

SUPREME COURT OF LOUISIANA

No. 2014-K-0795

STATE

v.

BERNARD NOBLE

On Writ to Review an Order from the Fourth Circuit Court of Appeal, No. 2013-KA-1109, Affirming Mr. Noble's Sentence Ordered by the Honorable Judge Franz Zibilich, Section L, Orleans Parish, Louisiana, Case No. 501-594

AMICUS CURIAE BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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INTEREST OF AMICI CURIAE

Amicus Curiae Micah Project is a non-denominational, non-partisan, multiracial faith-based collective of clergy and congregations established in 2007 to work with people living in the Greater New Orleans Area. In collaboration with its 16 member congregations, the Micah Project helps residents of New Orleans to recognize and build on their values to fashion a more equitable and just world and to create innovative solutions to the many problems they face. Micah is a member of the PICO National Network, an organization whose mission is to provide families and grassroots leaders with a voice in the decisions that shape their lives and communities, and of PICO Louisiana, PICO's state-wide chapter.

Amicus Curiae Prison Fellowship Ministries was founded over 30 years ago by the late Charles Colson, who served as special counsel to President Nixon and went to prison in 1975 for Watergate-related crimes. Prison Fellowship Ministries is the largest prison ministry in the world. Prison Fellowship partners with thousands of churches and tens of thousands of volunteers to care for prisoners, ex-prisoners, and their families. Justice Fellowship, the public policy and advocacy arm of Prison Fellowship Ministries, works to reform the criminal justice system based on biblical principles so communities are safer, victims are respected, and lives are restored. Among other priorities, Justice Fellowship is actively engaged in reforming federal and state sentencing policies that produce disproportionate and ineffective results, particularly for non-violent drug offenses. Finally, the Chuck Colson Center for Christian Worldview works to revive the Church and renew the culture by proclaiming truth, training Christian leaders, and catalyzing collaboration.

Amicus Curiae Reason Foundation is a national, nonpartisan, and nonprofit public policy think tank, founded in 1978. Reason's mission is to advance a free society by developing, applying, and

promoting libertarian principles and policies—including free markets, individual liberty, and the rule of law. Reason supports dynamic market-based public policies that allow and encourage individuals and voluntary institutions to flourish. Reason advances its mission by publishing Reason magazine, as well as commentary on its websites, www.reason.com and www.reason.org, and by issuing policy research reports. To further Reason’s commitment to “Free Minds and Free Markets,” Reason selectively participates as amicus curiae in cases raising significant constitutional issues.

Amicus Curiae the ACLU Foundation of Louisiana is the nonprofit advocacy and litigation arm of the ACLU of Louisiana, which is the state affiliate of the American Civil Liberties Union. The ACLU is the nation’s leading organization dedicated to the defense of the Constitutional rights of everyone in this country. As a nonprofit, nonpartisan organization, the ACLU has defended the civil liberties of all segments of society without regard to political affiliation or belief. The ACLU Foundation of Louisiana has participated in many of the leading Constitutional cases litigated in Louisiana and has a strong organizational commitment to ensuring the fair and impartial administration of criminal justice and sentencing.

Amicus Curiae Drug Policy Alliance (DPA) is the nation’s leading organization devoted to broadening the public debate over drug use and regulation and to advancing pragmatic drug laws and policies grounded in science, compassion, health and human rights. DPA has long been committed to rational sentencing policies aimed at reducing the disparate impact of the nation’s drug laws, and diverting nonviolent drug offenders from the criminal justice system and incarceration settings into productive community-based services. To that end, DPA helped fashion and implement the nation’s largest treatment diversion program (California’s Substance Abuse and Crime Prevention Act of 2000), promotes alternatives to incarceration nationwide, and has played critical roles around the country in

expanding access to medical marijuana and reducing penalties for, and responsibly regulating the possession and use of marijuana by adults.

The criminal sentence at issue here – a 13 year prison sentence for the possession of 3 grams of marijuana – directly implicates *Amici's* areas of expertise and concern. In that spirit, *Amici* wish to assist the Court in its review of Mr. Noble's Petition for Certiorari by providing the Court with a fuller understanding of the penal and political context within which Mr. Noble's sentence occurs and how Mr. Noble's sentence is a dramatic outlier, beyond the bounds of necessity, usefulness or common decency.

Amici's views about Mr. Noble's sentence should not be construed as disputing or minimizing the dangers of substance misuse, abuse or addiction, or the dangers to public safety posed by the illicit production and sale of drugs. On the contrary, it is *Amici's* recognition of the importance, seriousness and complexity of these problems, and *Amici's* understanding of what can and cannot effectively address them that informs and animates *Amici's* desire to provide the Court with their insights about the issues presented in Mr. Noble's petition.

INTRODUCTION

At the heart of this case is Bernard Noble, a 45 year old man who was sentenced to 13 years and four months of hard labor in prison without the opportunity for parole for possessing the equivalent of 2 marijuana cigarettes. At the time of his arrest in New Orleans in 2011, Mr. Noble, who had no history of violence, was gainfully employed and served as the breadwinner for his family, which includes one child who suffers from autism, and another child afflicted with junior rheumatoid arthritis. Since Mr. Noble's arrest and incarceration, his family, including his mother who lived with him, has lost their residence, due to their inability to pay their bills in the absence of legitimate income that Mr. Noble

once provided through his long-time work in the transportation industry. On top of this, and since his arrest, Mr. Noble's mother has suffered a heart attack.

Eight of the 12 Louisiana judges who have reviewed Mr. Noble's case have taken issue with its disposition, and several have variously expressed "shock, literal shock" about the "absolute horrific" sentence Mr. Noble received, a sentence "grossly out of proportion for the severity of the crime," that simply "imposes needless and purposeless pain."¹

This brief of *Amici Curiae* seeks to place Mr. Noble's case in the broader context of sentencing policy and sentencing data. It is *Amici's* belief that the need for this Court's review of this case will become clearer and more urgent when Mr. Noble's sentence is viewed in the context of the purposes of punishment, the dramatically lower penalties that would attach to Mr. Noble's offense in virtually every other state in the union, and the tangible ways that Mr. Noble's sentence will negatively affect him, his family, his community and the taxpayers of Louisiana without enhancing public safety or health.

