

June 12, 2012

Honorable Senators  
Michigan Senate Judiciary Committee  
410 Farnum Building.  
P.O. Box 30036  
Lansing, MI 48909

As a veteran of the United States Marine Corps and retired Detroit Police Officer I'm here to express my opposition to House Bills 4834, 4851, 4853, 4856 (HB 4834,4851,4853,4856) which would drastically alter the Michigan Medical Marihuana Act 2008. The proposed legislation does nothing to improve the Michigan Medical Marihuana Act 2008, it does however place more burden on patients and caregivers to comply with the law.

Michigan voters overwhelmingly voted in favor of protecting our sick and disabled residents who use marijuana as a medication. The Michigan Medical Marihuana Act 2008 is keeping over one hundred thousand (100,000) Michigan residents from having to deal with the illegal market. A market where our sick and disabled are subjected to arrest, rip-offs, exploitation and unnecessary stress.

Among those protected are many veterans who are returning from combat tours in both Iraq and Afghanistan. Many have suffered horrific injuries and use medical marijuana to improve their quality of life and alleviate their pain. The proposed House Bills (HB 4834, 4851, 4853, 4856) have the potential to place our veterans directly back in the line of fire. In the past year there have been several high profile cases of either police officers killing a veteran or a veteran killing police officers because of marijuana violations (examples attached).

My opposition to each bill is as follows:

House Bill 4834 - This bill would allow local and state officials/officers access to the marijuana registry database via the Law Enforcement Information Network (LEIN). The unfettered access to a patients medical information by any official or officer without a warrant is a recipe for abuse. Among those with access to the LEIN system are mall and hospital security guards. Throughout the last decade there have been numerous cases of law enforcement abusing the LEIN system (examples attached). Not only does proposed House Bill 4834 allow for abuse it also allows for fishing expeditions by unethical officials, police officers, mall and hospital security guards. Michigan's medical marijuana patients deserve a sibilance of medical confidentiality.

House Bill 4851 - This bill would again place more restrictions and hardships on patients who do not live in a major metropolitan area with full time clinics that service medical marijuana patients. Many patients do not have the luxury of insurance and a primary care physician, thus making it more difficult to get a doctors recommendation for medical marijuana here in the State of Michigan.

House Bill 4851 also limits how and with who a patient can transport live marijuana plants. The proposed legislation restricts the transporting of live plants to a patient and caregiver only, this is not realist. Many patients do not have a caregiver and often-times have difficulty driving. Should a patient need a spouse or loved one to drive for them it would be a crime to pick up medical marijuana plants. No-one should be a criminal for helping a loved-one follow the law.

House Bill 4853 - This bill is redundant, as it already a felony to sell medical marijuana to someone without a valid Michigan Medical Marijuana card.

House Bill 4856 - The proposed legislation places another burden on patients and caregivers. Requiring patients and caregivers to lock up their medication for transportation as if it were a firearm is both unnecessary and mean-spirited. Far more dangerous drugs do not require their containment in a sealed locked vessel when being transported. House Bill 4856 would only ensure more patients and caregivers become entangled in the legal system. That is something that patients, caregivers and the State of Michigan cannot afford.

Please vote NO on all of the above proposed legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel J. Solano", with a long horizontal flourish extending to the right.

Daniel J. Solano  
520 Arden Park Blvd.  
Detroit, MI 48202

# Father: Suspect in Deadly Utah Shootout Had PTSD

Published January 06, 2012

| Associated Press

Ogden, Utah -- Search warrant in hand, a team of bulletproof vest-wearing officers rapped on the door of a small, red-brick Utah house, identifying themselves as police. When no one responded, authorities say, the officers burst inside.

That's when the gunfire erupted.

When it was over Wednesday night, a 7-year veteran officer was dead and five of his colleagues were wounded, some critically. The suspect, an Army veteran whose estranged father said suffered from post-traumatic stress disorder and may have been self-medicating with marijuana, was injured.

Now, as the city tries to grapple with the outburst of violence and the loss of one of its officers, investigators are trying to determine how the raid as part of a drug investigation could have gone so terribly wrong.

"It's a very, very sad day," an emotional Ogden Police Chief Wayne Tarwater said Thursday.

A candlelight vigil for the fallen officers is planned for Thursday night at an Ogden amphitheater.

Police declined to reveal details of the shooting besides a general timeline, citing the ongoing investigation.

They would not say, for instance, whether the shootout took place entirely inside the home or spilled out into the yard, how many shots were fired and how many guns were recovered.

There will be several investigations, including one by Ogden police and another outside probe by prosecutors.

Among the questions that authorities will try to answer was whether the officers, in the chaotic moments upon entry sheriff's Sgt. Nate Hutchinson and Roy officer Jason VanderWarf.

Kevin Burrell, Kasey Burrell's father, said his son was shot in the head. A seven-year veteran of the police force, the younger Burrell was sedated, but appears to be improving, his father said.

