

UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
Hearing

IN THE MATTER OF:	:	DEA Docket No.
	:	1362
Schedules of Controlled	:	
Substances: Proposed	:	Hearing Docket No:
Rescheduling of Marijuana	:	26-96
	:	

Friday,
July 10, 2026

700 Army Navy Drive
Arlington, Virginia 22202

The above-entitled matter came on for
hearing, pursuant to notice, at 9:00 a.m. EDT.

BEFORE:

THE HONORABLE DEREK C. JULIUS,
Chief Administrative Law Judge

1 APPEARANCES:

2 On Behalf of the Government:

3 JARRETT T. LONICH, ESQ.

4 DAVID C. MALEY, ESQ.

5 KAYLA L. KREINHEDER, ESQ

6 MACK J. SWAN, ESQ.

7 Office of Chief Counsel

8 Drug Enforcement Administration

9 8701 Morrisette Drive

10 Springfield, Virginia 22152

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13 On Behalf of the Tennessee Bureau of
14 Investigation:

15 REED N. SMITH, ESQ.

16 JACOB DURST, ESQ.

17 Assistant Attorney General

18 Office of the Tennessee Attorney Genera

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 On Behalf of Smart Approaches to Marijuana and
23 Opposed States:

24 JOHN M. MCNICHOLS, ESQ.

25 Torridon Law PLLC

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19 On Behalf of the States of Nebraska, Idaho,
20 and Indiana:

21 JOHN M. McNICHOLS, ESQ.

22 Torridon Law PLLC

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 APPEARANCES: (continued)
2 On Behalf of Dr. Kenneth Finn:

3 CONNOR MIGHELL, ESQ.

4 Burke Law Group, PLLC
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6 ALSO PRESENT:

7 GRAYSON E. PHILLIPS, ESQ., Law Clerk
8 AGENT DELANEY, TBI Representative
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1 P-R-O-C-E-E-D-I-N-G-S

2 (9:00 a.m.)

3 JUDGE JULIUS: Good morning, everyone.

4 Please be seated.

5 Welcome back after our recess day on
6 July 9. We are on the record. Today is Day 8 in
7 the matter of Schedules of Controlled Substances:
8 Proposed Rescheduling of Marijuana, Hearing
9 Docket 26-96, DEA Docket 1362.

10 Let me take our roll today. Mr. Lonich,
11 who is here on behalf of the Government today?

12 MR. LONICH: Yes, Mr. Honor. For the
13 Government, Jarrett Lonich, Kayla Kreinheder,
14 David Maley, and Mack Swan.

15 JUDGE JULIUS: Welcome, Counsel.

16 And on behalf of Smart Approaches to
17 Marijuana, who do we have today?

18 MR. McNICHOLS: Good morning, Your Honor.
19 John McNichols.

20 JUDGE JULIUS: Good morning,
21 Mr. McNichols.

22 On behalf of the opposed states.

23 MR. McNICHOLS: Also John McNichols, Your
24 Honor.

25 JUDGE JULIUS: Welcome again.

1 And on behalf of the Tennessee Bureau of
2 Investigation, who do we have?

3 MR. SMITH: Jacob Durst and Reed Smith
4 on behalf of the Tennessee Bureau of
5 Investigation, Your Honor.

6 JUDGE JULIUS: Welcome, Counsel.

7 MR. SMITH: And Agent Delaney is here as
8 a representative.

9 JUDGE JULIUS: Welcome, everyone.

10 And we also have a representative, I
11 believe, from Dr. Finn?

12 MR. MIGHELL: Yes, Your Honor.

13 JUDGE JULIUS: Yes.

14 MR. MIGHELL: Connor Mighell here on
15 behalf of Dr. Kenneth Finn.

16 JUDGE JULIUS: Excellent. Welcome back.
17 Do you have a procedural matter that you'd like
18 to address with the Court?

