

An examination of marijuana-related charges on-campus and statewide

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Editor's note: Arkansas State University's police department declined to comment on the charging and handling of on-campus marijuana cases. Thus, information regarding the enforcement of A-State's drug policy was pulled from previous Campus Crime reports and the student handbook.

A study released by the National Institute on Drug Abuse found that in 2020, nearly half of the country's college-age students consumed marijuana.

While states have their own varying marijuana laws, in college campuses those rules can often be more enforced depending on state laws.

Since only medical marijuana is legalized in Arkansas, that means students caught with recreational marijuana on the A-State campus are charged accordingly.

In Arkansas law, possessing less than four ounces as a first offense is a Class A Misdemeanor. If one possesses more than four ounces, or it is their second offense with less than four ounces, the charges

jump up to a Class D Felony.

As one accrues more charges or is found in possession of greater amounts of marijuana, their charge can eventually increase to the maximum sentence of a Class A Felony.

According to the 2021-2022 A-State student handbook, unless a student has a valid medical prescription, using and/or possessing drugs, as well as using and/or possessing drug paraphernalia such as "pipes, water pipes, bongs, hookahs, roach clips and vials" is prohibited.

According to A-State's University Police Department's mission statement, UPD seeks to "protect and serve the campus populace by enforcing University rules and regulation, federal and state laws."

Due to this, when students are charged with possession of marijuana on campus, the charges vary.

The Oct. 14, 1997 edition of the Herald in an article titled "Twin Towers residents face drug charges," reported that Daniel Armstrong of El Dorado was charged with possession of marijuana.

The police reported they

found a bag of a leafy, green substance, as well as other marijuana-related paraphernalia.

However, Armstrong stated the police began investigating his room on the basis of an anonymous phone call. According to then-patrolman Brad Felkins, they only began investigating when they saw marijuana in plain view, after Armstrong opened the door.

"Could I call the police station and tell them there's marijuana in someone else's room? This is a big joke," Armstrong said.

In the late 90's and early 2000's, A-State students in possession were often arrested. Moving into the 2010's and beyond, those in possession were reported to the Office of Student Conduct, arrested or in one instance, tried by student judicial system.

However, with the possibility of recreational marijuana appearing on the Arkansas 2022 ballot, it is unknown how charges will change with students caught in possession.

For an in-depth look at marijuana cases over the years at A-State, see Campus Crime.

Offense	Penalty	Incarceration	Max. Fine
Possession			
Less than 4 oz (first offense)	Misdemeanor	1 year or less	\$ 2,500
1 - less than 4 oz (subsequent offense)	Felony	6 years or less	\$ 10,000
4 oz - less than 10 lbs	Felony	6 years or less	\$ 10,000
10 - less than 25 lbs	Felony	3* - 10 years	\$ 10,000
25 - less than 100 lbs	Felony	5* - 20 years	\$ 15,000
100 - less than 500 lbs	Felony	6* - 30 years	\$ 15,000
* Mandatory minimum sentence			

GRAPHIC COURTESY OF NORML.ORG

An explanation of the charges one can face if charged with possession of marijuana in Arkansas. Arkansas has some of the harshest laws regarding marijuana possession in the country, alongside others such as Arizona, Oklahoma, Tennessee and Florida.

An in-depth look at Arkansas recreational marijuana ballot petitions

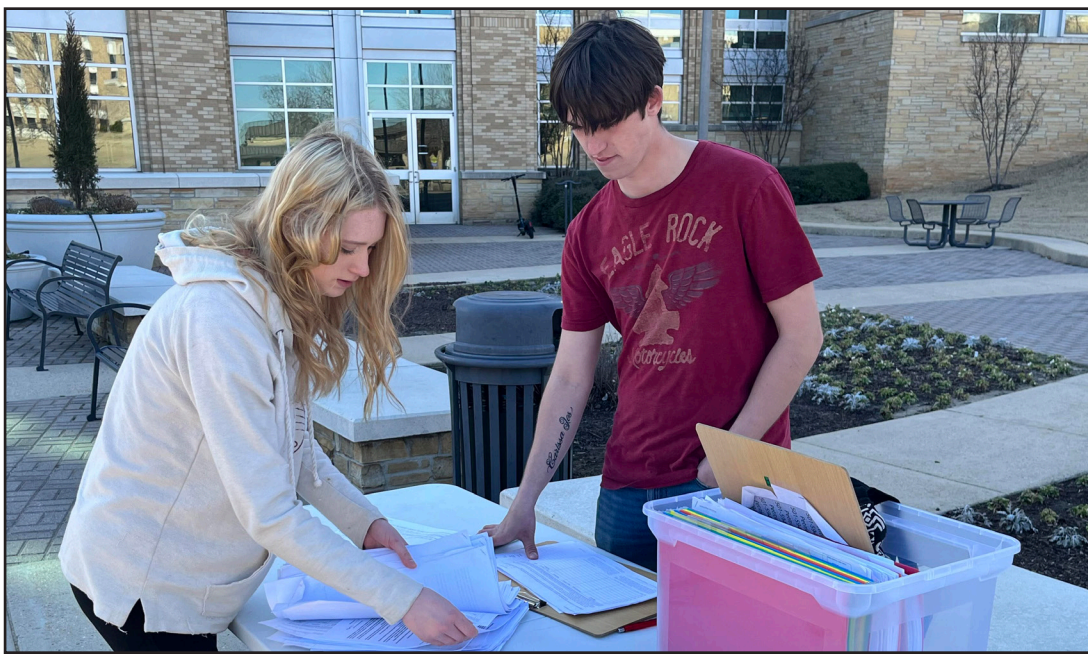


PHOTO COURTESY OF GARRETT HATCHER

Carissa McNamee (left) and Aaron Klemmer (right) organized signatures for recreational marijuana on Feb. 28. The two went across Jonesboro and Paragould, stopping in highly trafficked areas to gather signatures for the cause.

