend of the prosecutor, Michael Kawahara. It seemed to me that the federal government's prosecution of Roger was far above what seemed reasonable. On one of my phone calls to Dana, I asked him if he knew the real reason the government wanted to prosecute Roger so much. Dana told me that when operation Green Harvest was in place, the program had a budget of \$460,000, of which, the federal government paid \$400,000, and the local government paid \$60,000. When Roger helped get the Peaceful Skies initiative passed on the Big Island, it prohibited the local government from spending that \$60,000. Dana said that after that, the local authorities went to the federal authorities and complained about what Roger had done, and that the federal authorities said they could still go after Roger, and that is just what they did. It seemed clear to me that Dana believed Roger had been specifically targeted because of his work in getting Peaceful Skies passed. Dana did not share with me where he got this information. I hope the Senate can find out. Sincerely, Monica Wallach, J.D.

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SR42

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| grigor fedan | Individual | Support | No |

Comments: Roger Christy's constitutional rights have been violated. Rectify at once!

I met Roger Christy some 15 years ago here in the Big Island. I know that he is an honorable man. I am ambivalent about his ministry and use of marihuana, but I don't think those are serious crimes that warrant prolonged incarceration without bail.

Please release him and try him as the constitution demands it.

Testimony on behalf of Rev. Roger Christie 2013

Rev. Kristopher D. Johnson
current address
Kumamoto City, West Ward
5-10-A204 Demachi
Japan, 860-0074

permanent address
4300 Waiialae Ave., A504
Honolulu, HI 96816
spacannabis@hotmail.com

Addressed to The Senate Committee on Public Safety, Intergovernmental and Military Affairs

RE: SCR75/SR42
URGING THE FEDERAL GOVERNMENT TO RELEASE ROGER CHRISTIE ON
BAIL PENDING TRIAL.

DATE: Thursday, March 21, 2013
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

I am requesting Rev. Roger Christie be released on bail until trial. As Rev. Christie is a non-violent offender, and honorably discharged US Veteran, he does not pose a threat to society, and has shown the moral character to act in good faith until trial date.

Furthermore, during the raid on Rev. Christie's offices in March of 2010 the officers conducting the raid filed in their report that Rev. Christie "appeared to have a legitimate" ministry. This is instrumental regarding the prosecution and judge's comments that Rev. Christie claims the Rev. Christie acted against 'common sense' in continuing his ministry after that initial raid.

Furthermore, Rev. Christie had communicated openly and in a forthright manner for years with State and Federal law enforcement agents who had repeatedly told him they did not consider his actions threatening to their law enforcement.

I am a friend of Rev. Christie's since 1993, at which time he helped me enter into the industrial Cannabis industry by introducing me to previously established companies such as Hempstead and the Ohio Hempery. I have sold hemp textiles to Calvin Klein, Polo Ralph Lauren, and Adidas, including numerous other smaller US business. My position with the hemp importing companies cost me a 50% cut in pay from my position with Northwest Airlines at the time, but was worth it to move forward a more environmentally sustainable use of materials and energy.

I also assisted with the Hawai'i Hemp Research Project from 1999-2003, in Wahiawa, promoted by Representative Cynthia Thielen.

Shortly after that, in 2000, I was ordained through the Hawai'i THC Cannabis Ministry, and the Universal Life Church. A role I have taken very personally, and with great respect, as relating to my

personal experiences of studying world religions over the course of 35+ years. I was also issued my State of Hawai'i license to ordain marriages in 2000 and have ordained 5 marriages in Hawai'i.

In the last 6 years, I have earned my certification through River City Christian Mission in Lewiston, Idaho, and have ordained over 400 marriages in Japan.

Respectfully,

Rev. Kristopher D. Johnson

William Belcher
Testimony
SR42 and SCR75

Roger Christie has been held without trial for almost three years and is being denied his constitutional right to a speedy trial. The Sixth Amendment (Amendment VI) to the United States Constitution states:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

According to Nicholaidis, N. (1989). "Sixth Amendment Right to a Speedy and Public Trial". *American Criminal Law Review* 26 (4): 1489–1505. [NCJ 122967](#), Criminal defendants have the right to a speedy trial. In *Barker v. Wingo*, 407 U.S. 514 (1972), the Supreme Court laid down a four-part case-by-case balancing test for determining whether the defendant's speedy trial right has been violated in the case. The four factors are:

- Length of delay: A delay of a year or more from the date on which the speedy trial right "attaches" (the date of arrest or indictment, whichever first occurs) was termed "presumptively prejudicial," but the Court has never explicitly ruled that any absolute time limit applies.
- Reason for the delay: The prosecution may not excessively delay the trial for its own advantage, but a trial may be delayed to secure the presence of an absent witness or other practical considerations (e.g., change of venue).
- Time and manner in which the defendant has asserted his right: If a defendant agrees to the delay when it works to his own benefit, he cannot later claim that he has been unduly delayed.
- Degree of prejudice to the defendant which the delay has caused.