19 MR. MIGHELL: Yes, Your Honor, I do. May
20 I approach?

21 JUDGE JULIUS: Absolutely.

22 MR. MIGHELL: Your Honor, I'm here to
23 just clear up a quick procedural matter. We'd
24 like to move for Exhibit 125, which was used as a
25 demonstrative during Dr. Finn's testimony, to be

1 formally entered into evidence. Upon reviewing
2 the transcript and thinking back on the -- the
3 testimony, we realized that that had been
4 inadvertently omitted. We'd forgotten that. So
5 we laid the foundation for its submittal as a
6 demonstrative, and the witness used it to assist
7 him. And it was displayed, but we never formally
8 moved it in, so we would so move now.

9 JUDGE JULIUS: And that's 125?

10 MR. MIGHELL: Mm-hmm. Yes, Your Honor.

11 JUDGE JULIUS: Any objection to the
12 Government -- from the Government?

13 MR. LONICH: No, Your Honor.

14 JUDGE JULIUS: Dr. Finn Exhibit 125 will
15 be admitted.

16 (Whereupon, the above-referred
17 to document was received into
18 evidence as Dr. Finn Exhibit
19 No. 125.)

20 MR. MIGHELL: Thank you, Your Honor.

21 JUDGE JULIUS: And have we worked out
22 Exhibit 108 yet?

23 MR. MIGHELL: Yes, Your Honor. There
24 were elements of the table of contents that was
25 submitted that were inadvertently incorrect, the

1 breakneck piece -- pace at which we've been moving
2 to get everything together. We've corrected that.
3 We have circulated an updated table of contents to
4 all parties --

5 JUDGE JULIUS: Okay.

6 MR. MIGHELL: -- including this Court.

7 JUDGE JULIUS: And with -- the substance
8 of that, I believe, was listed as the prehearing
9 statement for ~~Civil~~CIVEL, which was a -- an
10 interested party in the prior hearing.

11 MR. MIGHELL: Mm-hmm.

12 JUDGE JULIUS: But the document in the
13 binder that we saw was the preliminary order from
14 Judge Mulrooney. Is the preliminary order from
15 Judge Mulrooney in that hearing the substantive
16 document that you're --

17 MR. MIGHELL: Yes, Your Honor.

18 JUDGE JULIUS: -- trying to admit?

19 And did the Government have any objection
20 to 108?

21 MS. KREINHEDER: No objection, Your
22 Honor.

23 JUDGE JULIUS: Okay. We'll admit 108.
24 We previously excluded it, thinking it -- from the
25 table of contents it was a duplicate of the --

1 MR. MIGHELL: Mm-hmm.

2 JUDGE JULIUS: -- ~~civil~~CIVEL prehearing
3 statement. So Dr. Finn 108 will now be admitted
4 with the understanding that it is Judge
5 Mulrooney's prehearing order or preliminary order
6 from the prior hearing. Okay?

7 (Whereupon, the above-referred
8 to document was received into
9 evidence as Dr. Finn Exhibit
10 No. 108.)

11 MR. MIGHELL: Thank you.

12 JUDGE JULIUS: Any other matters?

13 MR. MIGHELL: No, Your Honor.

14 JUDGE JULIUS: Okay. Thank you very
15 much, Counsel.

16 MR. MIGHELL: Thank you.

17 JUDGE JULIUS: Appreciate that.

18 Any other procedural matters from any
19 other counsel before we turn to TBI's opening
20 statements?

21 MR. LONICH: Nothing from the Government,
22 Your Honor.

23 MR. McNICHOLS: Not for us, Your Honor.

24 JUDGE JULIUS: Thank you, Counsel.

25 And that would mean not present today are

1 Phillip Drum, interested party; National Drug and
2 Alcohol Screening Association; and DUID Victim
3 Voices. Any Counsel here on behalf of those
4 interested parties?

5 (No response.)

6 JUDGE JULIUS: Okay. Thank you. Just
7 wanted to make sure the record was clear as to who
8 was here and not.

9 Mr. Smith, if you'd like to begin your
10 opening statement, feel free to do so.

11 MR. SMITH: Thank you, Your Honor. As
12 a -- as a quick preliminary matter, we'd just like
13 to formally move for TBI's Exhibits 1 through 33
14 to be admitted into the record. We've discussed
15 this with the Government. They have no
16 objections.

