

FORT MYERS FLORIDA WEEKLY®

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BY THE NUMBERS

18

■ U.S. states that allow the use of medical marijuana. *See Inside

0

■ Deaths that have been attributed to marijuana in Florida

57

■ Percentage of Floridians who support medical marijuana according to a 2011 poll.

Joint RESOLUTION

Legalization efforts for America's most popular illicit drug gain momentum

BY EVAN WILLIAMS

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GERALD KRECICKI HAS SMOKED MARIJUANA for most of his adult life, his habit interrupted only recently after men armed with flash bombs and high-powered rifles burst into his home in the early morning of Friday, Oct. 12.

Mr. Krecicki, a lean and silver-haired 49-year-old who goes by Jerry, was a successful real estate broker before the

SEE JOINT, A8 ►



From Tamiami Trail to the Super Bowl via Doritos

BY ATHENA PONUSHIS

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Mark Freiburger may win \$1 million and the chance to be mentored by "Transformers" director Michael Bay if his "Fashionista Daddy" Doritos commercial wins over the hearts of Super Bowl viewers. Here's how his commercial plays out (*spoiler alert*):

A little girl stands in her bedroom surrounded by her stuffed animals, finger paintings and fairy-tale-musing imagina-



COURTESY PHOTO

The "Fashionista Daddy" commercial is one of five finalists in a national contest.

tion. Dad comes walking down the hall, sporting a sweatshirt and tossing a football. "Daddy, can you play princess fashion show with me?" Dad fumbles for the

words, "Sweetheart, I'd love to, but the guys, they're outside waiting for me." Like magic, pixie dust suddenly seems to halo his daughter as she says, "I got Doritos."

Cut to his buddies walking in the door and down the hall, all wondering, "What's the holdup?" They look in the little girl's room and see their friend strutting down the catwalk, whipping around with sass, wearing a boa, tiara, lipstick and sparkly petal-pink dress. Caught in the act, Dad crunches on a Dorito.

SEE DORITOS, A14 ►

INSIDE



Art versus indecency

Where do local theaters draw the line? C1 ►



Getting muddy

Society shots around town. C28-29 ►



Business plans

Area is ripe for new ideas. B1 ►



Lean, green

And spotted few and far between. A6 ►

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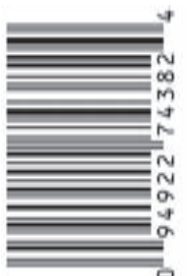
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EVERY TOMORROW STARTS WITH 2 NEWS TODAY



JOINT

From page 1

housing market meltdown. Now he is self-employed, primarily as a freelance photographer, working for High Times, a nationally distributed magazine dedicated to all things marijuana.

By all accounts, Mr. Krecicki is a peaceful father of two. He came to Southwest Florida at age 16 from Raleigh, N.C. "with two girls on spring break, and I never went back." These days, he's contemplating the possibility of life in a prison cell. The Collier County Sheriff's Office SWAT team that raided his home confiscated 11 pounds of marijuana and a bundle of cash.

Mr. Krecicki's story highlights a national conversation about marijuana, the most commonly used illegal drug, according to the National Institute on Drug Abuse, and the sometimes use of powerful force and resources to investigate, arrest and incarcerate non-violent offenders.

Advocates of legalization point to polling numbers and changing rules in many states to show that Americans views on the drug are turning in their favor. Karen Goldstein, executive director of the Florida chapter of the National Organization for the Reform of Marijuana Laws (NORML), feels state legislators are softening their stances on pot as well.

"While last year I think what I said was accepted with a wink and a nod, this year it's suddenly become much more legitimate to talk about," she said.

Rand Hoch, a retired civil judge who founded the Palm Beach County Human Rights Council, pointed out that baby boomers, some of whom embraced marijuana in the 1960s and '70s, still make up a large, politically active group. A state senator from Palm Beach County, Democrat Jeff Clemens, is in the process of drafting a bill that would make pot a prescription medication here.