In *Strunk v. United States*, 412 U.S. 434 (1973), the Supreme Court ruled that if the reviewing court finds that a defendant's right to a speedy trial was violated, then the indictment must be dismissed and/or the conviction overturned. The Court held that, since the delayed trial is the state action which violates the defendant's rights, no other remedy would be appropriate. Thus, a reversal or dismissal of a criminal case on speedy trial grounds means that no further prosecution for the alleged offense can take place.

Roger Christie has been denied release on bail on the unfounded grounds that he is a "danger to the community." This case is a blatant denial of a citizen's constitutional right and needs to be righted.

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| tj simms | Individual | Support | No |

Comments: Free Roger Christie

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Finia Kaanoa | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| donald tran | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Faye Ford | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| chauncy domin | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Connie Elphick | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Ken Sellis | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Larson Noa | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| lieu nguyen | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| gary popkin | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Geiselle Meek | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John connors | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jamie Schwartz | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| quentin do | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Louise Butler | Individual | Support | No |

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| penny silva | Individual | Support | No |

From: Cynthia Marlin, Puna resident and former US Navy Lieutenant

Committee on Public Safety, Intergovernmental and Military Affairs
March 21st at 2:45 pm.

RE: SR 42

Aloha Chair Senator Will Espero
Vice Chair Senator Rosalyn Baker, and members of the committee,

Though I much preferred SR 12 calling for Roger Christie's immediate release and an investigation into probably government misconduct, I strongly support SR 42 to call attention to this travesty of justice and secure Christie's freedom while awaiting trial.

I have known Roger personally for over 10 years, and hosted him in my home when he was testifying for the medical marijuana bill now in effect. He is a kind, sweet, considerate, thoughtful man who advocates for what he believes in in order to help people in need. I visited his ministry in Hilo and was so impressed by what he was doing that I made a donation to his church.

ROGER CHRISTIE IS NOT A DANGEROUS PERSON AND WOULD NEVER HARM ANYONE. Quite the opposite is true. He is a minister of a unique faith and is an honorable servant to others.

I would like to see all charges dropped due to the unconstitutionality of his imprisonment without trial. I am thankful the state senate taking a stand against our bullying federal government in support of one of our citizens.

Mahalo for your consideration,
Cynthia Verschuur Marlin

SR42/SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier
Position | Present at
Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Barbara Fahs | Individual | Comments Only | No |

Comments: It is a criminal act to imprison Reverend Christie any longer! He has committed no violent crime. Those charged with murder are not held in such an unethical and immoral fashion.

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| REN WALKER | Individual | Comments Only | No |

Comments: SCR75/SR42 Urging the Federal Government to Release Roger Christie on Bail Pending Trial. keeping anyone in prison with no bail seems like habeus corpus to me, no due process and a lot liek nazi germany; but sadly it is Hawaii that is doing it...keeping anyone imprsoned for anything, trumped up charges or not, with our trial and fair preceedings is WRONG. here there are laws to decriminalize on the table, and some old biggots just refuse to budge, as their little fiefdoms decrease... be fair and give rodger the same benefits of the law everyone ELSE enjoys, due process; you guys give rapists BAIL ? WHY ? WHY N O T RODGER CHRISTIE ? please think fairly behave in a mor e PONO MANNER aloha auinala, ren walker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 7:02 AM
To: PSMTestimony
Cc: margaretehulek01@gmail.com
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ingrid Tillman | Individual | Comments Only | No |

Comments: I want to support to release Roger Christie on bail

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

SCR75

Submitted on: 3/19/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Phil Barnes | Individual | Comments Only | No |

Comments: I would urge all PSM members to vote in favor of SCR 75 / SR 42. Roger Christie has been held in custody without bail for far too long. Criminals who commit violent offenses are often allowed bail and are rarely if ever held this long without a trial. Please do your part to further justice and pass this resolution with all haste.

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Keith Kamita | Individual | Oppose | No |

TESTIMONY ON SENATE CONCURRENT RESOLUTION 75
SENATE RESOLUTION 42
RELATING TO
URGING THE FEDERAL GOVERNMENT TO
RELEASE ROGER CHRISTIE ON BAIL PENDING TRIAL.

