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ATTORNEYS AT LAW

Marijuana and Indiana

Marijuana is stirring the pot here in Indiana. In a joint effort, the State's Legislative and Executive branches recently legalized the sale of CBD oil, a highly controversial but not unexpected move. Now the Judicial branch has joined the fray. In *Granger v. State of Indiana*, the Indiana Court of Appeals held "that the term paraphernalia... does not apply to an instrument or device that merely prepares a substance for introduction into the body by another means."

In *Granger*, a Police Officer was conducting a routine traffic stop when he saw that Defendant had a marijuana grinder. Defendant was charged, and at Trial, convicted of possession of paraphernalia, a Class C misdemeanor. On Appeal, the Court noted that the State was required and failed to show the Defendant "knowingly or intentionally possessed an instrument, device, or other object that he intended to use for 'introducing into [his] body a controlled substance.'" The Court interpreted the legislative body's intent using the plain and ordinary meaning of the statute to conclude that grinding marijuana does not equate to introducing marijuana into the body, and that the State did not provide evidence that the grinder itself could be used for introduction purposes. As such, the Court of Appeals reversed.



Those who disagree with the Court's holding should note that possession of a marijuana grinder with the intent to use it for enhancing the effects of a controlled substance is still a crime, just not the one Defendant was charged with. And subsequently, the State cannot convict Defendant by proving an uncharged offense.

To be blunt, if you need a lawyer to represent you for marijuana or other drug-related charges, we are here for you. At Yoder Kraus & Jessup, we practice the law the way it should be done.

Anthony L. Kraus



Attorney Kraus has nearly 30 years of experience in Criminal Law, Family Law, and Litigation. He is a member of the National Association of Criminal Defense Attorneys and the Indiana Trial Lawyers Association.

YODER KRAUS & JESSUP, PC 515 Professional Way/PO Box 633 Kendallville, IN 46755 Phone: (260) 347-9400 Fax: (260) 347-0692

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