17 JUDGE JULIUS: Is that accurate?

18 MS. KREINHEDER: Correct, Your Honor.

19 JUDGE JULIUS: Very good. TBI Exhibits
20 1 through 33, did you say?

21 MR. SMITH: That's correct.

22 JUDGE JULIUS: Those will be admitted
23 without objection.

24 (Whereupon, the above-referred
25 to documents were marked as TBI

1 Exhibits Nos. 1 through 33 for
2 identification and were
3 received into evidence.)

4 MR. SMITH: Thank you, Your Honor.

5 JUDGE JULIUS: Yes.

6 MR. SMITH: Good morning, Your Honor.
7 The Tennessee Bureau of Investigation, which I
8 will refer to as TBI, is here to oppose the
9 proposed rule that would reschedule marijuana from
10 Schedule I to Schedule III of the Controlled
11 Substances Act. TBI is Tennessee's lead law
12 enforcement and investigation agency and has chief
13 jurisdiction in the state with respect to drug
14 enforcement.

15 TBI has devoted significant resources,
16 including thousands of manhours, to the
17 eradication of marijuana in the state. Not only
18 operating a drug investigation division which
19 seizes more marijuana than any other illicit drug,
20 it also manages the Governor's Task Force for
21 Marijuana Eradication, a multi-agency body that is
22 focused on eliminating marijuana in Tennessee.

23 Through these entities, TBI seizes
24 thousands of pounds of marijuana every year.
25 Because of these efforts, TBI has a very different

1 perspective on the safety of marijuana than HHS.
2 HHS looks at the studies of marijuana's effects.
3 TBI sees firsthand the impact that those effects
4 have in the real world.

5 HHS reviews data from surveys and
6 controlled environments. TBI sees the covert side
7 of marijuana that may not find its way into these
8 analyses. And there is, of course, a place for
9 studies and analyses. But such a view here,
10 divorced from firsthand experience, in TBI's view,
11 respectfully is incomplete. And TBI contends that
12 HHS's recommendation does not fully capture the
13 significance or magnitude of marijuana abuse.

14 HHS does not have to confront the
15 criminal organizations that use marijuana money to
16 fund their criminal activities, including
17 trafficking in meth and fentanyl. TBI, not HHS,
18 has to investigate when a school boy is knocked
19 out instantly because he's hit a vape that tested
20 at 99 percent delta-9 THC.

21 So today the Court will hear from TBI's
22 Assistant Special -- sorry, TBI's Assistant
23 Special Agent in Charge, Erica Stephens. Agent
24 Stephens helps to lead TBI's Dangerous Drugs Task
25 Force. She has 15 years' experience with the TBI

1 and closeup experience with marijuana. For years,
2 she served as a forensic scientist for TBI, where
3 she would inspect marijuana samples sent to TBI
4 labs.

5 She would later move criminal
6 enforcement -- she would later move to criminal
7 enforcement, where she worked with TBI's Drug
8 Investigation Division and would serve as the team
9 lead for the Tennessee Governor's Task Force for
10 Marijuana Eradication.

11 She's seen up close the dangers of
12 marijuana abuse. She has the in-the-field
13 experience with respect to marijuana that HHS does
14 not, but also the training and education to
15 understand the chemical makeup of marijuana and
16 the multiple compounds in it, not just delta-9
17 THC, that are -- make dangerous -- that make
18 marijuana dangerous and worthy of Schedule I
19 classification.

20 Agent Stephens will testify about how
21 marijuana is by far the most diverted illicit drug
22 in Tennessee. Whereas Dr. Chiapperino testified
23 that HHS took the unusual step of comparing
24 alcohol, an uncontrolled substance, to marijuana
25 in consideration of marijuana's legality in many

1 states, he acknowledged that HHS did not look into
2 the diversion of state-licensed marijuana.

3 Agent Stephens will testify about the
4 issues Tennessee faces due to this diversion of
5 state-licensed marijuana.

6 Tennessee does not recognize non-hemp
7 marijuana as legal for any purpose, including
8 medical or recreational purposes, but marijuana
9 abuse is -- still far outpaces the abuse of other
10 illicit drugs in Tennessee. TBI intercepts
11 thousands of pounds of marijuana every year, most
12 of which comes from states that have been
13 deregulated on a state level. And Tennessee is
14 not alone. The DEA's most recent National Drug
15 Threat Assessment has said that cannabis growers
16 in states where cultivation is legal are the main
17 suppliers of illicit marijuana markets in the rest
18 of the United States.