By
Keith Kamita

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Thursday, March 21, 2013, 2:45 p.m.
State Capitol, Room 224

Chair Espero, Vice Chair Baker, and Members of the Committee: I am testifying in opposition to SCR 75 / SR 42, which urges the Federal government to release Roger Christie on bail pending trial. PSD feels that it would be improper for the Legislature to champion the cause of an individual who in July of 2010, was arrested and charged with three Federal counts of "knowingly and intentionally" conspiring to manufacture, distribute and possess marijuana along with harvested and processed pot and other products containing marijuana such as food, tinctures and oils. Federal Magistrate Judge Kevin S.C. Chang has ruled that there was "clear and convincing" evidence that Christie was a danger, that there were no conditions that could assure the community's safety, and that the defendant would go back to selling drugs. Roger Christie tried several more times to be released on bail and twice appealed to the 9th U.S. Circuit Court of Appeals, all unsuccessfully. I feel that given these facts, the Legislature should not interfere or second guess the decisions of the Federal courts to protect the citizens of Hawaii.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 20, 2013 6:54 PM
To: PSMTestimony
Cc: Keith.T.Kamita@Hawaii.gov
Subject: Submitted testimony for SCR75 on Mar 21, 2013 14:45PM
Attachments: USA Nakakuni Ltr re Christie.pdf

SCR75

Submitted on: 3/20/2013

Testimony for PSM on Mar 21, 2013 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Florence Nakakuni | Individual | Oppose | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



U.S. Department of Justice

United States Attorney
District of Hawaii

PJKK Federal Building
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850

(808) 541-2850
FAX (808) 541-2958

March 20, 2013

Mr. Keith T. Kamita
Deputy Director for Law Enforcement
Department of Public Safety
919 Ala Moana Blvd., Suite 400
Honolulu, HI 96813

Re: USA V. Roger C. Christie, et. al., USDC(Hawaii) Cr. No.
10-0384LEK.

Dear Mr. Kamita:

In response to your written request therefor, I provide you with the following information concerning the procedural posture and current status of the above-referenced criminal case, insofar as such may be pertinent to the two pending Senate resolutions (Senate Concurrent Resolution 75 and Senate Resolution 42) you describe in your request.

Roger Cusick Christie, his wife Sherryanne L. Christie (formerly known as Sherryanne L. St. Cyr), and twelve other defendants have been charged with Federal conspiracy/substantive marijuana manufacture, distribution, and possession with intent to distribute offenses. In addition, by superseding indictment, Mr. Christie has also been charged with two counts of failure to file tax returns for two years. Inasmuch as over 100 marijuana plants were involved in the charged crimes, the defendants are facing imprisonment terms of 5 - 40 years (without possibility of parole) if convicted of the conspiracy and primary substantive offenses.

The evidence derived in the investigation indicated that Roger and Sherryanne Christie had been operating the "THC Cannabis Ministry" (aka "Hawaii Cannabis Ministry") on the island of Hawaii for a number of years. A Federal wiretap of the Ministry's telephone and two of Mr. Christie's telephones was conducted by the U.S. Drug Enforcement Administration and other Federal law enforcement agencies during 2009, through which his

other associates/co-defendants were identified.

On March 10, 2010, DEA executed Federal search warrants on the Ministry's business premises and Mr./Ms. Christie's residence (both in Hilo), as well as the residences of the other co-defendants on the island of Hawaii. Marijuana, cash, and other contraband was seized from both the Ministry's premises and the Christie residence. However, no arrests were effected at that time.

About three months later, in June 2010, the initial indictment was returned by a Federal Grand Jury against Mr./Ms. Christie and the other co-defendants. The U.S. District Court for the District of Hawaii also issued arrest warrants for all defendants. In addition, DEA had also learned that Mr. Christie had resumed the Ministry's marijuana trafficking operations after the March 10 search, and new Federal warrants were also obtained from the District Court to search both the Ministry and Mr./Ms. Christie's residence.

On July 8, 2010, DEA and other law enforcement agencies effected the arrests of all defendants and also searched the Ministry and residence. Again, marijuana, cash, and other contraband was recovered from the two locations.

Federal law governing pretrial detention and bond eligibility is substantially different from State law. For example, under Federal law, there is a rebuttable presumption for certain drug trafficking crimes-- including the charges asserted in the instant case-- that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. See 18 U.S.C. 3142(e)(3). It should also be understood that under Federal law, "danger to the community" also includes the proclivity to commit any other crimes if released on bond and is not limited to crimes of violence.

Pursuant to various Federal Court orders, Mr. Christie has been continuously detained since his arrest. So you have a better understanding of the detention rulings herein, I recite below Mr. Christie's prior efforts to be released from pretrial custody and the Federal Courts' (both the District Court and the Ninth Circuit Court of Appeals) uniform denials of said requests.

