Postema Must Go

To Tell The city to break the Law is a Scandal

I pray Council will Reject Postemas Rascist Tricks

The second document which fundamentally threatens our patient's quality of life is the State of Michigan Court of Appeals concurring opinion of Judge P.J. O'Connell, in the case of Michigan v. Robert Lee Redden and Torey Alison Clark (published Sept 14, 2010)

Judge O'Connell's 30 page treatise is just his opinion, and has been accorded far too much importance. His argument is illogical and uncalled for. It can be thoroughly demolished by looking at a dictionary, unless the actual meaning of words does not matter. He even directly contradicts himself (pg 6 first paragraph – the terms of the act are accurately stated and the word "or" is properly used, then see the law itself (bottom of page 8), noting the accurate use of the word "or". Then on page 15 O'Connell blusters forth to opine that "or" does not mean "or". He knows in his heart that most medical marijuana patients are faking it, so he develops a way to undermine the "dual path" which is outlined in the MMMA for getting doctor recommendations.

The MMMA provides (page 3) (cite) that a doctor can't get into trouble "solely for providing written certifications, in the course of a bona fide physician-patient relationship and after the physician has completed a full assessment of the qualifying patients medical history or" **(yes, the word is "or")** for "stating that, in the physicians professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's serious or debilitating medical condition".

So, clearly the law provides two ways in which a person can get a doctor's recommendation to become a qualifying patient, a) their regular doctor may write the recommendation, or b) a different doctor (maybe a "pot doc"), can look at MEDICAL RECORDS to see if the patient qualifies to use medical marijuana under the terms of the act (that is, whether or not they have records to prove that they have one of the ailments listed under the Act as "qualifying conditions").

When you visit a doctor in our society the doctor makes written notes on your chart about what is wrong with you and how you are being treated. A patient has the right to get copies of these records to show them to another doctor. It is disingenuous for Judge O'Connell to pretend that he has no awareness of the concept of medical records.

In one mind boggling sentence O'Connell asserts that, "It is beyond question that one doctor treating 100, 500, or 1000 terminally ill patients with a 10 minute examination has **not** been acting pursuant to bona fide physician-patient relationship". (cite)

What a masterpiece of intentional duplicity and pejorative "framing". NOBODY has EVER said that a person must be "terminally ill" in order to qualify as a medical marijuana patient. I have gut pain that is often debilitating but I can run or swim for many miles, and don't plan to die soon. (I am 63 and have loved cannabis for 43 years; I wish we could put me and all the legislators and appellate judges 5 miles out into Lake Michigan, and see who makes it to the shore). Given the false way that the sentence is framed his conclusion is indeed "beyond question".

A 10 minute doctor visit is plenty "bona fide" if the doctor and patient are talking together in person and the patient's MEDICAL RECORDS clearly indicate that the patient has a medical condition that <u>**qualifies them to use medical marijuana under the MMMA**</u>. O'Connell seems to be fully aware of