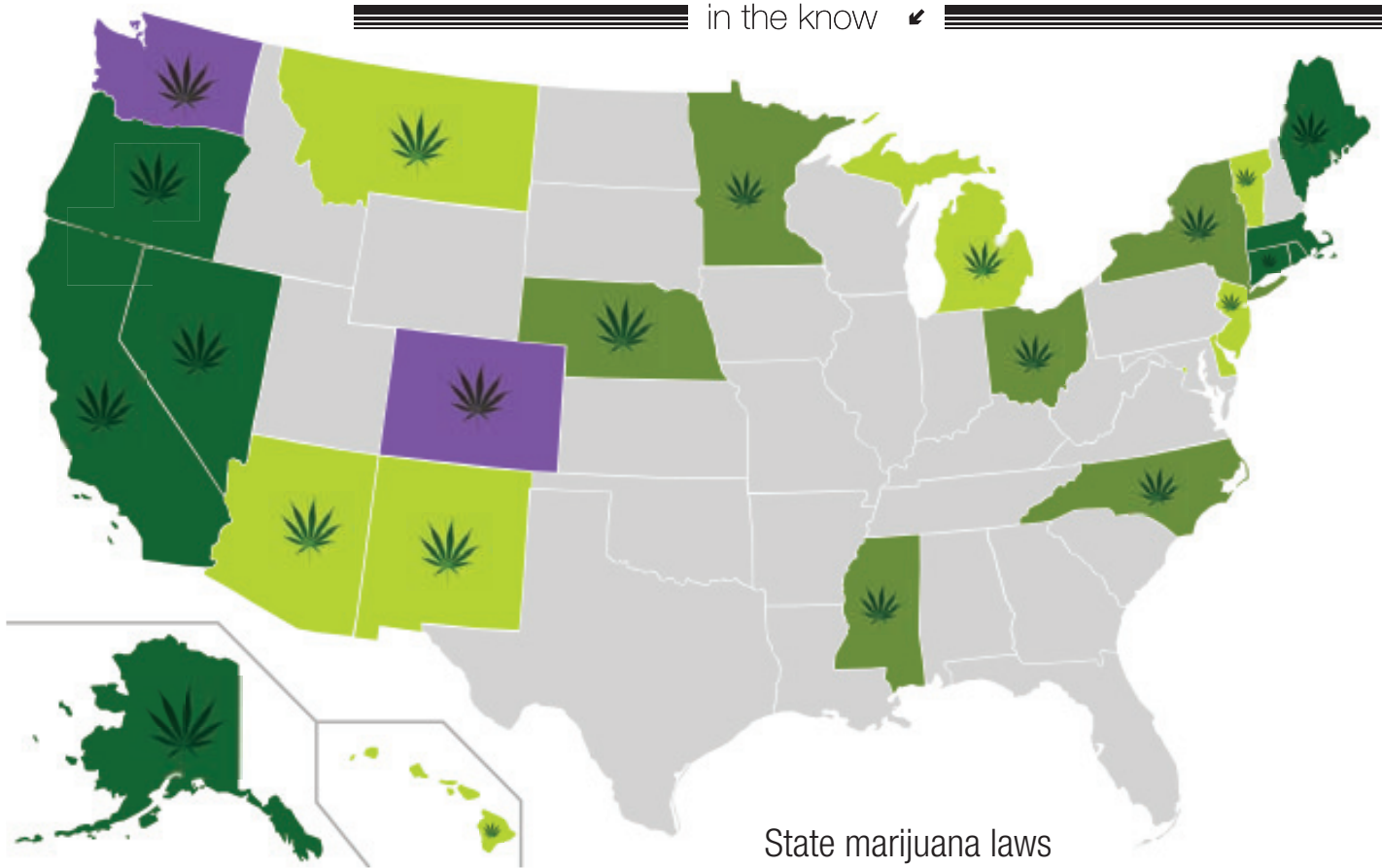
Washington and Colorado's landmark decisions in November as the first states to legalize the drug for recreational use brought the issue "to a head," said U.S. Rep. Earl Blumenauer, a Democrat from Oregon who estimates the country is about five years away from effectively legalizing the drug by letting state rules on the issue supersede federal ones. Currently, 18 states and the District of Columbia allow the use of medical marijuana, clashing with federal rules that say it's illegal. Other states have reduced penalties for being caught with small amounts.

"I'm not sure you'll ever see national legalization," said Robert Capecci, a legislative analyst with the Marijuana Policy Project, a national group lobbying for regulating and taxing pot. "I think it will be something similar to alcohol prohibition where the federal government takes a hands-off approach. There are still many states in which there are dry counties and dry towns, for instance. I think you'll see a very similar response for marijuana policy."

