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Medical marijuana distributors get probation

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LOS ANGELES, California (AP) -- Three men who pleaded guilty to distributing medical marijuana to seriously ill patients received probation instead of a federal prison term after a judge expressed admiration for their work and called the prosecution "badly misguided."

Scott Imler, Jeff Yablan and Jeffrey Farrington received one year of probation and up to 250 hours of community service. They faced up to 30 months in prison after striking a plea bargain with prosecutors.

"Though it was hard to keep faith in the system throughout this process, I know mine was restored today," Imler said Monday as he thanked U.S. District Judge A. Howard Matz for his leniency and prosecutors for treating him with respect.

Matz said he was navigating "somewhat uncharted shoals" in making the downward departure from sentencing guidelines, but the three men did not distribute the marijuana for money or political leverage.

He also said they scrupulously adhered to rules established under Proposition 215, the nation's first medical marijuana law, which allowed Californians with cancer, HIV and certain other chronic medical conditions to grow and use marijuana to ease nausea and other health problems if a physician recommends it.

The 1996 state law conflicted with federal law banning the cultivation, possession and use of marijuana, even for medical purposes. The conflicting laws have led to numerous raids of medical marijuana centers and lawsuits.

The men ran the Los Angeles Cannabis Resource Center for five years until 2001, when federal agents raided it and shut it down. The center was providing marijuana to about 960 patients suffering from AIDS, epilepsy, glaucoma, cancer and other serious illnesses, said Imler's attorney, Ronald Kaye.

Matz said the prosecution was "badly misguided." He said he was baffled and disturbed that the Drug Enforcement Administration and prosecutors wasted so much time and

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money in prosecuting the case.

"We don't contest the sincerity and good faith of these defendants," lead prosecutor Patrick Fitzgerald told the judge. "But we do have a legal regime in which a law was passed by Congress and I think ... all of us, whether we agree with those rules or not, need to abide by them."

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