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March 31, 2008

VIA MESSENGER

Office of the Clerk, Criminal
Boston Municipal Court
Edward W. Brooke Courthouse
24 New Chardon Street
Boston, MA 02114

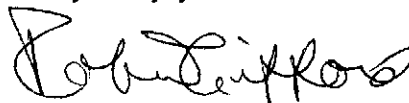
RE: **Commonwealth v. Richard Cusick and Russell K. Stroup**
Nos. 0701 CR 7229 and 0701 CR 7230

Dear Sir/Madam:

Enclosed for filing and the attention of the Court please find Defendants'
Motion for Reconsideration and supporting affidavits.

Thank you for your attention to this matter.

Very truly yours,



Robin B. Gifford
Legal Assistant

/rg

Enclosures

cc: Angela McConney, ADA

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON MUNICIPAL COURT

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

v.

RICHARD CUSICK,
Defendant

and

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

v.

RUSSELL K. STROUP,
Defendant

No. 0701 CR 7229

No. 0701 CR 7230

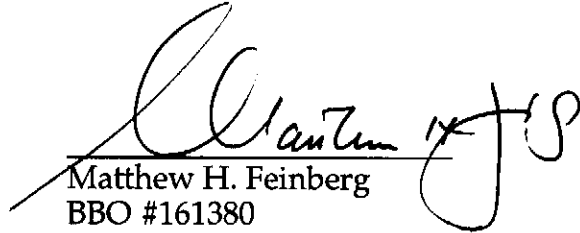
DEFENDANTS' MOTION FOR RECONSIDERATION


Now come the defendants, Richard Cusick and Russell K. Stroup, and hereby respectfully request the Court reconsider the previously filed Motion to Dismiss, and Request for an Evidentiary Hearing. In further support of their motion and request for hearing, attached please find the Affidavit, with attachments, of Jeffrey Miron, Ph.D., the further Affidavit of Lester Grinspoon, M.D., and the Affidavit of Professor Richard J. Bonnie. Based upon these affidavits and the previous filings, the Defendants respectfully request that the Court reconsider its prior oral determination not to hold an evidentiary hearing and to deny the motion. These affidavits further supplement and enhance Defendants' position that marijuana is an essentially harmless substance with

enormous societal and individual benefits. In consequence, Defendants' further reiterate their assertion that the criminalization of marijuana is unconstitutional as on its face and as applied.

RICHARD CUSICK,
By his attorneys,

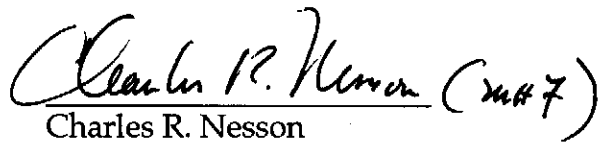
3/31/08
Date


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R. KEITH STROUP,
By his attorney,

3/31/08
Date



Charles R. Nesson
BBO #369320
HARVARD LAW SCHOOL
HFB 404
Cambridge, MA 02138
(617) 495-4609

CERTIFICATE OF SERVICE

I, Matthew H. Feinberg, hereby certify that I served the foregoing document by mailing a copy, postage pre-paid, to counsel of record:

Angela McConney, ADA
Suffolk County District Attorney's Office
One Bulfinch Place
Boston, MA 02114

3/31/08
Date


Matthew H. Feinberg