

# ALLISON EID ON MARIJUANA

## Highlights:

- Allison Eid stood in the way of cannabis reform.
  - Eid dissented from a court decision that prevented the state from continuing to prosecute minor possession of marijuana
  - Eid wrote the Colorado Supreme Court's decision to affirm the termination of the employee for medical marijuana use.

## Eid Stood In The Way Of Cannabis Reform

### **2017: EID DISSENTED FROM A COURT DECISION THAT PREVENTED THE STATE FROM CONTINUING TO PROSECUTE MINOR POSSESSION OF MARIJUANA**

#### 2017: The Colorado Supreme Court Affirmed That Amendment 64 Prevented The State From Continuing To Prosecute Cases With Nonfinal Convictions

**2017: The Colorado Supreme Court Affirmed That Amendment 64, Legalizing Minimal Possession Of Marijuana, Prevented The State From Continuing To Prosecute Cases With Nonfinal Convictions.** According to the Supreme Court of the State of Colorado Opinion in "People v. Boyd," "This case requires us to determine if Amendment 64 to the Colorado Constitution, which legalized possession of small amounts of marijuana, deprived the State of the power to continue to prosecute cases where there was a nonfinal conviction for possession of less than one ounce of marijuana and where there was a pending right to appeal (subsequently exercised by filing a timely notice of appeal) at the time the Amendment became effective. We hold that it did." [2017 CO 2, "People v. Boyd," The Supreme Court of the State of Colorado, No. 15SC752, Filed [1/17/17](#)]

#### Eid Dissented From The Colorado Supreme Court's Opinion

**Eid Dissented From The Colorado Supreme Court's Opinion.** According to Justice Eid's Dissent of the Colorado Supreme Court Decision in "People v. Boyd," "The criminal acts at issue in the cases before this court today occurred before that date, and thus were illegal at the time they were committed.[1] Because nothing in Amendment 64 suggests that it retroactively removes the People's authority to prosecute individuals for such illegal activity, I respectfully dissent." [2017 CO 2, "People v. Boyd," The Supreme Court of the State of Colorado, No. 15SC752, Filed [1/17/17](#)]

### **2015: EID WROTE A COURT DECISION THAT ALLOWED A QUADRIPLLEGIC EMPLOYEE TO BE FIRED FOR THE USE OF LICENSED MEDICAL MARIJUANA**

#### 2010: Dish Fired A Quadriplegic Employee Just Because Of The Use Of State-Sanctioned Medical Marijuana

**2010: Dish Fired A Quadriplegic Employee For The State-Sanctioned Use Of Medical Marijuana.** According to Time, "For one, Coats was a particularly sympathetic plaintiff. The 35-year-old has been quadriplegic since a car accident at age 16 and has been considered a model employee since being hired by Dish in 2007. In 2009, Coats obtained a state-issued license and began using medical marijuana at night, after work. 'I take it at home every night,' he said in an interview last year. 'It helps me sleep. I wake up with less stiffness, and it quiets my spasms all through the next day.' By sleeping off the psychoactive effects, he could report to work clear-headed the next day while the antispasmodic effects of the drug continued to calm his system. In 2010, Coats was selected for a random drug test. He came up positive for marijuana—as he told his boss he would—and was fired soon after for violating Dish's anti-drug policy." [Time, [6/15/15](#)]

#### 2015: Eid Wrote The Court's Decision To Affirm The Termination Of The Employee

**2015: The Colorado Supreme Court Upheld The Termination Of A Quadriplegic Employee For The Use Of Licensed Medical Marijuana.** According to Time, “In a decision released today, the Colorado Supreme Court found that Dish Network, the national satellite TV provider, did not act illegally when it fired Brandon Coats, a Denver-area call center rep, in 2010 after Coats tested positive for marijuana. Although Colorado law permits the use of medical marijuana, the court ruled that Dish was within its rights because pot remains illegal under federal law.” [Time, [6/15/15](#)]

**Eid Wrote The Court’s Decision To Affirm The Termination Of The Employee Because Medical Marijuana Remained Unlawful Under Federal Law.** According to the Supreme Court of the State of Colorado Opinion in “Coats v. Dish Network, LLC,” “JUSTICE EID, delivered the Opinion of the Court. [...] We granted certiorari and now affirm. The term ‘lawful’ as it is used in section 24-34-402.5 is not restricted in any way, and we decline to engraft a state law limitation onto the term. Therefore, an activity such as medical marijuana use that is unlawful under federal law is not a ‘lawful’ activity under section 24-34-402.5. Accordingly, we affirm the opinion of the court of appeals.” [2015 CO 44, “Coats v. Dish Network, LLC,” The Supreme Court of the State of Colorado, No. 13SC394, Filed [6/15/15](#)]