-The first set of detention rulings in this case: U.S. Magistrate Judge Chang had initially ordered Mr. Christie's pretrial detention without bail on July 16, 2010. See Docket #0093. Mr. Christie thereafter sought the District Judge's

review of the Magistrate's detention ruling. During the hearing thereon, Senior U.S. District Judge Kay noted that "[y]ou know, you would think that the light would have come on when the first search of his residence was made [on 3/10/2010] and they found marijuana and an unusual amount of cash". T.P. (7/16/2010) at 9. Judge Kay's written order affirmed the pretrial detention ruling, stating in pertinent part that:

Although the proposed conditions of release in the [Pretrial Service Report] are strict, they depend on Defendant's good faith compliance to be effective and therefore do not adequately assure the safety of the community in this instance. [citations omitted]

Given the strength of the Government's evidence, coupled with the statutory presumption that no conditions of release will reasonably assure the safety of the community where a defendant is charged with trafficking drugs, the Court finds there is an unacceptably high risk that Defendant would not comply in good faith with the proposed conditions, or other combination of release conditions, imposed upon him. This is especially true given that a previous search of the Ministry and Defendant's residence in March 2010 did not prevent Defendant from continuing his involvement in the THC Ministry. That is, Defendant has demonstrated from his prior conduct between March and July of 2010, that it is highly probable he will continue to commit the same marijuana trafficking crimes with which he is charged if released on bond. Thus, the conditions do not adequately protect against Defendant continuing to direct the alleged marijuana distribution operations of the THC Ministry.

Docket #0121 at 18-9.

Mr. Christie thereafter appealed Judge Kay's detention ruling to the U.S. Court of Appeals for the Ninth Circuit, and in C.A. No. 10-10355, a panel of three appellate judges affirmed the ruling on August 8, 2010.

-The second set of detention rulings in this case: On October 8, 2010, Mr. Christie requested the reopening of the detention hearing. The hearing on this occasion was before U.S. District Judge Ezra. Among other things, Judge Ezra observed "I don't know about you, Mr. Winter [Christie's counsel at that time], but if I had the, you know, federal authorities knocking on my door and doing a raid on activities that I had allegedly

been doing, what I was doing, I would be very concerned about that. But apparently Mr. Christie wasn't". T.P.(10/22/2010) at 24. In addition, in ruling from the bench that defendant should remain detained without bail, Judge Ezra further noted that:

[t]he bottom line is that I believe that what I'm doing is right. I think what Judge Kay did was right. I thought what [Magistrate] Judge Chang did was right. I thought what the Ninth Circuit did previously was right.

T.P.(10/22/2010) at 25.

Mr. Christie again appealed this detention ruling, and on December 7, 2010, a panel of the Ninth Circuit affirmed Judge Ezra's detention ruling in C. A. No. 10-10500.

-The third set of detention rulings in this case: On July 24, 2012, Mr. Christie again sought his release from pretrial detention. His motion on this occasion was preliminarily heard by U.S. Magistrate Judge Chang (who ordered continued detention) and subsequently reviewed by U.S. District Judge Kobayashi. At the conclusion of the hearing on August 7, 2012, Judge Kobayashi denied Mr. Christie's motion, finding as part of her bench ruling that "[t]he Court cannot conclude that either the defendant has rebutted the presumption of detention nor that there are any conditions or combination of conditions that can address both danger to the community as well as the risk of flight". Ninth Circuit Docket #7-3 at 45. Judge Kobayashi also issued a written order (Docket #425) authorizing Mr. Christie's continued detention, in which she expressly adopted and quoted that portion of Judge Kay's prior detention order cited on page 3 of this letter. See Docket #425, Judge Kobayashi's Order at 11-2. Mr. Christie again appealed, and on September 26, 2012, the Ninth Circuit affirmed Judge Kobayashi's ruling in C.A. No. 12-10417.

I have also attached for your examination copies of Judge Kobayashi's detention order and the Ninth Circuit's affirmance order. Mr. Christie's current pretrial detention is pursuant to these orders.

The bottom line is that in this Federal criminal case, one Magistrate Judge and three different District Judges of the U.S. District Court for the District of Hawaii, as well as three different panels of the U.S. Court of Appeals for the Ninth Circuit, have had the opportunity to consider de novo Mr. Christie's pretrial release since July 2010. On all occasions,

these two Courts have consistently ordered and authorized Mr. Christie's continued detention.

