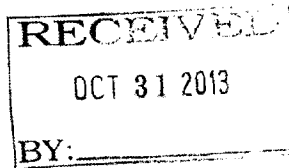




ROBERT T. JOHNSON



THE DISTRICT ATTORNEY
BRONX COUNTY

October 18, 2013

Héctor L. Delgado, Ph.D.
Executive Officer
The Society for the Study of Social Problems
901 McClung Tower
University of Tennessee
Knoxville, TN 37996-0490

Dear Dr. Delgado:

I received your letter of October 9, concerning your organization's resolution about the criminal consequences of possession when "... marijuana is 'open to public view' [w]hen someone complies with a police officer's directive to 'empty your pockets'...".

Please be advised that it has long been my policy in such situations not to charge the relevant criminal offense, criminal possession of marijuana in the fifth degree (NY Penal Law § 221.10 (1), a "class B misdemeanor.") Assuming that the stop and request is proper, we will decline to prosecute the case and instruct the officer to issue a summons for a violation of NY Penal Law § 221.05, a non-criminal violation punishable only by a fine.

I hope this addresses your concerns.

Very truly yours,