

High School Pot Smokers

by John D. Whitaker

Some of you may remember back in the '80s when then First Lady Nancy Reagan introduced the "Just Say No" to drugs program. Most young people made fun of the program and a lot of the youthful media coverage of this initiative was negative. There was a general sense that this plan was an oversimplification of a very complicated problem. After spending the last 18 years working as a criminal lawyer, I have come to conclude that the First Lady was right. Taking drugs for the first time is a choice, and if you just say no, you won't have the problem. It really is that simple. But, for those teenagers out there who think smoking a little pot is no big deal, there are a few facts you should know.

Let's start with the basics. Possession of marijuana is a crime. First-time possession of even a very small amount is a misdemeanor with a maximum penalty which includes a fine of up to \$1,000 and/or a year in jail. Having possession of a pipe with measurable marijuana residue or just some seeds or stems is enough to trigger this penalty. If you get convicted, you will have to undergo a drug evaluation, and part of your sentence will include some type of treatment and random court-ordered drug testing. Here in Natrona County a second offense almost always results in a jail sentence, and a third offense is a felony punishable by up to five years in the penitentiary and fine of up to \$5,000. There is also a doctrine in law called "constructive possession." Our Supreme Court has indicated that you can be convicted of constructive possession of drugs even if they are not in your actual possession. If you are in a position of exercising dominion or control over the drug, and you know of its presence and the fact that it is an illegal drug, you may be found



to be in constructive possession. This means that if some drugs are sitting in the glove box of your buddy's car and you get stopped, you could have a problem.

A new federal study indicates that teenagers who use marijuana are much more likely to suffer from mental illness, including severe depression, thoughts of suicide and schizophrenia as they grow older. This is especially true when the user is under 12 years of age.

If this isn't enough of a reason to say no to marijuana, there is always the dreaded Question 31. If you are thinking about going to college you must also be thinking about how to pay for it. Most colleges require that students submit the FAFSA form to obtain financial aid. FAFSA is the Free Application for Federal Student Aid. In order to obtain any government financial aid, a FAFSA form must be completed. Question 31 on this form requires the student to disclose whether they have ever been convicted of selling or possessing illegal drugs. If you answer yes to this question on the FAFSA form you cannot receive federal financial aid unless you have been through an accepted federal drug treatment program. Federal financial aid can pay a large percentage of your college expenses and, unless you are financially set, one pot conviction could keep you out of college. A college graduate earns approximately \$1,000,000 more in a lifetime than a person without a college degree. Get the picture?

If you have a teenager who is smoking a little pot once in a while and thinks that it's no big deal, you might want to talk to them about how quickly this thinking can screw up their future. I am not talking about heroin or ecstasy here, just a little pot and some bad luck and your child can turn a perfectly bright future into a train wreck in no time at all. It really is just that simple — just say NO!

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.