On Wednesday, witnesses said they heard three quick pops followed by a two- to three-minute pause, then lots of gunfire and officers yelling at someone to "put your hands up," in the backyard.

Outside Stewart's house on Thursday armed SWAT officers clothed in camouflage remained on guard as police continued their search of the property. The yard was taped off and dotted with numbered evidence markers.

Residents said they were shocked to hear there was any drug activity in the area or a shootout on their street.

"This has always been a quiet neighborhood. We've been here for 11 years," said Andrew Mair, who said his wife hid in the couple's basement in fear when the gunfire rang out. "I've never heard anything crazy going on."

<http://www.foxnews.com><http://www.foxnews.com/us/2012/01/05/6-officers-suspect-wounded-in-utah-drug-shooting/>

# Arizona Police Under Scrutiny After Opening Fire on and Killing Marine in His Home

Published May 27, 2011

| FoxNews.com

A Marine who was fatally shot in his Arizona home earlier this month never fired upon the SWAT team that fired at him 71 times, according to reports released by police.

Jose Guerena, a 26-year-old father of two and veteran of the Iraq war, died on May 5 in his home near Tucson, Ariz., during an anti-drug police raid. Authorities initially reported that they thought Guerena fired upon them, but an investigation revealed that no shots were fired.

The SWAT team descended upon Guerena's home thinking it was one of four houses associated with a drug smuggling operation. But nothing illegal was found during a subsequent search of the residence.

Guerena's wife, Vanessa, is determined to clear her husband's good name. She said the couple's son continues to ask: "Is he a bad guy?"

The five SWAT team members remain on active duty. No criminal charges have been filed and no disciplinary action taken.

Guerena, his brother and another man were listed as suspects in a complex drug investigation being conducted by the Pima County Sheriff's Department, the Arizona Daily Star reports.

More than 500 pages of officers' statements, evidence lists and witness interviews were released by the department, as well as a short video showing Pima County Regional SWAT team members serving the warrant -- and opening fire.

The video, according to the Daily Star, depicts deputies approaching Guerena's home as sirens blared. It also showed deputies announcing themselves before knocking down the front door and firing their guns.

Guerena's wife called 911 begging for medical assistance. But authorities reportedly didn't enter the home for a hour, while they determined the scene was secure. By then, it was too late to save Guerena.

<http://www.foxnews.com><http://www.foxnews.com/us/2011/05/27/report-marine-fatally-shot-swat-team-did-open/>

# Lein Reserve officer Policy Abandoned

Written by POAM in Law Enforcement Journal

As documented in the Michigan State Police LEIN Information System, the following reserve officer policy was rescinded on August 27, 2010. RESCINDED-A reserve officer, when acting in a law enforcement capacity, must be under the direct supervision of a certified law enforcement officer when accessing LEIN.

According to officials, requests were made by LEIN agencies throughout Michigan to revisit the policy. The LEIN Field Services Section will now remain neutral on the topic of "direct supervision," allowing agencies to make their own specific decisions regarding the use of reserve officers as it relates to LEIN use.

As it stands now, any authorized agency and its personnel, including LEIN certified reserve officers, can utilize LEIN for the administration of criminal justice without any "direct supervision" limitations placed on them.

This reversal of policy comes as a surprise and a shock to many POAM local leaders. "This new 'non-policy' further erodes the standards necessary to run a high-caliber police or sheriff's department," said Monroe County DSA President Dave LaMontaine. "Citizens need to know that noncertified civilians now have access to personal and sensitive information, all in the name of saving a few bucks. Public Safety will continue to suffer when employers insist on using cheap labor to perform many police duties that require extensive training and experience."

"In our county, some reserve officers got their badge by political appointment," commented Wayne County DSA 1st Vice President Brian Earle. "Any improprieties surrounding LEIN usage could cost certified police officers their job. What does a reserve officer have to lose? Besides the obvious potential for personal abuse, there are many other risks to take into consideration, including homeland security."

Ottawa County DSA president Matt VanLiere was also baffled by this sudden change in policy. "You can't believe the hoops I have jumped through to get LEIN access for two of our courts' full-time employees that I work very closely with," shrugged VanLiere. "As president of the Deputy Sheriff's Association of Michigan and a board member of POAM, we will be looking at possible legislation to correct this breach." It should be noted that the Lein Policy Council was disbanded by Governor Granholm two years ago.

<http://www.poam.net/journal/2010/lein-reserve-officer-policy-abandoned/>



## Witness: Saginaw County sheriff's deputy ran names of ex-girlfriend's new boyfriends through LEIN system; discipline hearing coming soon

Published: Monday, August 22, 2011, 4:39 PM Updated: Monday, August 22, 2011, 8:42 PM



By **Andy Hoag | [ahoag@mlive.com](mailto:ahoag@mlive.com)**

SAGINAW — A Saginaw County sheriff's deputy ran the names of his child's mother's new boyfriends through a statewide computerized information system, a witness testified today.