The drug is still 100 percent illegal in many places, including Florida, though, a point dramatically illustrated by the SWAT team that arrived at Mr. Krecicki's house at 5:40 a.m.

The raid

Upon hearing officers start to ram in his door — a heavy plate glass they couldn't move — Mr. Krecicki ran downstairs in a panic and opened it for them. Immediately, he dropped to his knees and then lay on his stomach with his hands behind his head as officers



State marijuana laws

- Medical Marijuana: A prescription is required to obtain specified amounts of marijuana.
- Marijuana Decriminalized: Minor penalties for possession and cultivation of small amounts.
- Decriminalized and Medical Marijuana laws
- Marijuana legalized for recreational use: Growing, possessing and gifting small amounts of marijuana is legal.
- Marijuana possession remains classified as a criminal act

Source — NORML; Wikimedia

threw a flash bomb into the room, creating a deafening bang and a blinding flash.

Moments later, Mr. Krecicki could see two officers standing over his 22-year-old son, who was also face down on the floor in the hallway, with a "foot on his back and a gun on the back of his neck." Mr. Krecicki's girlfriend and 16-year-old daughter were also residents at the home in a quiet neighborhood near downtown Naples.

Based on information from an undercover officer, the SWAT team confiscated marijuana in the house that an arrest report estimates to be worth \$27,000, as well as \$54,994 in cash; that's including, Mr. Krecicki says, \$1,300 raised at his daughter's birthday party in September to benefit Candlelighters Childhood Cancer Foundation of Southwest Florida, a nonprofit support group for families. (His daughter survived leukemia when she was a child.) The rest was from a home equity line of credit he was using for home improvements, he says.

The officers also confiscated other evidence, including scales and ledgers found in the house. The CCSO arrest report suggests those were used to help distribute and sell illegal drugs. But Mr. Krecicki said the scales were for his business selling Himalayan salt, and the ledgers were for the minerals and stones he also keeps at home to collect

and sell.

The SWAT team left with the evidence but didn't arrest him on the spot. Six days later, Mr. Krecicki turned himself in after his attorney told him a warrant had been issued for his arrest. He spent a little less than a month in the Collier jail before bonding out, and is at home awaiting a possible trial or some other resolution that could be months away.

Mr. Krecicki is charged with one misdemeanor and four felonies, the

most serious of which is intent to sell marijuana within 1,000 feet of a church, which carries a mandatory three years in prison (Mr. Krecicki's house is just across the street from Naples Church of God).



Above right: Jerry Krecicki with High Times editor and friend Bobby Black.

Above: Mr. Krecicki is packing up the contents of his home and preparing for the worst case scenario: a prison sentence.

Right: The Free Jerry Krecicki Facebook page boasts hundreds of supporters.



COURTESY PHOTOS

The worst of his criminal record includes a 1988 felony charge of possession of a controlled substance and a 1992 misdemeanor charge involving the use of fireworks. Mr. Krecicki said he is a pacifist, doesn't own a gun, and lifted up his shirt to show off his motto and wish for mankind, "Peace, Love, and Happiness," which is tattooed vertically along his spine.

Frightened by the incident, his children moved away to live with relatives. Mr. Krecicki wasn't just scared when the SWAT team raided his home.

"Scared is when you watch a movie," he said. "This was traumatizing, terrorizing, it was unbelievable."

His girlfriend, Satya Persaud, was recently helping him pack up everything in the house so they can rent it out in case the worst-case scenario of spending time in prison occurs. The best-case scenario, Mr. Krecicki's attorney Donald Day has told him, is that the charges will be dropped.

"At this point right now, they've punished me enough," Mr. Krecicki said.

Seeking different answers

Lt. Harold Minch, head of narcotics and vice investigations for the Collier County Sheriff's Office — who oversees raids like the one carried out at Mr. Krecicki's house — didn't comment on whether Florida laws regarding marijuana or their enforcement were too harsh.

"We enforce the laws society gives us," is his disclaimer.

But Lt. Minch concedes that efforts to stop people from using or distributing marijuana have failed. He also suggested that a plan to tax and regulate marijuana might not dramatically change whom or how many people use it.

"I think what we'd be looking at is whether the legalization of it causes people to start using it," he said. "I don't know that that's going to be the case, because it's not all that hard to get now. Will it cause other criminal activities? I don't know. I've been a police officer for 27 years now and I don't know if I've ever arrested anybody for a marijuana-related offense other than the use or cultivation," whereas drugs such as crack cocaine and heroin, he adds, have resulted in arrests for crimes such as theft and prostitution.