At the present time, trial in this case is scheduled for July 23, 2013 before U.S. District Judge Kobayashi. There have been a number of trial continuances requested since 2010, the majority of which have been sought by either Mr. Christie or Ms. Christie in order to have additional trial/pretrial motion preparation time and also due to substitutions/appointments of new defense counsel for them, all of which was at their request. This trial delay was expressly noted by Judge Kobayashi during the last detention hearing, wherein she expressly found that these delays had substantially inured to Mr./Ms. Christie's benefit. In Judge Kobayashi's own words:

I have taken into account the fact that two years has elapsed since the indictment and currently where we stand, still several months before trial. However, the Court has carefully looked through the Court record and finds that the delays in the trial date and the continuation and so forth are partly or largely attributed to change of [defense] counsel and other continuances that have benefitted the defendant.

Ninth Circuit Docket 7-3 at 45 [emphasis added].

In addition, there has been some mention in the media about the Christies being permitted to raise a potential religious freedom defense in this criminal case, i.e., pursuant to the Federal Religious Freedom Restoration Act ("RFRA"). You should be aware that the parties have already stipulated to a procedure which would allow both sides to brief the issue and to give the District Court the opportunity to rule on the applicability of RFRA to Mr./Ms. Christie in advance of trial.

I hope that the foregoing will be helpful to you in

preparing and presenting your testimony concerning the proposed
Senate resolutions.

Very Truly Yours,

FLORENCE T. NAKAKUNI
United States Attorney

By 

MICHAEL K. KAWAHARA
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 10-00384(01) LEK
)
Plaintiff,)
)
vs.)
)
ROGER CUSICK CHRISTIE (01),)
et al.,)
)
Defendants.)
_____)

ORDER DENYING DEFENDANT'S MOTION FOR REVOCATION OF
MAGISTRATE CHANG'S ORDER DENYING DEFENDANT CHRISTIE'S
SECOND MOTION TO REOPEN DETENTION HEARING AND FOR RELEASE ON BOND

Before the Court is Defendant Roger Cusick Christie's ("Defendant") Motion for Revocation of Magistrate Chang's Order Denying Defendant Christie's Second Motion to Reopen Detention Hearing and for Release on Bond ("Motion"), filed on July 24, 2012. [Dkt. no. 409.] Plaintiff the United States of America ("the Government") filed its memorandum in opposition on August 2, 2012. [Dkt. no. 414.] This matter came on for hearing on August 7, 2012. Appearing on behalf of Defendant was Thomas Otake, Esq., and appearing on behalf of the Government was Assistant United States Attorney Michael Kawahara. After careful consideration of the Motion, supporting and opposing memoranda, and the arguments of counsel, Defendant's Motion is HEREBY DENIED for the reasons set forth below.

BACKGROUND

On June 24, 2010, Defendant was one of fourteen defendants charged in a fifteen-count indictment. Defendant is charged with: Count 1 - conspiracy to manufacture, distribute, and process with intent to distribute, *inter alia*, one hundred or more marijuana plants, in violation of 21 U.S.C. § 841(a)(1); Count 2 - manufacturing one hundred or more marijuana plants, in violation of § 841(a)(1) and (b)(1)(B); and Count 3 - possession with intent to distribute one hundred or more marijuana plants, in violation of § 841(a)(1) and (b)(1)(B). The charges arise primarily from the operation of the THC Ministry, which openly used and advocated for marijuana. Defendant was the founder and leader of the THC Ministry.

The Government filed a Motion to Detain Defendants Without Bail on July 9, 2010. [Dkt. no. 24.] The magistrate judge granted the motion as to Defendant at the July 13, 2010 hearing, and issued his written order on July 16, 2010. [Dkt. nos. 93, 113.] The magistrate judge found "by clear and convincing evidence that Christie is a danger to the community and that no condition or combination of conditions will assure the community's safety." [Order Detaining Def. Roger Cusick Christie Without Bail, filed 7/16/10 (dkt. no. 113), at 2.]

On July 14, 2010, Defendant filed a motion seeking revocation of the detention order pursuant to 18 U.S.C. § 3145(b)

and seeking release on bail. [Dkt. no. 98.] Senior United States District Judge Alan C. Kay orally denied the motion at a July 16, 2010 hearing, [dkt. no. 116,] and issued his written order on July 20, 2010 ("7/20/10 Order");¹ Judge Kay ruled that "Defendant has failed to overcome the presumption that he is a danger to community [sic] because he has produced insufficient evidence to indicate that he will not continue to engage in drug trafficking if released on bail pending trial." 2010 WL 2900371, at *4. Further, even if Defendant had rebutted the presumption, the Government presented clear and convincing evidence that Defendant posed a danger to the community, and the majority of the 18 U.S.C. § 3142(g) factors weighed strongly in favor of detention. Id. at *4-7. Thus, Judge Kay also concluded that "no condition or combination of conditions will reasonably assure . . . the safety of . . . the community." Id. at *7 (alterations in 7/20/10 Order) (quoting 18 U.S.C. § 3142(e)).