ARGUMENT

I. THIS COURT SHOULD GRANT REVIEW OF MR. NOBLE'S CASE BECAUSE THE SENTENCE IS CRUEL, UNUSUAL, AND EXCESSIVE IN VIOLATION OF THE LOUISIANA CONSTITUTION.

The Louisiana constitution provides that no person shall be subject to "cruel, excessive or unusual punishment." (Louisiana Const., §20). Under Louisiana law, a punishment is unconstitutionally excessive if it is "grossly out of proportion to the severity of the crime." *State v. Scott*, 593 So.2d 704, 410 (La.App.4th Cir. 1991.) In evaluating whether a criminal sentence is cruel

¹ See *Louisiana v. Noble*, Transcript of Sentencing, May 7, 2013, Zibilich, J., presiding; *Louisiana v. Noble*, Case No. 2013-KA-1109, Opinion of the Ct. App., 4th Cir., Feb. 12, 2014, Tobias, J., concurring; *Louisiana v. Noble*, Case No. 501-594-L, Ruling dated Dec. 15, 2011, Alarcon, J., presiding (stating Mr. Noble's sentence "shocks the conscience.").

and unusual punishment, courts often evaluate national and international standards of decency to see if the punishment is unconstitutionally excessive or unusual under the Eighth Amendment. (*See, e.g., Roper v. Simmons* 543 U.S. 551 (2005)).

This brief of *amici curiae* demonstrates that Mr. Noble's prison sentence of 13.3 years is grossly disproportionate to both Mr. Noble's instant offence and his criminal history, cannot be squared with the sentencing practices of other states, fails to advance the core purposes of punishment, does not align with Louisiana public opinion, and is an affront to common decency.

A. Mr. Noble's Sentence Warrants Review Because It Far Exceeds National Standards and Comparative State Laws for the Crime of Marijuana Possession for Personal Use.

In stark contrast to Louisiana, most states have reduced penalties for nonviolent offenses and offer treatment instead of incarceration for persons arrested for simple drug possession who lack histories of violence. Several states have decriminalized simple marijuana possession. And two states have outright legalized, taxed and regulated the cultivation, sale, possession and use of marijuana by and for adults.² For example, over the last decade many states have reduced possession of up to one ounce (or 28.5 grams) of marijuana to a civil rather than criminal offense under state law.³ In each of these

² *See* COLO. REV. STAT. ANN. §§12-43.3-101 to 12-43.3-1102; WASH. REV. CODE ANN. §§69-50.325 to 69-50.369.

³ *See, e.g.,* ALASKA STAT. §§ 11.71.190, 11.71.060, 12.55.135(j) (setting maximum fine of \$500 for possession of less than one ounce); CAL. HEALTH & SAFETY CODE § 11357(b) (setting maximum fine of \$100 for possession of 28.5 grams / one ounce or less of marijuana); CONN. GEN. STATE. ANN. §21a-279a (setting maximum fine of \$150 for possession of less than one-half ounce); ME. REV. STAT. ANN. tit. 22 §2383 [1][A](setting maximum fine of \$600 for possession of 1.25 ounces or less); MASS. GEN. LAWS. ANN. ch. 94C §32L (setting maximum fine of \$100 for possession of one ounce or less); N.Y. PENAL LAW §221.05; ORE. REV. STAT. §475.864(3) (setting maximum fine of \$650 for possession of one ounce or less); R.I. GEN. LAWS §21-28-

states, the amount of marijuana made subject to civil penalties was far in excess of the 3 grams (or roughly 1/9 of an ounce) of marijuana that Mr. Noble possessed when arrested. Still other states, including Nevada, Minnesota, and Ohio, have reduced marijuana possession from a felony to a fine-only misdemeanor, eliminating the threat of incarceration for the simple possession of marijuana.⁴ And these reductions in marijuana penalties across the nation are separate and apart from the enactment by twenty one states and the District of Columbia of laws authorizing the possession and use of marijuana for medical purposes.⁵

Even if a comparative analysis is restricted by region, Mr. Noble's sentence is exceptional. As recently noted by the Louisiana Sentencing Commission, there is "*a significant trend among the southern states to drastically reduce penalties for offenses related to possessing minimal amounts of marijuana for personal consumption with the large majority treating most or all such offenses as misdemeanors regardless of the number of previous conviction* [sic]." MARIJUANA

4.01(c)(2)(iii) (setting maximum fine of \$150 for possession of one ounce or less); VT. STAT. ANN. tit. 18 §4230a (setting maximum fine of \$200 for possession of one ounce or less).

⁴ MINN STAT. ANN. §§152.027 [subd.4(a)], 152.01 [subd. 16] (setting maximum fine of \$200 for possession of 42.5 grams or less); NEV. REV. STAT. §453.336[4] (setting maximum fine of \$600 for possession of one ounce or less); OHIO REV. CODE ANN. §§2925.11(c)(3), 2929.28(A)(2)(a)(v) (setting maximum fine of \$150 for possession of 100 grams or less).

⁵ ALASKA STAT. §§17.37.010 to 17.37.080; Ariz. Rev. Stat. Ann. §§36-2801 to 36-2819; CAL. HEALTH & SAFETY CODE §11362.5 to 11.362.9; CONN. GEN. STATE. ANN. §21a-408 to 21a-408q; COLO REV. STAT. ANN. §§12-43.3-101 to 12-43.3-1102; DEL. CODE ANN. tit.16 §§4901A to 4926A; D.C. CODE §§7-1671.01 to 7-1671.13; HAWAII REV. STAT. §329-121 to 329-128; 410 ILL. COMP. STAT. ANN. §§130/10 to 130/140; ME. REV. STAT. ANN. tit. 22 §§2421 to 2430-B; MASS. GEN. LAWS ANN. ch. 94C App. §§1-1 to 1-17; MICH. COMP. LAWS ANN. §§333.26421 to 333.26430; MONT. CODE ANN. §50-46-301 to 50-46-344; NEV. REV. STAT. §§453A.010 to 453A.810; N.H. REV. STAT. ANN. §§126-X:1 to 126-Z:11; N.J. STAT. ANN. §§24:61-1 to 24:61-16; N.MEX. STAT. ANN. §§26-2B-1 to 26-2B-7; ORE. REV. STAT. §§475.300 to 475.346; R.I. GEN. LAWS §21-28.6-1 to 21-28.6-13; VT. STAT. ANN. tit. 18 §§4471 to 4474; WASH. REV. CODE ANN. §69-51A.005 to 69-51A.903.