19 In addition, TBI has to contend with hemp
20 farms because of the 2018 Farm Bill, where growers
21 can grow illicit cannabis under the guise of legal
22 hemp.

23 TBI knows that marijuana is being
24 diverted at high levels. DEA has published
25 documents showing that marijuana is being diverted

1 at high levels, and HHS acknowledges that it did
2 not look into this diversion of state-licensed
3 marijuana, even though it considered the
4 state-level legality of marijuana for other
5 purposes.

6 Agent Stephens will also testify about
7 how marijuana diversion is controlled by criminal
8 organizations. She will discuss how criminal
9 organizations are not only able to grow marijuana
10 at higher potencies and greater scale than
11 individual operators, but also bring with them
12 other drugs and violent crime. These marijuana
13 sales help fund numerous other criminal
14 activities, and TBI regularly finds other
15 dangerous drugs and firearms when it seizes
16 marijuana.

17 Marijuana is by far, in Tennessee, the
18 most associated drug with violent crimes year in
19 and year out. But HHS did not consider how
20 marijuana-related crime impacts the public health
21 when it recommended rescheduling marijuana.

22 Similarly, marijuana threatens the
23 public outside of its connection to organized
24 crime. For example, Agent Stephens will testify
25 about how marijuana is exceptionally deadly on the

1 roads. In Tennessee, over the past three years,
2 over 10 percent of all fatal traffic crashes
3 in -- have been attributed to marijuana abuse.
4 Agent Stephens, in -- or, sorry.

5 The data shows that marijuana crashes are
6 fatal far more often than standard traffic
7 accidents. In Tennessee, for instance, well under
8 1 percent of all traffic crashes are fatal, but
9 that number increases to well over one-third -- an
10 increase of 33 -- an increase of 33-fold -- more
11 than 33-fold -- when marijuana is involved.
12 Although the HHS recommendation examines the
13 prevalence of driving under the influence of
14 marijuana, it ignores fatalities associated with
15 driving the -- under the influence of marijuana.

16 Agent Stephens will also testify to
17 marijuana's impact on children. Children are
18 increasingly exposed to forms of marijuana, and we
19 include in that delta-8 THC, which is a form of
20 cannabis. She will testify that marijuana
21 products high in delta-8 THC, as opposed to
22 delta-9 THC, are becoming popular due to a lack
23 of regulation.

24 Additionally, these delta-8 products are
25 notorious for mislabeling and adulteration and are

1 often marketed towards children, leading to
2 numerous calls to poison control centers. HHS
3 acknowledges it did not pay any special attention
4 to delta-8 strains. It just studied marijuana
5 generally, while the FDA has put out warnings
6 regarding delta-8's health effects, noting
7 especially that children have had adverse effects,
8 including at least one death from exposure to
9 delta-8.

10 Worryingly, the -- the data also shows
11 that these -- these exposures are not just
12 inadvertent. For example, NIDA recognized
13 recently that around 11 percent of twelfth graders
14 had testified to using delta-8 in the past year.
15 Again, these considerations are largely known to
16 the DEA and were available to HHS. But HHS,
17 without having the real-world experience with
18 marijuana to consider these issues, failed to
19 address them in its rescheduling recommendation.

20 These issues could all be, and should be,
21 considered under the required eight-factor
22 analysis, but they weren't. And because they
23 weren't, the Court should hold that HHS, and in
24 turn DEA, have not met their burden to establish
25 that marijuana should be rescheduled to

1 Schedule III under the Controlled Substances Act.

2 JUDGE JULIUS: Thank you, Counsel.

3 MR. SMITH: Thank you, Your Honor.

4 JUDGE JULIUS: Before you call Agent
5 Stephens, I just wanted to clarify for the record
6 I think -- is Agent Stephens your only witness
7 that you'll be calling today?

8 MR. SMITH: That is correct, Your Honor.

9 JUDGE JULIUS: Okay. I think in our
10 scheduling order, we had mistakenly believed that
11 TBI would have two witnesses. So just to correct
12 that scheduling error, you'll have your one
13 witness. You have four hours with her if -- should
14 you need it, as opposed to the two if you had had
15 two witnesses.

