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The Public Prosecutor
Montagu Magistrate's Court
Montagu
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Dear Sir,

RE: *Acton vs. The State: Possession of dagga*

I understand from our discussion on 21 July 2011 that, in the charges against me for possession of dagga, the standard procedure for a lower court is to simply apply the law, and have me found guilty, and that an appeal process through to higher courts is the normal process which a defendant might follow to claim their rights or defend against charges brought against him.

I believe I have provided adequate argument, with ample substantiation, (and more is available) to show that the origin and application of the law against Cannabis in South Africa is based on racism and cultural bigotry, and that the global prohibition of Cannabis also exists for the protection of the market interests of certain corporations, and that our State mechanisms are used by these corporate interests to enforce these laws and to imprison harmless citizens for their use of a medically beneficial herb.

On the 17th March, as the leader of the Dagga Party of South Africa, and claiming membership of the Dagga Culture of South Africa, I stated in my plea statement, that

“The Constitution, in Section 167 (6), also states that National legislation or the rules of the Constitutional Court must allow a person, **when it is in the interests of justice** and with leave of the Constitutional Court-(a) to bring a matter directly to the Constitutional Court; or **(b) to appeal directly to the Constitutional Court from any other court.**”....

I respectfully ask this court to note the ‘political persecution’ plea, and to grant this citizen a fair hearing by referring the case directly to the Constitutional Court, as is my right, so that the law against Dagga can be fairly evaluated for the good of all citizens of South Africa.”

I understand that, at the level of a local Court, it is the task of a Prosecutor to prosecute or, at his discretion, to withdraw charges if necessary, according to a full understanding of the facts of a case, and seldom does the situation arise where a prosecutor might recommend that an issue be directly referred to the Constitutional Court.

The recent granting by the Pretoria High Court on Tuesday 19 July 2011 to the applicants Stobbs and Clarke of the right to bring an application to the Constitutional Court to challenge the constitutionality of the laws against dagga, is a timely precedent now established in our law, which

provides adequate legal precedent to allow the Montagu Magistrate's Court to make such a referral in my cases. I have clearly explained the unconstitutionality of the prohibition of dagga in my documentation.

In my defense, and for the rights of all those who are of my culture, the Dagga Culture of South Africa, and in view of the Stobbs and Clarke precedent, I respectfully ask your consideration that in the interests of Justice (and not only the application of the law as it stands), you might be able to consider recommending to the Magistrate that my case be referred to the Constitutional Court.

I presently withhold from attempting a similar High Court action to that made by Stobbs and Clarke, with the hope that it is not necessary, as I believe that the High Court precedent and my documented facts already presented combine to permit a recommendation for referral to the Constitutional Court as a reasonable decision on your part.

I also ask you to not withdraw the cases against me because, as you mentioned in our early morning discussion on 21 July 2011, this would rightly cause others to expect the same treatment, and thus the law would be effectively declared void at the level of a lower court, which is not permitted in terms of the Constitution, and without a necessary evaluation of the constitutionality of the law against dagga by the Constitutional Court.

As I also mentioned in my plea statement on the 17 March 2011,

“Any case that is withdrawn or dismissed by a court to prevent a defendant from achieving justified access to the Constitutional Court should also be considered to be against the interests of justice, especially when other citizens are suffering persecution because the application of the law against Dagga, (or any other unjust law), is allowed to continue.”

The past history of our entire nation has been drastically affected by the unjust prohibition against dagga and many hundreds of thousands of citizens have suffered from the application of this law. Cannabis is not a harmful drug. It is actually a most useful and water-efficient agricultural resource that can provide medicine, fibers, a carbon-neutral energy source, nutrition and oil, and it could boost employment and tourism.

I do not challenge the law against dagga to only defend my own rights. I must assure you here that the legalization of dagga could achieve great benefit to the wellbeing of the public, with an easily achieved minimization of any perceived harms that are presently expressed by those who do not yet see the benefits of the Cannabis plant for individuals and the national economy.

I therefore ask that you would recommend to the Magistrate of the Montagu Court that my case be referred to the Constitutional Court for the greater good of all citizens. I also ask that this matter could be resolved at the next hearing on 18 August 2011. Please feel free to contact me via email or by telephone before this time, should you wish to discuss this matter further with me prior to the next hearing.

This letter is also for the court record in relation to my cases.

Yours sincerely,

Jeremy Acton