STATUTE SUBCOMMITTEE REP., LOUISIANA SENTENCING COMMISSION, ANALYSIS OF HB-14 (FEBRUARY 20, 2014) (emphases added).

Louisiana's Sentencing Commission elaborates:

For instance, Kentucky treats all simple possession of marijuana offenses as misdemeanors and, in 2011, reduced the maximum possible jail term to 45 days. Arkansas does not deem simple possession offenses a felony until after a *fifth* conviction. Although Mississippi law provides enhanced penalties for multiple possession offenses they are all still classified and treated as misdemeanors and the *maximum penalty for a third or subsequent simple possession offense is a six month jail term. . . .* Texas, Georgia, North Carolina, Virginia, South Carolina and Florida all treat simple marijuana possession offenses as misdemeanors with *no felony enhancements for multiple offenses.*

Id. (emphases added).⁶ See also *id.* at n. 2 (noting, “it is clear that the majority of the southern states have moved to significantly abate the penalties for offenders possessing small amounts of marijuana for personal consumption.”)

⁶ See ARK. ACTS of 2011, Act 570, §33, eff. July 27, 2011 (possession of less than four ounces of marijuana is a class A misdemeanor punishable by up to one year in jail and a fine of up to \$2,500); FLA. STAT. ANN. §893.13(6)(b) (possession of twenty grams or less is a misdemeanor punishable by a maximum sentence of one year imprisonment and a maximum fine of \$1,000); GEORGIA CODE ANN. §16-13-2(b) (possession of one ounce or less of marijuana is a misdemeanor punishable by up to 12 months imprisonment and/or a fine up to \$1,000); KY REV. STAT. §218A.1422 (possession of up to eight ounces of marijuana is a Class B misdemeanor punishable by a maximum sentence of 45 days imprisonment and a maximum fine of \$250.); MISS. CODE ANN. §41-29-139(c)(2)(a); N.C. GEN. STAT. §§90-95(d)(4) (setting maximum fine of \$200 / 10 days imprisonment for possession of one-half ounce or less); SOUTH CAROLINA CRIM. CODE §44-53-370(d)(4) (possession of one ounce or less is a misdemeanor punishable by a maximum sentence of 30 days imprisonment and a fine of \$100-\$200 with a subsequent conviction for same also a misdemeanor but punishable by a maximum sentence of one year imprisonment and a fine of \$200-\$1,000); TEX HEALTH & SAFETY. CODE §481.121 (possession of two ounces or less of marijuana is a Class B misdemeanor punishable by up to 180 days imprisonment and a fine not to exceed \$2,000); VIRGINIA CODE ANN. §18.2-250.1 (possession of less than a half ounce of marijuana is a Class I misdemeanor for which the first offense is punishable by up to 30 days in jail and a fine up to \$500 and subsequent offenses are punishable by up to one year in jail and a fine up to \$2,500).

In short, Mr. Noble's sentence is grossly disproportionate to the average sentence of marijuana offenders. It is aberrant even when compared to the sentences meted out when the number of marijuana arrests reached a record high. For example, in the year 2000, only 3.6% of all persons convicted of any marijuana offenses – including production and sales – in state courts across the nation were sentenced as felony offenders,⁷ a fact that illustrates the anomaly of ranking as among the most egregious of marijuana offenses Mr. Noble's possession of a mere 3 grams of marijuana. But even among that relatively small percentage of marijuana offenders nationwide who were sentenced to state prison in 2000, the median length of incarceration for those treated as felons and imprisoned for marijuana *possession* was 16 months.⁸ Not only was Mr. Noble incarcerated for an offense for which most similarly situated persons were not, he was given a sentence roughly *ten times* stiffer than persons imprisoned for marijuana possession at the historical height of marijuana penalization.⁹

B. Mr. Noble's Sentence Warrants Review Because It Is Cruel, Unusual, And Excessive for a Person with Prior Convictions Limited to Drug Possession for Personal Use.

Amici recognize that drug use, misuse and abuse will likely be enmeshed in the penal laws of many states for some time to come. However, a number of states, including Louisiana, have allowed for such persons who are arrested for drug possession to be diverted from incarceration and obtain drug treatment. Indeed, this Court, embraces the concept of diversion and recognizes the importance of treatment as an alternative to incarceration. As this Court notes on the *Drug Courts* page

⁷ Ryan King and Marc Mauer, *The War on Marijuana: The Transformation of the War on Drugs in the 1990s* (Feb. 2006) at 11, available at <http://www.harmreductionjournal.com/content/pdf/1477-7517-3-6.pdf>.

⁸ *Id.* at 9.

⁹ *See id.* at 12 (“Conventional wisdom suggests that individuals sentenced to prison for [marijuana] possession are repeat offenders with significant criminal histories.”)

of its public website (which links directly from the Court's homepage under *Court Managed Programs*) "Drug and alcohol addiction" is a "paramount public health issue facing the United States," that can be "effectively" addressed by offering persons who suffer from drug and alcohol problems "a continuum of treatment, rehabilitation, and educational services" that "is community based." Website of the Louisiana Supreme Court / Drug Courts, http://www.lasc.org/court_managed_prog/drug_courts.asp. The Court's website states that Louisiana offers such community-based treatment through 49 drug courts that provide "services to over 3,200 adult and juvenile clients monthly." *Id.*

It is a common feature of such courts that persons who have been convicted of possession of a small amount of drugs, do not have any prior convictions for a violent offense, and whose drug use did not result in the injury or death of another person are presumptively eligible for diversion and treatment.¹⁰ In this regard, there can be no real disagreement that individualized consideration of the background facts of Mr. Noble's case strongly militate against his incarceration. By most measures, Mr. Noble should not be embroiled in the criminal justice system at all, and by any measure he is a prime candidate for diversion from incarceration. Mr. Noble's instant offense is for possessing a very small amount of marijuana for personal use. Mr. Noble has no history of violence, and he did not resist arrest in this case. And while Mr. Noble has prior criminal convictions, his entire criminal history is limited to offenses involving the possession of small amounts of drugs for personal use.