16 MR. SMITH: That's correct, Your Honor,
17 and I had raised that issue on -- on the first
18 day, if it --

19 JUDGE JULIUS: Yeah. Just wanted to make
20 sure that today's record was clear, and we'll --

21 MR. SMITH: Okay.

22 JUDGE JULIUS: -- we'll amend that and
23 make sure everyone's on the same page.

24 MR. SMITH: Thank you, Your Honor.

25 JUDGE JULIUS: Thank you, Counsel. If

1 you're ready, go ahead and call Agent Stephens.

2 MR. DURST: Excuse me, Your Honor. Jacob
3 Durst on behalf of the Tennessee Bureau of
4 Investigation, or TBI. Agent Stephens is in the
5 counsel room. What is -- I can go get her if
6 that's easiest or?

7 JUDGE JULIUS: Yeah. That's fine.

8 MR. DURST: Okay. Should we --

9 JUDGE JULIUS: Just make sure to go out
10 the back.

11 MR. DURST: Yeah.

12 JUDGE JULIUS: The side doors will alarm
13 if anyone goes out them.

14 MR. DURST: If you'd just excuse me for
15 a moment, Your Honor.

16 JUDGE JULIUS: Absolutely.

17 (Pause.)

18 JUDGE JULIUS: Good morning, ma'am.

19 MS. STEPHENS: Good morning.

20 JUDGE JULIUS: If you could just come
21 around into the witness stand. And before you're
22 seated, if I could just get you to raise your right
23 hand if you're able.

24 WHEREUPON,

25 ERICA STEPHENS

1 was called as a witness by Counsel for the
2 Tennessee Bureau of Investigation, and having been
3 first duly sworn, assumed the witness stand, was
4 examined, and testified as follows:

5 JUDGE JULIUS: Thank you very much. You
6 may have a seat.

7 THE WITNESS: Thank you.

8 JUDGE JULIUS: Before we commence with
9 questioning, I'll just give you a few brief
10 instructions about the process of testifying to
11 make sure our record is clear. Please wait until
12 the entire question is asked before you begin your
13 answer. Please pause for just a second before
14 beginning your answer to see if the question draws
15 an objection. If you hear the word "objection,"
16 just sit tight. I'll address the objection, and
17 then I'll instruct you whether you should answer
18 or not.

19 If at any time you get a question you
20 don't understand, please just state that you don't
21 understand the question, and then it'll be
22 rephrased in a way that you can understand. If
23 you answer a question without saying you don't
24 understand it, we will assume that you understood
25 the question. Does that make sense?

1 THE WITNESS: It does.

2 JUDGE JULIUS: All right. Thank you very
3 much. Counsel, whenever you're ready.

4 MR. DURST: Thank you, Your Honor. One
5 quick procedural matter before we begin. We plan
6 to reference several of the exhibits TBI has
7 submitted. I can either bring those up as we plan
8 to do that, or we have binders that Agent Stephens
9 can reference, whatever you would prefer.

10 JUDGE JULIUS: I don't have a particular
11 preference. I think counsel had been doing either
12 one. As long as the witness isn't looking at any
13 document until she's instructed, does the
14 Government have any objection to her having a
15 binder just for convenience?

16 MS. KREINHEDER: No preference. No, no
17 objection.

18 JUDGE JULIUS: Okay. Thank you.

19 If you'd like to hand her a binder that
20 she can just flip through when instructed, that's
21 fine with the Court.

22 MR. DURST: Thank you, Your Honor.

23 JUDGE JULIUS: Or two binders, as the
24 case apparently is.

25 MR. DURST: Thank you, Your Honor.

1 THE WITNESS: Thank you.

2 DIRECT EXAMINATION

3 BY MR. DURST:

4 Q Agent Stephens, thank you for being here
5 today.

6 A Thank you for having me.

7 Q Can you state your full name for the
8 record, please?

9 A Yes. Erica, E-R-I-C-A, Stephens,
10 S-T-E-P-H-E-N-S.

11 Q And, Agent Stephens, what do you do for
12 a living?

13 A I am the Assistant Special Agent in
14 Charge of the Tennessee Bureau of Investigation's
15 Tennessee Dangerous Drugs Task Force.