"Have we made any headway (toward stopping marijuana use) in the last 25 years? I think the answer is absolutely not," Lt. Minch said. "Is there some benefit to continuing this level of enforcement or should we look at the realities of marijuana itself? I think law enforcement at this point is really looking for better answers."

Some politicians are doing the same. Florida State Sen. Jeff Clemens, a Democrat from Palm Beach County, is leading efforts to make marijuana medicine in the state. In 2011 and again in 2012, he sponsored a joint resolution (really, that's what it's called) in the Florida House that would have put medical marijuana on the ballot.

Those efforts died, but as a newly elected senator, Mr. Clemens is in the process of drafting a bill this term that would allow his colleagues to vote in favor of marijuana as a legal prescription drug for serious illnesses. The bill will be loosely based on Colorado's plan rather than California's notoriously unwieldy efforts toward medical

cannabis, Sen. Clemens said; and it will detail a system of medical identification cards and dispensaries.

Although at least in Florida there aren't formal plans to discuss taxing and regulating the drug, Mr. Clemens believes that is ultimately what will happen. The potential billions of dollars that advocates say would fill government coffers if pot were regulated is a central argument for legalization, as is an already financially choked justice system sending non-violent offenders to prison.

"I just think our laws are draconian when it comes to this one particular drug," Sen. Clemens said. "It's costing us hundreds of millions of dollars a year to investigate, arrest, prosecute or incarcerate small-time drug offenders who are no danger to society. Those are tax dollars that could be better spent in many other ways."

Possession of 20 grams or less in Florida carries a maximum jail sentence of a year; possession of more than that with intent to sell has a top prison sentence of five years. But Palm Beach County attorney Michael Minardi said the stiffest penalties are rarely enforced in Florida. A first or second offense might yield a sentence of six months to a year of probation, and fines and court costs of up to \$500, for instance, depending on the county.

Aligned with heroin

Just how bad is pot for you? Many users claim it's not addictive. Mr. Krecicki, who said that it helped him relax, and fuel his creativity, insisted that when he went to jail he didn't experience withdrawal symptoms, although he had been a daily smoker.

But Jay Glynn, CEO of Charlotte Behavioral Health Care in Port Charlotte, suggests the drug is addictive.

"Do I think someone should be in prison for a long time for smoking pot? No," he said. "I think if they need to get off it, need some treatment, we should provide something like that. I think some of the criminal penalties may be too harsh. But legalizing it is a whole other thing."

As a federally classified Schedule 1 drug, marijuana is put in the same category as deadlier, more addictive narcotics such as heroin. Jodi James, head of the Florida Cannabis Action Network, was among a group that recently asked Florida Attorney General Pam Bondi to change pot's status, in effect to acknowledge that it has medical uses and is much less addictive than the state says it is now. Ms. Bondi said no.

Others are concerned that if the drug were made available as a medicine, legalized for recreational use, or downgraded in legal status, it would become all the more accessible for children.

"Obviously, if we legalize this in our state, our youth are going to have a higher probability of having access to it," said Melanie Black, executive director of Drug Free Collier. "We are absolutely against legalizing it for any use."

Palm Beach County Sheriff Rick Bradshaw points to the prescription drug epidemic as an example of how out-of-control legal drugs cause thousands of deaths every year in the state.

"Look at what we just went through with the pill mills and prescription

drug abuse," he said angrily. "The abuse is going to be rampant."

It does not sway his opinion that for years zero deaths have been attributed to marijuana in Florida, according to medical examiner reports. The resources used to bust grow houses or marijuana dealers, he insists, "saves people's lives and stops abuse. Every time you stop a grow house, you're just lessening the availability of it."

Silvia Casabianca, owner of Eyes Wide Open, which offers wholistic alternative therapies in Bonita Springs, is ambivalent about legalizing yet another drug.

"I know marijuana has been used successfully for certain medical uses, but I also see some abuses," she said. "So I'm not sure I like the idea of it being legal. The only advantage I see is not medical," she added, noting that legalizing the drug could undermine organized criminal networks. As a medicine, she believes there are better therapies than marijuana — or for that matter, any drug.