As noted above, in many jurisdictions, Mr. Noble's conduct would have yielded a simple fine, and two states would have taxed his purchase of marijuana after insuring that the marijuana was not adulterated and was properly packaged and labeled. Though *Amici* do not believe Mr. Noble's conduct

¹⁰ See, e.g., La. R.S. §13:5301-5304 (establishing Louisiana's drug division probation program), available at <http://legis.la.gov/lss/lss.asp?doc=77976&showback=>

should subject him to criminal penalties, assuming *arguendo* that Mr. Noble's arrest, criminal conviction and sentencing were justified, Mr. Noble's offense and background ideally suit him and unquestionably qualify him for diversion. To the extent Mr. Noble were assessed as needing treatment services, his diversion plan would include services and judicial oversight somewhere within the "continuum" of care endorsed by this Court. And even in the unlikely event that Mr. Noble's treatment needs placed him at the more intensive end of the service delivery continuum (Mr. Noble's long-term employment and low level marijuana use do not suggest a drug problem, much less severe and debilitating drug dependence or addiction¹¹), the provision of those community-based services would more effectively, and at far less cost, advance the state's and this Court's stated interest in enhancing public safety and reducing drug-related harms than does his imprisonment.¹²

¹¹ See Institute of Medicine, *MARIJUANA AND MEDICINE: ASSESSING THE SCIENCE BASE* (1999) (health arm of the federal National Academy of Sciences observing "marijuana users appear to be less likely to [become dependent] than users . . . of alcohol and nicotine[], and marijuana dependence appears to be less severe than dependence on other drugs"; that "marijuana use . . . does not appear to be a gateway drug to the extent that it is the cause or even . . . the most significant predictor of serious drug abuse," and rejecting the view that "because [marijuana] is an illegal substance, . . . any use of marijuana [is] substance abuse.")

¹² See William S. Cartwright, *Cost-benefit analysis of drug treatment services: Review of the literature*. 3 J. Ment. Health Policy Econ 11 (2000) (noting that investment in treatment produces better outcomes with more cost-effectiveness than incarceration); Steve Aos, *et al.*, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington State Inst. for Pub. Pol. (2001) (finding that community-based substance abuse treatment programs generate \$3.30, drug courts generate \$2.83 and intensive supervision programs to generate \$2.45 in benefits for every \$1 spent.); Brad Brockmann & Josiah Rich, *Incarceration and Community Health*, Comm. & Banking 27 (Fall 2012), available at <http://www.brown.edu/Research/Prisonerhealth/incarceration-and-community-health.pdf> (concluding that "[u]sing incarceration to prevent drug use is inefficient, ineffective, and expensive," and that "[d]iverting low-level drug offenders to treatment instead of incarceration is cost-saving and humane."). See also Nat'l Inst. on Drug Abuse, *California Reaped Large Savings by Diverting Drug-Using Offenders Into Treatment* (NIDA Notes, February 18, 2014), available at <http://www.drugabuse.gov/news-events/nida-notes/2014/02/california-reaped-large-savings-by-diverting-drug-using-offenders-treatment#.U0dGA07N0aw.email> (reporting that

Against these compelling equities, it is incongruous to imprison Mr. Noble without the possibility of parole. Based on the record below, such a punishment is at odds with basic principles of retribution, deterrence and/or rehabilitation, regardless of what emphasis is placed on any single factor. The sentence is not proportionate to the harm caused. Incarcerating Mr. Noble for 13.3 years is not necessary to protect the public. And to consider Mr. Noble's sentence in any way "rehabilitative" strains both grammar and common sense. Far from making Mr. Noble a better or healthier parent, partner and private citizen, his caging for more than a decade will shatter the loving, productive and peaceful existence he had successfully fashioned for himself and his family. Because neither penal nor public safety considerations countenance Mr. Noble's sentence, this Court should grant review in this case.

C. Mr. Noble's Sentence Warrants Review Because Louisiana's Enforcement of Its Marijuana Laws Disproportionately Punishes African Americans.

Statistically speaking, it is unsurprising that at the heart of this case involving a 13 year prison sentence with hard labor for the possession of 2 marijuana cigarettes there stands an African American man. For one thing is undeniable: the enforcement of Louisiana's marijuana laws is marked by a gross racial disparity in who gets arrested.

The numbers are clear: African Americans in Louisiana are 3.1 times more likely to be arrested for possession of marijuana than whites.¹³ In Louisiana, an overwhelming 61% of marijuana

California's Substance Abuse and Crime Prevention Act of 2000, which diverts non-violent drug offenders, including repeat offenders, from incarceration into community-based treatment yields substantial cost savings to the state).

¹³ American Civil Liberties Union, *The War on Marijuana in Black and White* (June 2012) (hereinafter *The War on Marijuana*) App. A at 131, available at <https://www.aclu.org/files/assets/1114413-mj-report-rfs-re11.pdf>.

possession arrests are of African Americans while only 32% of Louisiana's population is African American,¹⁴ even though African Americans do not use marijuana with greater frequency or in greater amounts than people of other races.¹⁵

Admittedly, Louisiana should not be singled out in this regard, for Louisiana does not stand alone much less stand out among states with respect to the racial disparity in marijuana arrests. As a general matter in the United States, African Americans are 3.73 times more likely to be arrested for marijuana possession¹⁶ *even though whites and African Americans possess (and use) marijuana at the same rates*. And though rates and types of drug use are consistent across racial lines, African Americans comprise more than 40 percent of those incarcerated across the country in state or federal prison for drug law violations,¹⁷ but are only 13.1% of the population.¹⁸

¹⁴ *Id.* at 53.

¹⁵ *Results from the 2012 National Survey on Drug Use and Health*, Table 1.24B, available at <http://www.samhsa.gov/data/NSDUH/2011SummNatFindDetTables/NSDUH-DetTabsPDFWHTML2011/2k11DetailedTabs/Web/HTML/NSDUH-DetTabsSect1peTabs1to46-2011.htm>. See also Drug Policy Alliance, *The Drug War, Mass Incarceration and Race* (Feb. 2014), available at http://www.drugpolicy.org/sites/default/files/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_Feb2014.pdf.