A decision on whether Steven T. Fresorger will stand trial on six felonies and seven misdemeanors for, prosecutors say, improperly running the names will have to wait until a later date, though.

Saginaw County District Judge Terry L. Clark this afternoon heard testimony from six witnesses in the preliminary hearing for Fresorger, 41, of Saginaw Township. Because Fresorger's attorney, James F. Piazza, had another scheduled hearing, Clark postponed the remainder of the hearing until a later date.

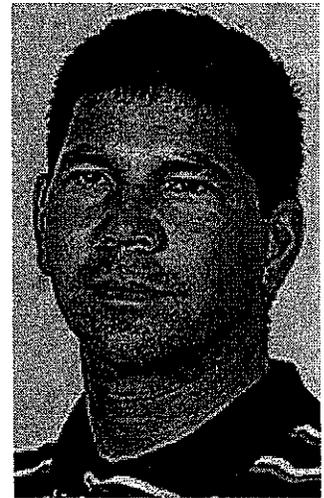
The hearing is intended for a judge to determine whether probable cause exists for trial in Circuit Court.

Fresorger is charged with five felony counts of impermissible use of personal information he obtained through the Law Enforcement Information Network, or LEIN, five misdemeanor counts of unauthorized disclosure of information from LEIN and one felony count of using computers to commit a crime.

Elizabeth Canfield, a state police analyst of LEIN, testified that Fresorger — or, at least, someone using Fresorger's user identification and password — used LEIN terminals to run information checks, but not criminal history checks, on John A. Warner, John P. Warner, Michael Stoll, Michael M. "Marty" Stoll, and Brandon Wakeman.

Fresorger's ex-girlfriend, Tracy Moore, testified that she dated John A. Warner in 2009 and "Marty" Stoll and Wakeman in 2010. Moore said that Fresorger told her that each of the three men had drug charges.

Canfield testified that Fresorger searched for a "John Warner" once between May and July 2009 and followed that by searching more specifically for John A. Warner and John P. Warner. John P. Warner testified that he has



Steven T. Fresorger

never been to Saginaw County and didn't know Fresorger, while John A. Warner now lives in San Francisco, Moore said.

Fresorger on July 17, 2010, searched 11 times for "Marty" Stoll and once for Michael Stoll, Canfield said. On Sept. 6 and Sept. 7, he searched for Wakeman's name four times, Canfield said.

"Marty" Stoll testified he knew of Fresorger "through mutual friends" but never had contact with him a sheriff's deputy. Stoll testified that he possessed marijuana with Moore at one time, but Clark did not allow him to answer further questions from Piazza to avoid incriminating himself.

Somebody from either the Saginaw Police Department or Michigan State Police searched for Wakeman on Sept. 4, Canfield said. Wakeman, who said he never met or had contact with Fresorger, said he was arrested for drunken driving by a state police trooper that day.

Piazza said one of Fresorger's defenses will be that as a deputy, he could check on Stoll's and Wakeman's backgrounds. A defense regarding Warner was not mentioned today, but Piazza likely will address it at the continuation of the hearing.

Canfield testified that the searches Fresorger conducted were only for driver's license information, such as date of birth and an individual's driver's operator code — information protected through the state LEIN statute.

Days after Fresorger filed an "emergency petition" for sole custody of their 5-year-old son, based on accusations that Moore sexually assaulted the child, Moore sent a letter to county Sheriff William L. Federspiel, claiming that Fresorger was stalking her.

Fresorger was charged in late June. Joan Hogenson, who provides custody and parenting recommendations for the Saginaw County Friend of the Court, testified she interviewed Fresorger and Moore. When she asked Fresorger if he used LEIN to research Warner, he said, "I'll check on people my son is around," Hogenson said.

Hogenson acknowledged, however, that Fresorger did not actually admit to using LEIN to "check on" those people.

Federspiel on June 24 **suspended Fresorger** without pay in connection with the charges.

That suspension was pending the completion of an internal investigation, Federspiel said. He gave Fresorger notice of possible discipline earlier this month, he said, to which Fresorger had 14 days to respond.

Those 14 days expired "late last week," Federspiel said, and Fresorger did not respond. The sheriff now must conduct a "Loudermill hearing" to "determine what I'm going to do with any type of discipline," he said.

Federspiel said he will conduct the hearing "in the next 10 days" and will "make a decision based on the outcome of the internal investigation." Discipline could include termination, he said.

The charge of using computers to commit a crime carries a maximum penalty of seven years in prison or a \$5,000 fine. The charge of impermissible use of personal information carries a maximum penalty of five years in prison, and the charge of unauthorized disclosure of information from the LEIN system carries a maximum penalty of 93 days in jail.

Fresorger remained free today on a \$1,000 or 10 percent bond.

© 2012 MLive.com. All rights reserved.