On July 20, 2010, Defendant filed an interlocutory appeal from Judge Kay's 7/20/10 Order, and the Ninth Circuit affirmed the order on August 5, 2010. [Dkt. nos. 124 (notice of appeal), 138 (Ninth Circuit order).]

On October 18, 2010, Defendant filed a Motion to Reopen Detention Hearing and to Release Defendant on Bond ("10/18/10 Motion"). [Dkt. no. 181.] United States District Judge David

¹ The 7/20/10 Order is available at 2010 WL 2900371.

Alan Ezra denied the 10/18/10 Motion at a hearing on October 22, 2010. [Dkt. no. 189 (minutes).] At the hearing on the 10/18/10 Motion, defense counsel emphasized: Defendant's integrity and ties to the community on the Island of Hawai'i; his lack of criminal convictions except for a 1993 diversion case; his well-known advocacy of the legalization of marijuana as a religious sacrament or for medical use; the fact that the THC Ministry had closed; and the fact that all thirteen of his co-defendants have been released. Defense counsel therefore argued that Defendant could be trusted to follow the terms of release. [10/22/10 Hrg. Trans., filed 11/2/10 (dkt. no. 198), at 3-5.] Defense counsel acknowledged that the Ninth Circuit considered many of Defendant's arguments in the appeal from Judge Kay's 7/20/10 Order. [Id. at 6.] Judge Ezra ultimately found that there had been no substantial change in Defendant's circumstances since the 7/20/10 Order. Judge Ezra noted that: Defendant restarted the THC Ministry even after federal agents executed a search warrant and seized marijuana and cash from the THC Ministry; and the Government had evidence that, during its operations, the THC Ministry saw seventy people a day primarily for distribution. Judge Ezra found that Defendant posed a danger to the community because the evidence indicated that he would return to his activities if given the opportunity. [Id. at 19-22.]

Defendant filed an interlocutory appeal from Judge Ezra's October 22, 2010 ruling, and the Ninth Circuit affirmed the decision on December 7, 2010. [Dkt. nos. 193 (notice of appeal), 209 (Ninth Circuit order).]

On May 24, 2012, Defendant filed his Second Motion to Reopen Detention Hearing and for Release on Bond ("5/24/12 Motion"). [Dkt. no. 389.] Defendant argues that the § 3142(g) factors weigh in favor of pretrial release subject to the appropriate conditions. In addition, Defendant argues that the following changes in his circumstances warrant reopening his detention hearing: the trial date in this case has been continued to January 23, 2013; the fact that Defendant has not used marijuana during his twenty-month incarceration will facilitate his ability to remain drug and alcohol free upon release; Defendant's elderly mother in Colorado is receiving hospice care; and Defendant recently married co-defendant Sherry-Anne St. Cyr, who Defendant states is doing well in her pretrial release.

The magistrate judge denied the 5/24/12 Motion at a hearing on June 5, 2012, and issued his written order on June 6, 2012 ("6/6/12 Order"). [Dkt. nos. 395, 396.] The magistrate judge acknowledged that there were new circumstances, but he found that they were not relevant to the issues whether appropriate conditions of release would assure Defendant's appearance and the safety of other persons and the community.

Specifically, the Court considered the length and reasons for the trial continuance from February 28, 2012 to January 23, 2013, the circumstances surrounding the illness of the defendant's mother and the availability of an emergency furlough should it become necessary, and the defendant's marriage to his co-defendant, Sherry-Anne St. Cyr, and her conduct while on pretrial release. The Court finds that none of these circumstances, either individually or collectively, substantially affect the prior determination that there are no condition or combination of conditions which would reasonably assure the safety of the community. This prior determination was supported by clear and convincing evidence and was affirmed on appeal by the Ninth Circuit Court of Appeals. . . .

[6/6/12 Order at 2.]

The instant Motion followed.

STANDARD

Defendant brings the instant Motion pursuant to 18 U.S.C. § 3145(b), which states:

If a person is ordered detained by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court, the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order. The motion shall be determined promptly.

The procedures for review of the detention order under § 3145(b) are governed by Federal Rule of Appellate Procedure 9. United States v. Fernandez-Alfonso, 816 F.2d 477, 478 (9th Cir. 1987) (Brunetti, J., concurring). "Rule 9(a) requires that the district court 'state in writing the reasons for the action taken' when it enters an 'order refusing or imposing conditions

of release.'" Id. (quoting Fed. R. App. P. 9).