16 Q What is the Tennessee Bureau of
17 Investigation?

18 A The Tennessee Bureau of Investigation is
19 Tennessee's chief law enforcement agency
20 responsible for investigating criminal activity
21 and ensuring the welfare and safety of
22 Tennesseans.

23 Q Is the Tennessee Bureau of Investigation
24 commonly referred to as TBI?

25 A Yes.

1 Q How long have you been with TBI?

2 A Almost 15 years now.

3 Q And you are speaking here today on behalf
4 of TBI?

5 A Yes.

6 Q Can you describe the mission of the
7 Dangerous Drugs Task Force within TBI?

8 A Yeah. Our mission is to reduce the
9 availability and use of dangerous scheduled drugs
10 in the state of Tennessee through a combination of
11 enforcement and education efforts for not only law
12 enforcement officers within the state but also the
13 public.

14 Q And how does the Dangerous Drugs Task
15 Force fulfill its mission?

16 A Through gathering and disseminating
17 intelligence information through our intelligence
18 database that we manage at the Dangerous Drugs
19 Task Force, through providing support to local law
20 enforcement agencies, through education,
21 training, providing equipment and access to
22 forensic testing, and then also through providing
23 education, again, to not only law enforcement
24 officers within the state but also the public.

25 Q What drugs fall under the jurisdiction

1 of the task force?

2 A Any schedule or drug -- any scheduled or
3 banned drug within the state of Tennessee to
4 include methamphetamine, heroin, fentanyl,
5 cocaine, and marijuana.

6 Q I'd like to talk a little bit about your
7 training and experience. Do you have Tennessee
8 Bureau of Investigation Exhibit 1 in that binder?

9 A Yes.

10 Q Do you recognize Exhibit 1?

11 A Yes.

12 Q What is it?

13 A My CV.

14 Q Does it accurately describe your
15 training, education, and experience?

16 A Yes.

17 Q What are your responsibilities as
18 Assistant Special Agent in Charge of the Tennessee
19 Dangerous Drugs Task Force?

20 A I am responsible for assisting the
21 operation of the -- the Dangerous Drugs Task Force
22 through implementation of special statewide
23 programs that provide education, and then also the
24 management of our intelligence database, also
25 known as DI-3. I also assist with the preparation

1 and delivery of briefings for government officials
2 regarding drugs, drug trends, and the distribution
3 of narcotics.

4 Q In your role, do you have insight into
5 all of TBI's actions regarding drug enforcement?

6 A Yes.

7 Q And how long have you been in that role?

8 A Since March of this year

9 Q What kind of training and experience did
10 you have prior to taking that role?

11 A I have completed both TBI's required
12 training for special agent forensic scientists as
13 well as special agent criminal investigators.
14 That training included attending DEA's Forensic
15 Chemist Seminar as well as obtaining my illicit
16 drug processing and Level A certifications.

17 Q Does this role require you to stay
18 informed on trends in drug abuse and drug
19 trafficking?

20 A Yes.

21 Q How do you stay informed on those trends?

22 A Through working closely with other law
23 enforcement agencies both federally and at
24 the -- the state level, through review of journal
25 articles -- news articles related to drugs, drug

1 trends, drug trafficking, and then also review of
2 the information that we gather through our
3 intelligence database.

4 Q What about trends regarding marijuana
5 processing?

6 A I also have to stay up to date with
7 trends regarding processing in -- in order to
8 effectively oversee our Governor's Task Force on
9 Marijuana Eradication efforts as well as our
10 hazardous chemical handling and disposal program.