"People start finding the pain so they are prescribed the drug," she said. "I think we've created a very addictive society, and I don't

feel being addicted to anything is healthy. People say (marijuana) is not addictive but there are some instances where it actually does create dependency. People cannot socialize without pot and things like that."

For some, whether or not the drug is bad for you is beside the point.

"If alcohol is legal, it's just hypocritical that marijuana shouldn't be," said Fort Myers resident Ryun Horn, a self-published writer who uses the drug recreationally.

Doctors have attributed various negative side effects to marijuana, including lower sperm count, a decrease in ambition, lung cancer, and dulled reaction time or drowsiness.

"I think (marijuana) does have addiction potential," said Dr. Mark Lokitus, D.O., a psychologist in Fort Myers. "There's a withdrawal aspect, too."

Dr. David Rock, a Fort Myers breast cancer surgeon, said marijuana can relieve post-operative nausea but also noted it is a common cause of breast enlargement in young men.

Some users, like Mr. Krecicki, claim to have experienced no negative effects from marijuana at all. Besides smoking pot, he would generally be considered highly health conscious. He refuses to drink tap water in favor of more purified versions, has been a vegetarian for seven years, and gets his teeth cleaned every two months. In fact, the worst part about jail for him was the food, which he complained made him feel sick.

"It was worse than any drug I had ever done — and that's a fact," he insisted.

State vs. federal law
States that allow marijuana use contradict federal rules making it illegal everywhere. The result, said U.S. House Rep. Earl Blumenauer, a Democrat from Oregon, is "the hopeless tangle we're facing now with conflicting marijuana laws and regulations."

From the tax code to veteran's hospitals, it's not always clear how a marijuana user or dispensary in a state

where it's legal should proceed. Rep. Blumenauer is one of about a dozen legislators in the House drafting legislation in the coming months that will address the problems, he said. Mr. Blumenauer hopes to resolve the current conflicts between state and federal law by allowing local governments to decide for themselves how to regulate marijuana, or not.

"I suspect that within five years there will be a federal change that will allow states to take their own direction, exactly like we do with alcohol," he said.

Legislators are working on bills this term that would address state's rights, including making it easier for banks to legally lend money to a state marijuana dispensary, for instance; making hemp, a cannabis-based substance used for clothing and other purposes, legal; and making it easier to research the drug. It is illegal by federal rules to grow cannabis plants anywhere but at The University of Mississippi, home of the only federally owned marijuana farm. *The New York Times* reported that a permit for research there involves getting formal approval from at least three different federal agencies.

U.S. House Rep. Trey Radel, a Republican from Florida, didn't respond to repeated requests for comment about his position on marijuana or if he would support Rep. Blumenauer's efforts.

U.S. Sen. Bill Nelson, a Democrat from Florida, was traveling in the Middle East and couldn't be reached for comment, his office said.

U.S. Sen. Marco Rubio's office responded by e-mail that he would not support federal legislation to change current marijuana rules. A statement from Sen. Rubio's deputy press secretary, Brooke Sammon, read that "illegal drugs" in general have a negative impact on children, and contribute to violent criminal organizations. "More than that, they destroy lives and undermine our society," she wrote. "As you may know, the Ending Federal Marijuana Prohibition Act of 2011 was introduced in the House last Congress and sought to remove marijuana from the list of Schedule I controlled substances. There was no companion legislation for that bill in the Senate, but Sen. Rubio would not have supported the legislation had it come before the Senate for a vote."

Florida's muffled conversation

A White House press release issued by drug czar Gil Kerlikowske earlier this month stated: "...we're in a serious national conversation about marijuana." But doctors, business owners, law enforcement officials and others are muffled from speaking publicly about it because of the drug's legal status.

A handful of doctors with private pain management practices didn't return calls or also declined to comment. One health industry spokesperson did acknowledge that she had heard, anecdotally, that the drug had been helpful for patients in palliative care, she said, "I wouldn't want to put any of my physicians in the position of being for something that is illegal."

Shops in Southwest Florida that sell pipes and bongs "for tobacco use," didn't return repeated calls or declined to speak on the record. One shop owner who spoke off the record chose his words carefully so as not to implicate the store as a place where people buy items used to smoke pot. The shop owner said that even when out with friends, when the discussion turns to marijuana, he has gone so far as to leave the table for fear of using "the wrong words."

"When we start having 'that conversation,'" he said, "I break into hives." ■



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