The district judge reviews the magistrate judge's decision de novo, but the "court is not required to start over in every case, and proceed as if the magistrate's decision and findings did not exist." United States v. Koenig, 912 F.2d 1190, 1193 (9th Cir. 1990). "The standard of review for pretrial detention orders is one of deference to the [magistrate judge's] factual findings, absent a showing that they are clearly erroneous, coupled with an independent review of the facts, the findings, and the record to determine whether the order may be upheld." United States v. Gebro, 948 F.2d 1118, 1121 (9th Cir. 1991) (citing United States v. Motamedi, 767 F.2d 1403, 1406 (9th Cir. 1985)). The district judge must ultimately make its own de novo determination of the facts and of the propriety of detention. Koenig, 912 F.2d at 1193.

DISCUSSION

Pursuant to the Bail Reform Act of 1984, a court may detain a defendant if the government can establish that no release conditions "will reasonably assure the appearance of such person . . . and the safety of any other person and the community[.]" 18 U.S.C. § 3142(f); see also United States v. Salerno, 481 U.S. 739, 741 (1987); United States v. Walker, 808 F.2d 1309, 1310 (9th Cir. 1986). In determining this, a district court will consider, *inter alia*: (1) the nature and the

seriousness of the offense charged; (2) the weight of the evidence against the defendant; (3) the defendant's character; (4) the defendant's physical and mental conditions; (5) the defendant's family and community ties; (6) the defendant's past conduct; (7) the defendant's history relating to drug and alcohol abuse; (8) the defendant's criminal history; and (9) the nature and seriousness of the danger that defendant's release would pose to any person or community. See Motamedi, 767 F.2d at 1407; 18 U.S.C. § 3142(g).

In this case, however, given the nature of the offense, there is a presumption that there is no condition or combination of conditions that will reasonably assure Defendant's appearance as required and the safety of the community. See 18 U.S.C. § 3142(e)(3). This presumption is subject to rebuttal by Defendant. See id.

This Court has reviewed the memoranda and exhibits submitted by the parties, the argument at the hearing, and the record in this case, including the prior detention orders in the district court, and the Ninth Circuit's orders on appeal. Either Judge Kay or Judge Ezra - and, as to many of these issues, both of them - has previously considered many of the factors that the parties raise in connection with the instant Motion: continued detention after continuance of the trial date; Defendant's reopening of the THC Ministry after federal officers searched the

premises and seized marijuana and cash; the closure of the THC Ministry; the Government's evidence of wiretapped conversations in which Defendant and various other co-defendants discussed using the THC Ministry to sell marijuana to "members" of the ministry in exchange for "donations;" Defendant's willingness to accept placement at Mahoney Hale;² Defendant's assurance that he now understands that the federal government prohibits the use and distribution of marijuana; and Defendant's argument that his detention is disproportionate to his charges in comparison to other cases involving drug charges where the defendant was allowed pretrial release. After considering these factors, Judge Kay and Judge Ezra each found that there was clear and convincing evidence that no condition, or combination of conditions, would reasonably assure the safety of the community, and the Ninth Circuit affirmed both rulings.

This Court, having conducted its own review of the parties' submissions and the record in this case, agrees with the magistrate judge that the following factors constitute new circumstances that did not exist when Judge Kay and Judge Ezra considered whether to grant Defendant pretrial release: the length and reasons for the further trial continuance; the illness of Defendant's mother; and Defendant's marriage to Ms. St. Cyr.

² Mahoney Hale is a half-way house, located on Oahu. 7/20/10 Order, 2010 WL 2900371, at *1 n.4.

First, Judge Ezra previously considered whether a lengthy trial continuance weighed in favor of pretrial release, but this Court recognizes that the continuance at issue in the instant Motion is distinct insofar as Defendant "has now been incarcerated pre-trial for over two years." [Mem. in Supp. of Motion at 4.] The Court, however, ultimately agrees with Judge Ezra that, where there is a danger that a defendant will resume his criminal activities during pretrial release, a lengthy trial continuance does not necessarily weigh in favor of pretrial release. As Judge Ezra noted, release during a lengthy continuance presents: more opportunities for Defendant to reestablish his marijuana distribution contacts; more opportunities to resume distributing marijuana; and the need for more financial resources, which Defendant's distribution activities apparently provided prior to his arrest. [10/22/10 Hrg. Trans. at 12-13.]