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Recreational marijuana could potentially be on the Nov. 8 ballot this year, with five petitioning organizations campaigning across the state.

Groups like Arkansas True Grass and Responsible Growth Arkansas began campaigning in 2020, but their plans were halted by COVID-19. With restrictions lifted, the groups have reignited their efforts.

In order for a proposed amendment to make it onto the ballot, a group must collect 10% of the amount of votes cast for the most recent governor election. For this initiative, that number is 89,151.

Signatures must come from at least 15 of Arkansas counties and must be submitted four months before the election. The deadline for this year is July 8.

Even if these conditions are met, the issue must still

be certified by the secretary of state, who verifies that enough signatures were collected. If the initiative meets all of these requirements, it goes on the ballot.

Responsible Growth Arkansas, chaired by former Democratic state representative Eddie Armstrong, has an amendment titled the Arkansas Adult Use Cannabis Amendment. The proposed measure would legalize marijuana for people 21 and older, as well as authorizing the commercial sale of marijuana.

In addition, the initiative would use portions of tax dollars for the state court and law enforcement systems. It aims to reform existing drug laws and remove taxes from the medical marijuana program.

"It's an opportunity for people to have a pathway to work. (It reinvests) in communities that were most impacted by drug crimes of the

past," Armstrong told THV11.

Another initiative has been proposed by Arkansas True Grass, a volunteer-based grassroots organization. Titled the Arkansas Recreational Marijuana Amendment of 2022, it also aims to legalize recreational marijuana for adults aged 21 and older, but with some key differences.

It would allow people to cultivate up to 12 cannabis plants at home and release nonviolent marijuana offenders from prison, probation and parole. It would also expunge records of previous marijuana charges.

Furthermore, Arkansas True Grass's measure would create a regulatory structure for recreational marijuana production and sale.

CONTINUED:
PETITIONS, 4A

CAMPUS CRIME



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Editor's note: This Campus Crime examines a variety of marijuana-related cases since the first reported case in 1997.

Aug. 24, 1997

The first time where marijuana is mentioned in Campus Crime, is where suspect one was arrested in Twin Towers on suspicion of possession of marijuana.

Oct. 18, 1999

Suspect one was arrested at the FINA Gas Station on Johnson Avenue for possession of a marijuana leaf that was enclosed in a white envelope.

Feb. 7, 2000

Suspect one was arrested for the possession of marijuana while in his room. Reports said a small amount of marijuana was found.

Nov. 11, 2001

A UPD officer was dispatched to suspect one's room after receiving a complaint about a strong odor of marijuana. The officer found marijuana on the desk and confiscated it, then arrested suspect one. He was taken to the Craighead County jail, where he was fingerprinted and released.

Sep. 27, 2004

The operations manager for the student union flagged down Officer Tidewell and gave him a small bag containing a green, leaflike substance that resembled marijuana. The bag was found by the front of the food line counter.

Feb. 5, 2007

Suspect one and suspect two were charged with possession of a controlled substance. The subjects admitted to smoking marijuana in their rooms at Arkansas Hall. One baggie containing vegetable substance

in suspect one's room. Suspect one and two were sent to the Office of Student Affairs.

Feb. 19, 2010

Officer Robert Peevey found suspect one, suspect two and suspect three in a vehicle in the parking lot on the east side of the residence halls on Aggie Road. Peevey approached the vehicle because, according to reports, it was so filled with smoke he could not see inside the windows. A clear plastic baggie containing a green leafy substance was found on the floor of the passenger side. Peevey decided to let the student judicial system handle the case and did not charge the suspects criminally.

Suspect one was taken to the University Police because the baggie was found by his seat. The weight of the baggie with the substance was 3.3 grams. The suspects were to be notified by the judicial board.

Sep. 15, 2013

Officer Robert Peevey was on foot patrol when he noticed a woman knocking on an apartment door. Peevey reported several voices on the inside as he walked by and said he could smell burnt marijuana when the door opened. Peevey knocked and suspect one opened the door. He reported smoke rolling out of the residence and several more people inside. Once Peevey entered the apartment, he asked everyone to leave the room. There were a total of 23 people inside. They said there wasn't any marijuana inside because they had smoked it all. Peevey took their names and told them there would be a university referral.

Feb. 7, 2014

Officer Floyd Layne responded to a smell complaint

made by a parking services worker patrolling on Aggie Road in front of Arkansas Hall. Layne could smell the odor of marijuana coming from the vehicle and asked the driver, suspect one, if he had been smoking. Suspect one said he had not been smoking that day but turned over a small amount of marijuana to Layne. Suspect one was issued a persona non grata for the Jonesboro campus for possession of illegal drugs.

April 3, 2022

Officer Dustin Mitchell observed a vehicle heading west bound on Aggie Road traveling 39 mph in a 20 mph zone. He got behind the vehicle and started his emergency lights to attempt to stop it. The vehicle stopped on University Loop near the Pack Place parking lot entrance. Mitchell made contact with the driver and told him the reason for the stop. He identified the driver as suspect one.

While speaking to suspect one, Mitchell smelled a strong odor of marijuana coming from the vehicle. He asked the driver to step out of the vehicle and proceed to the back of his car. Mitchell conducted a search of suspect one and did not locate any marijuana. He then searched the vehicle and located a blunt inside by the driver side door, as well as a clear bag with marijuana in the rear passenger side seat. He took possession of the marijuana and cited suspect one for speeding. Mitchell took the marijuana to the police department and destroyed it by flushing it down the toilet, the footage of which can be found on his body camera.