¹⁶ See, e.g., Holly Nguyen and Peter Reuter, *How Risky Is Marijuana Possession? Considering the Role of Age, Race, and Gender*, 58 *Crime & Delinq.* 879 (2012) (finding that arrest rates among marijuana users are disproportionately high for blacks); Harry Levine and Deborah Small, *Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City 1997-2007* (New York, NYCLU 2008) at 4 (reporting that in New York City “the marijuana arrest rate of Blacks is five times the arrest rate of Whites”), available at http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE_Final.pdf.

¹⁷ Elizabeth Ann Carson and Daniela Golinelli, *Prisoners in 2012 - Advance Counts* (Washington, DC: U.S. Dept. of Justice, Bureau of Justice Statistics 2013), available at <http://www.bjs.gov/content/pub/pdf/p12ac.pdf>.

This data about disparate arrest patterns regarding African Americans and marijuana laws raises important and unsettling concerns of Equal Protection that merit this Court’s review of Mr. Noble’s case. But here is the even more salient point: while in most other jurisdictions the racially disparate enforcement of marijuana laws results in an inequitable distribution of fines and short-term jail sentences – as well as African Americans’ disproportionately greater contact with and deeper enmeshment in the criminal justice system, the harms of which cannot be minimized¹⁹ – *in Louisiana the consequences are immeasurably more profound.*

As Mr. Noble’s case underscores, the state’s habitual offender statute exposes repeat, nonviolent low-level drug possession offenders not to relatively minor or even moderately increasing fines or short jail stays, but to certain and prolonged deprivation of liberty. And because African Americans are disproportionately likely to be arrested for marijuana offenses, African Americans are disproportionately likely to be deemed “habitual offenders” and be given lengthy prison sentences pursuant to that statute. This difference is not just one of degree but of kind. Whereas some jurisdictions across the U.S. do not punish Mr. Noble’s conduct whatsoever, and other jurisdictions penalize repeated simple marijuana possession with relatively minor sanctions, Louisiana’s response – to confine a person to a cage for many of the most significant years of their existence -- is one that forever cripples the offender and crushes the hopes and dreams of not just the offender but his or her

¹⁸ U.S. Census Bureau, *State and County QuickFacts*, available at <http://quickfacts.census.gov/qfd/states/00000.html>.

¹⁹ See Michelle Alexander, *THE NEW JIM CROW* (The New Press 2012) (documenting how U.S. drug laws and their disparate enforcement have led to unprecedented mass incarceration and keep minorities in a permanent state of disenfranchisement.)

loved ones.²⁰ That African Americans in Louisiana are disproportionately likely to be subject to this punishment provides powerful grounds for granting review in this case.

D. Mr. Noble’s Sentence Warrants Review Because A Majority of Louisianans Do Not Believe The Personal Possession Of Marijuana Deserves To Be Punished, Much Less Punished By Lengthy Incarceration.

Mr. Noble’s sentence runs afoul of clear public opinion. Independent public opinion polling undertaken in July and August 2013 by Public Policy Polling (“PPP”) underscores that Louisiana voters, by strong majorities, oppose lengthy prison terms for simple marijuana possession, even for persons caught possessing marijuana on multiple occasions. Public Policy Polling Louisiana Survey Results of July 31 – August 1, 2013. App. A. Of the persons polled by PPP, 80% identified themselves as “conservative” or “very conservative”; only 20% identified as “liberal” or “very liberal.” *Id.* at Q 9. Of this sampling, **59% of those polled opposed long prison terms for persons convicted multiple times of simple marijuana possession**, *id.* at Q2, and 53% supported changing Louisiana law to regulate and tax adult marijuana use, *id.* at Q7. Moreover, these strong majorities held across race and gender lines. *Id.* at Crosstabs.

Louisiana’s Sentencing Commission remarked upon similar 2013 polling, observing that “[p]ublic opinion in Louisiana appears to largely favor reducing penalties for simple marijuana possession,” and noting that “56 percent of those surveyed stated that they would support a change in the law that would reduce simple marijuana possession penalties to only a fine of \$100 without jail time” (with only 30% opposing such a change) and that “[f]ifty-three percent of those surveyed statewide

²⁰ Cf. Marc Mauer, *The Impact of Mandatory Minimum Penalties in Federal Sentencing*, 94 *Judicature* 6, 7, 40 (2010) (noting that in addition to exacerbating racial disparities within the criminal justice system, a “broad range of evidence” suggests that mandatory penalties for drug offenses do not enhance public safety, may adversely affect recidivism, and increase the challenges for successful re-entry.)

would support legalizing marijuana in the same manner as Colorado and Washington.” LOUISIANA SENTENCING COMMISSION, ANALYSIS, *supra*.

These 2013 polling results are reinforced by public opinion research obtained in early 2014 by the annual Louisiana Survey conducted by the Reilly Center for Media and Public Affairs of Louisiana State University in Baton Rouge. The 2014 Louisiana Survey determined that “Louisiana residents show strong support for reducing the sentences of nonviolent criminals,” a finding that held true across gender, race, and political party lines. Louisiana State University, *2014 Louisiana Survey*, available at <https://sites01.lsu.edu/wp/pprl/files/2012/07/2014-Louisiana-Survey-Full-Report.pdf>.

Amici acknowledge that, as a general matter, public opinion should not control criminal penalties. But in this instance, the fact that Mr. Noble’s sentence is so much more severe than what the majority of Louisianans believe is right and just, can and should reasonably inform this Court’s analysis of whether Mr. Noble’s sentence is constitutionally excessive and cruel.

II. LOUISIANA’S LENGTHY SENTENCES FOR NONVIOLENT DRUG OFFENSES ARE COSTLY, INEFFECTIVE, COUNTERPRODUCTIVE AND UNSUPPORTED BY LOUISIANA VOTERS.

