
Supreme Court ruling impacts local drug cases

By Colby Jones

Staff Writer

Deputies pull over a 16-year-old in front of North Forsyth High School. The driver consents to a search of the car and passes a field sobriety test, but a blood test taken later reveals the presence of marijuana.

What once seemed like an open and shut DUI case became clouded earlier this month when the state Supreme Court ruled unconstitutional a law it said unfairly punished some pot smokers.

A key to the ruling is the fact that marijuana now can be prescribed for medicinal purposes. The court found that the existence of marijuana in the blood stream by itself is not sufficient for a DUI charge, lacking other contributing factors. . .

The unanimous ruling states the existing law is unconstitutional in that it allows recreational pot smokers to be charged just for having the drug in their system, whereas the state would have to prove a prescribed user of the drug was driving unsafely.

Local defense attorney Vic Wiegand used the ruling to get the case described above against his 16-year-old client dismissed.

"It means you may not be under the influence at the time, but it still could be in your blood," Wiegand said. "It will take time to figure out what impact this ruling will have. Prosecutors may have to figure out other means to prove this particular charge."

District Attorney Phil Smith and Solicitor Leslie Abernathy

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