

Citation:

Date:

April 15, 2002

File No:

30513

Registry:

Maple Ridge

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

REGINA

v.

REMO ALEXANDER COLASANTI

**EXCERPT FROM PROCEEDINGS
REASONS FOR JUDGMENT
OF THE
HONOURABLE JUDGE POINT**

Counsel for the Crown:

D. Greenbank

Counsel for the Defendant:

J. Conroy

Court Recorder:

J. Norton

Transcriber:

K. Lowe

Place of Hearing:

Maple Ridge, B.C.

Date of Judgment:

April 15, 2002

[1] THE COURT: Needless to say, it is always difficult, I think, when we are dealing with an issue like the use of marihuana which, on the one hand, can be discussed in a closed courtroom or in very legalistic terms. On the other hand, there is a raging, in my view, discussion that has been going on outside in the public about what is the public interest around the growing of marihuana. I think it is fair to say that the community at large is perhaps behind some of the recent developments or viewpoints that are being expressed by counsel in relation to how marihuana is being viewed currently for medical use and that sort of thing.

[2] So I think there is a dichotomy of views, a difference of views at least, between what might be seen as a strict legal view as opposed to what might be the public view around what interests we are protecting when we are talking about the public interest.

[3] But every rule has its exceptions. Every rule has its boundaries. To dogmatically follow rules and regulations without looking at the exceptions and the necessary implications of every particular case and taking a view that every case has to be viewed on its merits I think is the hallmark of a democratic society, and certainly a fair legal system as well.

[4] Mr. Colasanti certainly finds himself at a time when the views, legally, on the use of marihuana are changing. When I was growing up, it was certainly a little different, and certainly Parliament is taking a different view, the courts are

taking a different view, around the medical use of marihuana. I am sure in the future we are going to see even more changes, whatever they may be.

[5] I am inclined, at this point, to grant an absolute discharge, and I do that, Mr. Colasanti. The Crown has indicated, and I accept, that the number of plants, the size of the clones, the sophistication of the operation, combined with all of the other facts of this case, namely the serious medical condition that is supported by the exhibits, indicate to me, and I agree, that the underlying purpose of this operation was simply to provide Mr. Colasanti with marihuana for medical purposes and for his purposes only. He has no criminal record. He is caught in a changing tide of the way we are going altogether with the use of marihuana. He now has an exemption from the government, from the Minister, that allows him to essentially - and I agree - do what he apparently was doing in the past.

[6] I do not think it is contrary to the public interest. That is my view at this point. I think it certainly is in his best interest.

(EXCERPT CONCLUDED)

The Honourable Judge Point