The prison population in Louisiana has increased substantially in the last 25 years, and has more than doubled in size from 18,799 in 1990 to 40,170 in 2012.²¹ Louisiana currently has the highest incarceration rate in the country, and in 2011, the year of Mr. Noble’s arrest, Louisiana’s incarceration rate was more than twice the average incarceration rate of all 50 U.S. states.²²

²¹ Louisiana Dept. of Pub. Safety and Corrections, *Population Trends (1989-2015)*, available at <http://doc.la.gov/wp-content/uploads/stats/lg.pdf>.

²² Lauren Galik & Julian Morris, *Smart on Sentencing, Smart of Crime: An Argument for Reforming Louisiana’s Determinate Sentencing Laws*, Reason Foundation Policy Study 425 (Oct. 2013) at 2, 3 (hereinafter *Smart on Sentencing*), available at http://reason.org/files/louisiana_sentencing_reform.pdf.

Notably, Louisiana's prisons are filled with nonviolent drug offenders and the prison population is driven in large part by the state's disproportionately harsh sentencing laws relating to nonviolent offenders. "Between 1994 and 2011, violent offenders made up an average of only 17.3 percent of prison admissions in Louisiana; 37.1 percent of prison admissions were for drug offenses"²³ And as of June 2013, over 25% of Louisiana's prisoners are imprisoned for drug crimes.²⁴

Louisiana's incarceration practices, of which Mr. Noble's sentence represents an extreme example, have come at a high cost to state taxpayers. The state's corrections expenditures have increased from \$276 million in 1992 to \$757.4 million in 2011.²⁵ Mr. Noble's prison sentence of 13 years and four months for 3 grams of marijuana will cost Louisiana tax payers an estimated \$232,564 (in 2012 dollars).²⁶

Notwithstanding their substantial investment in the state's corrections system, Louisiana taxpayers have not seen a corresponding increase in public safety. The rate of violent crime in Louisiana has remained higher than in neighboring states.²⁷ What is more, even in the face of these high

²³ *Id.* at 3.

²⁴ Louisiana Dept. of Corrections Fact Sheet (June 30, 2013) (categorizing inmates by "Most Serious Crime Commitment," with "Drug Crimes" comprising one of four such categories), available at <http://www.corrections.state.la.us/wp-content/uploads/stats/2a.pdf>.

²⁵ United States Census Bureau, *Annual Survey of State Government Finances* (1992-2011), available at http://www.census.gov/govs/state/historical_data.html.

²⁶ See Vera Inst. of Justice, *The Price of Prisons: What Incarceration Costs Taxpayers* (2012), available at <http://www.vera.org/pubs/special/price-prisons-what-incarceration-costs-taxpayers>.

²⁷ *Smart on Sentencing* at 3 (citing U.S Dept. of Justice, FBI Uniform Crime Reporting Statistics).

rates of violent crime “the percentage of offenders admitted to prison for violent crimes has remained consistently lower than the percentage of inmates admitted for nonviolent crimes, such as drug and property offenses.”²⁸ Finally, the data shows that “mandatory minimum prison sentences for drug offenses are not very effective at deterring offenders from committing subsequent drug crimes in Louisiana”; indeed, “the high imprisonment and recidivism rates for nonviolent drug offenders have contributed substantially to the dramatic increase in Louisiana’s prison population, and associated costs.”²⁹

Even if one posits that the legislature properly enacted the relevant sentencing statutes, the police effectuated a model arrest, and the state pressed its case with utmost professionalism, the fact remains that Mr. Noble’s sentence is grievously unjust. This Court has both the power and duty to rectify this injustice. Granting review in this case will not solve the myriad problems that infect sentencing schemes and criminal justice institutions either in Louisiana or in states across the country; but correcting Mr. Noble’s sentence would be a fitting and humane response to his particular situation, and it would constitute an important step towards reducing the unnecessary waste and suffering visited by our legal system upon otherwise law-abiding and productive adults who happen to get caught possessing small amounts of marijuana.


²⁸ *Id.*

²⁹ *Id.* at 8, 9.

CONCLUSION

For the foregoing reasons, this Court should grant Mr. Noble's Petition for Certiorari.

Respectfully submitted,



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APPENDIX A.

**Public Policy Polling
Louisiana Survey Results
July 31-August 1, 2013**

Louisiana Survey Results

- Q1** If you knew that Louisiana had a law allowing seriously and terminally ill patients to consume marijuana for specified medical conditions, would you support or oppose allowing them to get it with a doctor's prescription?
- | | |
|-----------------------|-----|
| <i>Support</i> | 65% |
| <i>Oppose</i> | 25% |
| <i>Not sure</i> | 10% |
- Q2** Current Louisiana law provides for prison terms ranging up to 20 years and thousands of dollars in fines for a person convicted multiple times of the simple possession of marijuana. Do you support or oppose the penalty of long prison terms for those convicted of marijuana possession?
- | | |
|-----------------------|-----|
| <i>Support</i> | 32% |
| <i>Oppose</i> | 59% |
| <i>Not sure</i> | 9% |
- Q3** Current Louisiana law allows a sentence of life without parole for a person convicted of a marijuana offense, if the person has prior felony convictions. Do you support or oppose a sentence of life without parole for someone convicted of a marijuana offense?
- | | |
|-----------------------|-----|
| <i>Support</i> | 22% |
| <i>Oppose</i> | 64% |
| <i>Not sure</i> | 14% |
- Q4** Would you support or oppose a change in the law making six months in jail and a \$500 fine the highest available penalty for any marijuana possession charge?
- | | |
|-----------------------|-----|
| <i>Support</i> | 47% |
| <i>Oppose</i> | 37% |
| <i>Not sure</i> | 16% |
- Q5** Would you support or oppose a change in the law providing for a \$100 fine without jail time for those who possess an ounce or less of marijuana?
- | | |
|-----------------------|-----|
| <i>Support</i> | 56% |
| <i>Oppose</i> | 30% |
| <i>Not sure</i> | 14% |
- Q6** Would you be more or less likely to vote for a candidate for office if he or she voted to reduce penalties for the possession of marijuana?
- | | |
|--|-----|
| <i>More likely</i> | 49% |
| <i>Less likely</i> | 32% |
| <i>Doesn't make a difference</i> | 13% |
| <i>Not sure</i> | 6% |
- Q7** Two states -- Colorado and Washington -- recently changed their laws to allow marijuana to be regulated and taxed similarly to alcohol, for legal use by adults age 21 and older. Would you support or oppose changing Louisiana law to regulate and tax marijuana, with stricter regulations than for alcohol?
- | | |
|-----------------------|-----|
| <i>Support</i> | 53% |
| <i>Oppose</i> | 37% |
| <i>Not sure</i> | 10% |
- Q8** If you are a woman, press 1. If a man, press 2.
- | | |
|--------------------|-----|
| <i>Woman</i> | 51% |
| <i>Man</i> | 49% |
- Q9** If you identify as very conservative, press 1. If conservative, press 2. If liberal, press 3. If very liberal, press 4.
- | | |
|--------------------------------|-----|
| <i>Very conservative</i> | 36% |
| <i>Conservative</i> | 44% |
| <i>Liberal</i> | 17% |
| <i>Very liberal</i> | 3% |