As to the deteriorating health of Defendant's mother in Colorado, the Court recognizes that the situation is unfortunate and the Court understands Defendant's desire to have as much contact with his mother as possible. Nothing regarding her health condition, however, provides reasonable assurance that Defendant will not resume his marijuana distribution activities. Finally, as to Defendant's recent marriage to Ms. St. Cyr, this Court disagrees with Defendant's position that their marriage will provide a stabilizing environment which would help Defendant

comply with the conditions of his pretrial release. Judge Kay noted that "Defendant Cyr is Defendant Christie's girlfriend and business partner at the Ministry. Both reside together at Defendant Christie's condominium apartment." 7/20/10 Order, 2010 WL 2900371, at *5 n.8 (citation omitted). This Court agrees with the magistrate judge that "none of these circumstances, either individually or collectively, substantially affect the prior determination that there are no condition or combination of conditions which would reasonably assure the safety of the community." [6/6/12 Order at 2.]

In summary, this Court agrees with and adopts Judge Kay's conclusion in the 7/20/10 Order:

the Court finds that the Government has come forward with clear and convincing evidence that Defendant poses a danger to the community. Having reached this conclusion, the Court must determine whether there is a "condition or combination of conditions [that] will reasonably assure . . . the safety of any other person and the community." See 18 U.S.C. § 3142(e).

Although the proposed conditions of release in the [Pretrial Services Report] are strict, they depend on Defendant's good faith compliance to be effective and therefore do not adequately assure the safety of the community in this instance. See [United States v.] Hir, 517 F.3d [1081,] 1092 [(9th Cir. 2008)] (citing [United States v.] Tortora, 922 F.2d [880,] 886 [(1st Cir. 1990)]).

Given the strength of the Government's evidence, coupled with the statutory presumption that no conditions of release will reasonably assure the safety of the community where a defendant is charged with trafficking drugs, the Court finds there is an unacceptably high risk

that Defendant would not comply in good faith with the proposed conditions, or any other combination of release conditions, imposed upon him. This is especially true given that a previous search of the Ministry and Defendant's residence in March 2010 did not prevent Defendant from continuing his involvement in the THC Ministry. That is, Defendant has demonstrated by his prior conduct between March and July of 2010, that it is highly probable he will continue to commit the same marijuana trafficking crimes with which he is charged if he is released on bond. Thus, the conditions do not adequately protect against Defendant continuing to direct the alleged marijuana distribution operations of the THC Ministry.

7/20/10 Order, 2010 WL 2900371, at *7 (some alterations in original) (some citations omitted). This Court therefore CONCLUDES that there is no condition or combination of conditions that will reasonably assure the safety of the community if the Court granted Defendant pretrial release. See § 3142(e).

CONCLUSION

On the basis of the foregoing, Defendant's Motion for Revocation of Magistrate Chang's Order Denying Defendant Christie's Second Motion to Reopen Detention Hearing and for Release on Bond, filed July 24, 2012, is HEREBY DENIED. The denial is WITHOUT PREJUDICE to the filing for a new motion to reopen detention hearing, if warranted under the circumstances.

In accordance with the magistrate judge's 6/6/12 Order, this Court ORDERS that Defendant be held without bond pending trial of this matter, as follows:

(1) Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the greatest extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant is to be afforded reasonable opportunity for private consultation with his counsel;

(3) On further order of this Court or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined is to deliver him to a United States Marshal for the purpose of appearing in connection with any court proceeding.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, August 21, 2012.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

**USA V. ROGER CUSICK CHRISTIE, ET AL; CR. NO. 10-00384(01) LEK;
ORDER DENYING DEFENDANT'S MOTION FOR REVOCATION OF MAGISTRATE
CHANG'S ORDER DENYING DEFENDANT CHRISTIE'S SECOND MOTION TO
REOPEN DETENTION HEARING AND FOR RELEASE ON BOND**

FILED

UNITED STATES COURT OF APPEALS

SEP 26 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROGER CUSICK CHRISTIE,

Defendant - Appellant.

No. 12-10417

D.C. No. 1:10-cr-00384-LEK-1
District of Hawaii,
Honolulu

ORDER

Before: REINHARDT, WARDLAW, and BEA, Circuit Judges.

This is an appeal from the district court's pretrial order denying appellant's second motion to reopen detention proceedings and to release defendant on bond. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

We review the district court's factual findings concerning the danger that appellant poses to the community under a "deferential, clearly erroneous standard." *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (quoting *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990)). The conclusions based on such

factual findings, however, present a mixed question of fact and law. *Id.* at 1086:

Thus, "the question of whether the district court's factual determinations justify the pretrial detention order is reviewed de novo." *Id.* at 1086-87 (citations omitted).

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The district court correctly found that the government has met its burden of showing, by clear and convincing evidence, that “no condition or combination of conditions will reasonably assure . . . the safety of . . . the community,” 18 U.S.C. § 3142(e), and that appellant therefore poses a danger to the community. *See Hir*, 517 F.3d at 1094. We therefore affirm the district court’s denial of appellant’s second motion to reopen and to release defendant on bond.

AFFIRMED.