

**UNITED STATES DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION**

In the Matter of \_\_\_\_\_ )  
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 LYLE E. CRAKER, PH.D. )  
 \_\_\_\_\_ )

Docket No. 05-16

**RESPONDENT'S THIRD SUPPLEMENTAL PREHEARING STATEMENT AND  
MOTION FOR LEAVE TO FILE IT**

Respondent respectfully submits the following Third Supplemental Prehearing Statement, and a motion for leave of court to file it, as follows:

RESPONDENT'S SECOND SUPPLEMENTAL PREHEARING STATEMENT

**Richard Doblin (Additional testimony)**

Dr. Doblin will testify about Mr. Phil Alden's experience with marijuana provided by NIDA. Dr. Doblin will testify that Mr. Alden is an AIDS patient. Mr. Alden's doctor, Dennis Isrealiski, of the Edison Clinic in San Mateo, wanted to do a clinical study involving medical marijuana, and Mr. Alden qualified for the study. The study used medical marijuana obtained from the federal government. According to the pharmacist Mr. Alden was working with, the medical marijuana was freeze-dried before it came into his possession, and he had to thaw it out for twenty-four hours.

Dr. Doblin will testify that Mr. Alden reported to him that when he first received the government-grown medical marijuana, he noticed it was rolled with cigarette paper. The product tasted terrible upon lighting up, and was very harsh on his throat and lungs. In addition, the government-rolled product contained stems and seeds. The seeds popped when ignited and made the marijuana taste much worse.

Dr. Doblin will testify that Mr. Alden told him that Dr. Isrealiski had requested that he use only the federal government marijuana. Mr. Alden reported that that he was forced to drop out of the

study two weeks early because the harshness of the government marijuana gave him bronchitis. Its THC content was very low, and as such, it did not work very well. Once off the government-grown product, his bronchitis cleared up and he went back to using the effective medical cannabis from the medical cannabis distributors in San Francisco.

MOTION SEEKING LEAVE TO FILE

THIRD SUPPLEMENTAL PREHEARING STATEMENT

Respondent seeks leave to file the above Third Supplemental Prehearing Statement for the following reasons: The material is not voluminous, and relates directly to issues and testimony -- the quality and condition of NIDA marijuana -- that have previously been disclosed to the Government. Indeed, this very testimony has already been disclosed to the government, as Respondent intended to introduce it through Mr. Alden himself. Because the government has declined to grant Mr. Alden immunity for any criminal liability that might arise from his testimony, Mr. Alden has decided, as of this past weekend, not to testify. Since hearsay evidence is admissible in these proceedings, and since the government has been on notice as to the content, it will not be prejudiced if this testimony comes in through Dr. Doblin, who has spoken with Mr. Alden about this subject.

Respondent will fax this Third Supplemental Prehearing Statement to opposing counsel. Respondent discussed this supplementation with Government's counsel last Friday, August 12, and left a message about it today, but did not hear back by the time Respondent had to file the motion, as to whether the Government objected to the supplementation.

Respectfully submitted,

LYLE E. CRAKER, Ph.D.

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By his counsel,  
Julie M. Carpenter  
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601 13<sup>th</sup> Street, N.W.  
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Dated: August 22, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2005, I caused a copy of the foregoing Respondent's Third Supplemental Prehearing Statement and Motion for Leave to File It to be served on the following by facsimile transmission:

Brian Bayly, Esq.  
Office of the Chief Counsel  
Drug Enforcement Administration  
600 Army-Navy Drive  
Washington, DC 20537

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Julie M. Carpenter