Q10 If you identify as Catholic, press 1. If Evangelical, any denomination, press 2. If Protestant, press 3. If another religion, press 4. If no religion, press 5.

<i>Catholic</i>	32%
<i>Evangelical</i>	28%
<i>Protestant</i>	14%
<i>Another religion</i>	20%
<i>No religion</i>	6%

Q11 If you are 18 to 34 years old, press 1. If 35 to 49, press 2. If 50 to 64, press 3. If you are 65 or older, press 4.

<i>18-34</i>	20%
<i>35-49</i>	28%
<i>50-64</i>	32%
<i>Older than 65</i>	20%

Q12 If you consider yourself white, press 1. If African-American, press 2. If other, press 3.

<i>White</i>	72%
<i>African-American</i>	22%
<i>Other</i>	6%

Q13 If you live in Northern Louisiana, press 1. If you live in central Louisiana, press 2. If you live in Acadiana, press 3. If you live in the New Orleans metro area, press 4. If you live in the Baton Rouge metro area, press 5.

<i>Northern Louisiana</i>	26%
<i>Central Louisiana</i>	19%
<i>Acadiana</i>	19%
<i>New Orleans metro area</i>	20%
<i>Baton Rouge metro area</i>	16%



Crosstabs

	Base	Gender	
		Woman	Man
Support/Oppose allowing marijuana with Rx?			
Support	65%	65%	65%
Oppose	25%	23%	28%
Not sure	10%	12%	7%

	Base	Gender	
		Woman	Man
Support/Oppose long prison terms for marijuana offenders?			
Support	32%	31%	33%
Oppose	59%	56%	61%
Not sure	9%	12%	6%

	Base	Gender	
		Woman	Man
Support/Oppose life without parole for marijuana offenders?			
Support	22%	21%	23%
Oppose	64%	62%	66%
Not sure	14%	16%	11%

	Base	Gender	
		Woman	Man
Support/Oppose Law Changes - 6 mos/\$500			
Support	47%	50%	44%
Oppose	37%	32%	41%
Not sure	16%	17%	16%





Crosstabs

	Base	Gender	
		Woman	Man
Support/Oppose law changes - \$100/no jail			
Support	56%	58%	54%
Oppose	30%	26%	34%
Not sure	14%	16%	12%

	Base	Gender	
		Woman	Man
More/Less likely to support candidate who reduced penalties			
More likely	49%	49%	48%
Less likely	32%	33%	31%
Doesn't make a difference	13%	13%	13%
Not sure	6%	4%	8%

	Base	Gender	
		Woman	Man
Support/Oppose LA changing to CO/WA law ?			
Support	53%	50%	57%
Oppose	37%	38%	36%
Not sure	10%	13%	8%

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
Support/Oppose allowing marijuana with Rx?					
Support	65%	60%	63%	81%	71%
Oppose	25%	29%	30%	6%	24%
Not sure	10%	12%	8%	12%	4%





Crosstabs

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
Support/Oppose long prison terms for marijuana offenders?					
Support	32%	35%	38%	14%	5%
Oppose	59%	54%	52%	81%	95%
Not sure	9%	11%	9%	5%	-

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
Support/Oppose life without parole for marijuana offenders?					
Support	22%	23%	29%	6%	-
Oppose	64%	60%	59%	80%	88%
Not sure	14%	17%	11%	13%	12%

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
Support/Oppose Law Changes - 6 mos/\$500					
Support	47%	52%	45%	42%	43%
Oppose	37%	33%	40%	36%	36%
Not sure	16%	15%	15%	22%	20%

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
Support/Oppose law changes - \$100/no jail					
Support	56%	53%	53%	66%	71%
Oppose	30%	33%	34%	14%	24%
Not sure	14%	14%	13%	20%	4%





Crosstabs

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
More/Less likely to support candidate who reduced penalties					
More likely	49%	45%	44%	61%	87%
Less likely	32%	32%	40%	18%	9%
Doesn't make a difference	13%	14%	14%	12%	-
Not sure	6%	9%	2%	9%	4%

	Base	Ideology			
		Very conservative	Conservative	Liberal	Very liberal
Support/Oppose LA changing to CO/WA law?					
Support	53%	51%	52%	58%	68%
Oppose	37%	38%	41%	27%	16%
Not sure	10%	11%	7%	15%	16%

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
Support/Oppose allowing marijuana with Rx?						
Support	65%	69%	55%	61%	67%	90%
Oppose	25%	25%	34%	26%	20%	2%
Not sure	10%	6%	11%	14%	13%	8%

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
Support/Oppose long prison terms for marijuana offenders?						
Support	32%	33%	42%	30%	25%	12%
Oppose	59%	59%	47%	62%	64%	86%
Not sure	9%	8%	11%	9%	10%	2%





Crosstabs

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
Support/Oppose life without parole for marijuana offenders?						
Support	22%	22%	29%	27%	15%	7%
Oppose	64%	66%	56%	64%	66%	82%
Not sure	14%	12%	15%	9%	20%	10%

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
Support/Oppose Law Changes - 6 mos/\$500						
Support	47%	57%	44%	32%	45%	51%
Oppose	37%	32%	38%	42%	39%	34%
Not sure	16%	11%	18%	25%	16%	15%

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
Support/Oppose law changes - \$100/no jail						
Support	56%	63%	54%	38%	56%	65%
Oppose	30%	27%	30%	46%	25%	24%
Not sure	14%	10%	16%	15%	18%	11%

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
More/Less likely to support candidate who reduced penalties						
More likely	49%	50%	42%	42%	52%	75%
Less likely	32%	35%	39%	32%	27%	4%
Doesn't make a difference	13%	11%	15%	15%	11%	19%
Not sure	6%	5%	4%	10%	10%	2%





Crosstabs

	Base	Religion				
		Catholic	Evangelical	Protestant	Another religion	No religion
Support/Oppose LA changing to CO/WA law?						
Support	53%	58%	46%	40%	55%	84%
Oppose	37%	32%	48%	40%	34%	12%
Not sure	10%	10%	6%	20%	10%	4%

	Base	Age			
		18-34	35-49	50-64	Older than 65
Support/Oppose allowing marijuana with Rx?					
Support	65%	68%	69%	67%	54%
Oppose	25%	24%	25%	23%	30%
Not sure	10%	8%	7%	10%	16%

	Base	Age			
		18-34	35-49	50-64	Older than 65
Support/Oppose long prison terms for marijuana offenders?					
Support	32%	34%	30%	26%	43%
Oppose	59%	53%	66%	65%	45%
Not sure	9%	13%	5%	9%	11%

	Base	Age			
		18-34	35-49	50-64	Older than 65
Support/Oppose life without parole for marijuana offenders?					
Support	22%	18%	21%	23%	27%
Oppose	64%	63%	67%	66%	57%
Not sure	14%	18%	11%	11%	16%





Crosstabs

	Base	Age			
		18-34	35-49	50-64	Older than 65
Support/Oppose Law Changes - 6 mos/\$500					
Support	47%	55%	39%	50%	45%
Oppose	37%	34%	43%	33%	36%
Not sure	16%	11%	18%	17%	19%

	Base	Age			
		18-34	35-49	50-64	Older than 65
Support/Oppose law changes - \$100/no jail					
Support	56%	55%	66%	55%	44%
Oppose	30%	26%	23%	33%	39%
Not sure	14%	18%	11%	12%	18%

	Base	Age			
		18-34	35-49	50-64	Older than 65
More/Less likely to support candidate who reduced penalties					
More likely	49%	45%	54%	55%	34%
Less likely	32%	34%	28%	26%	46%
Doesn't make a difference	13%	13%	13%	13%	13%
Not sure	6%	8%	5%	6%	7%

	Base	Age			
		18-34	35-49	50-64	Older than 65
Support/Oppose LA changing to COWA law ?					
Support	53%	63%	59%	50%	40%
Oppose	37%	29%	30%	40%	50%
Not sure	10%	8%	11%	10%	11%





Crosstabs

	Base	Race		
		White	African-American	Other
Support/Oppose allowing marijuana with Rx?				
Support	65%	66%	66%	43%
Oppose	25%	24%	23%	43%
Not sure	10%	9%	11%	14%

	Base	Race		
		White	African-American	Other
Support/Oppose long prison terms for marijuana offenders?				
Support	32%	33%	26%	50%
Oppose	59%	59%	64%	40%
Not sure	9%	9%	10%	10%

	Base	Race		
		White	African-American	Other
Support/Oppose life without parole for marijuana offenders?				
Support	22%	24%	17%	27%
Oppose	64%	62%	72%	55%
Not sure	14%	14%	11%	18%

	Base	Race		
		White	African-American	Other
Support/Oppose Law Changes - 6 mos/\$500				
Support	47%	46%	50%	41%
Oppose	37%	38%	29%	45%
Not sure	16%	15%	21%	14%





Crosstabs

	Base	Race		
		White	African-American	Other
Support/Oppose law changes - \$100/no jail				
Support	56%	54%	63%	47%
Oppose	30%	32%	20%	39%
Not sure	14%	14%	16%	14%

	Base	Race		
		White	African-American	Other
More/Less likely to support candidate who reduced penalties				
More likely	49%	47%	56%	34%
Less likely	32%	35%	21%	39%
Doesn't make a difference	13%	13%	12%	21%
Not sure	6%	4%	12%	6%

	Base	Race		
		White	African-American	Other
Support/Oppose LA changing to COWA law ?				
Support	53%	52%	57%	57%
Oppose	37%	37%	35%	35%
Not sure	10%	11%	8%	8%

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
Support/Oppose allowing marijuana with Rx?						
Support	65%	67%	60%	63%	70%	65%
Oppose	25%	24%	29%	23%	24%	27%
Not sure	10%	9%	11%	14%	6%	8%





Crosstabs

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
Support/Oppose long prison terms for marijuana offenders?						
Support	32%	36%	29%	33%	30%	32%
Oppose	59%	53%	58%	58%	65%	63%
Not sure	9%	12%	13%	9%	6%	5%

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
Support/Oppose life without parole for marijuana offenders?						
Support	22%	26%	18%	25%	22%	19%
Oppose	64%	64%	60%	55%	72%	71%
Not sure	14%	10%	23%	20%	6%	11%

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
Support/Oppose Law Changes - 6 mos/\$500						
Support	47%	50%	42%	51%	47%	42%
Oppose	37%	35%	34%	33%	41%	41%
Not sure	16%	15%	24%	16%	12%	16%

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
Support/Oppose law changes - \$100/no jail						
Support	56%	55%	45%	53%	67%	58%
Oppose	30%	30%	37%	33%	27%	23%
Not sure	14%	15%	18%	14%	5%	19%





Crosstabs

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
More/Less likely to support candidate who reduced penalties						
More likely	49%	54%	43%	42%	55%	47%
Less likely	32%	29%	34%	41%	26%	31%
Doesn't make a difference	13%	10%	14%	12%	17%	14%
Not sure	6%	7%	8%	5%	2%	8%

	Base	Location				
		Northern Louisiana	Central Louisiana	Acadiana	New Orleans metro area	Baton Rouge metro area
Support/Oppose LA changing to CO/WA law?						
Support	53%	50%	52%	59%	54%	51%
Oppose	37%	40%	40%	29%	38%	36%
Not sure	10%	10%	9%	12%	8%	13%