11 Q And you just mentioned the GT or the
12 Governor's Task Force. Is that commonly referred
13 to as GTFME?

14 A Yes.

15 Q What was your role with TBI prior to
16 becoming Assistant Special Agent in Charge?

17 A I was a special agent criminal
18 investigator assigned to our Middle Drug
19 Investigation Division.

20 Q And can you describe your
21 responsibilities in that role?

22 A I was responsible for conducting criminal
23 ~~investigations~~ activity related to drug trafficking.

24 Q And how long were you in that role?

25 A Since 2021.

1 Q So that would be from 2021 to 2026?

2 A Yes.

3 Q What did that involve? What did that
4 role involve?

5 A I was responsible for conducting
6 criminal investigations regarding drug -- drug
7 trafficking. During my time, I was also assigned
8 as the team leader for the middle team of our
9 Governor's Task Force on Marijuana Eradication.
10 Additionally, during that time, I served almost
11 two years as a task force officer with the DEA.

12 Q And what -- or, excuse me. What drugs
13 were within the jurisdiction of your tenure at
14 DID?

15 A The same drugs as the task force. Any
16 drug that's scheduled or banned within the state
17 of Tennessee.

18 Q Including marijuana?

19 A Yes.

20 Q You mentioned this Governor's Task
21 Force, or GTFME. What is that?

22 A It is an interagency initiative whose
23 mission is to locate and eradicate marijuana
24 that's being domestically grown within the state
25 of Tennessee.

1 Q Does that also include marijuana that is
2 trafficked into the state of Tennessee?

3 A Yes.

4 Q What did your role with GTFME entail?

5 A As the team leader, I was responsible for
6 gathering intelligence information about possible
7 illicit grows and then coordinating with our law
8 enforcement partners that include local law -- law
9 enforcement agencies, DEA, the Tennessee Highway
10 Patrol, and the Tennessee National Guard
11 Counterdrug Task Force on enforcement and
12 eradication efforts.

13 Q What was your role at TBI prior to your
14 participation or inclusion in DID?

15 A I was a special agent criminal
16 investigator assigned to our Upper East Criminal
17 Investigation Division.

18 Q And how long were you in the Criminal
19 Investigation Division?

20 A From 2018 to 2021.

21 Q And what were your duties at CID?

22 A To conduct criminal investigations upon
23 the request of the District Attorney General's
24 office.

25 Q What types of crimes did you investigate?

1 A All different kinds of crimes. Anything
2 that doesn't fall, like, specifically under the
3 jurisdiction of some of our other investigative
4 divisions, so homicide, officer uses of force,
5 theft, missing persons, public corruption, a
6 number of -- of crimes.

7 Q And before that, you were detailed with
8 TBI's Forensics Unit?

9 A Yes.

10 Q How long were you with the Forensics
11 Unit?

12 A From 2011 to 2018.

13 Q And can you describe your role at the
14 Forensics Unit?

15 A I started in 2011 as a forensic
16 technician assigned to the Evidence Receiving Unit
17 in the Knoxville Crime Laboratory. In 2012, I was
18 promoted to special agent forensic scientist
19 assigned to our Forensic Chemistry Unit, also in
20 the -- the Knoxville Crime Laboratory.

21 Q And how many of those years at the
22 Forensics Unit did you work on drug
23 investigations?

24 A During my time as a forensic chemist, so
25 from 2012 to 2018.

1 Q Does your work in forensics and drug
2 enforcement require you to be familiar with the
3 chemistry of controlled substances?

4 A Yes.

5 Q Did it require you to be familiar with
6 the chemistry of marijuana?

7 A Yes.

8 Q Did you receive training in identifying
9 and understanding chemical composition of
10 narcotics?

11 A Yes.

12 Q Can you describe that training?

13 A I successfully completed TBI's required
14 training for special agent forensic scientists.
15 That included supervised casework under a
16 court-qualified chemist, as well as giving
17 presentations on the operation and maintenance of
18 the instrumentation that we use for forensic
19 analysis, you know, as -- and then also the review
20 of scientific journal articles related to drugs
21 and the forensic analysis of drugs to include
22 marijuana.

23 Q While you were doing drug forensic work
24 with TBI, did you receive any special recognitions
25 or awards?

1 A Yes.

2 Q What recognitions or awards did you
3 receive?

4 A In 2017, I received an Employee of the
5 Year award.

6 Q And what does that award signify?

7 A That award was in recognition for not
8 only the quantity but quality of casework that I
9 was able to produce, as well as taking on
10 collateral duties like becoming a training agent
11 for new forensic scientists.

12 Q Prior to your forensics work, did you
13 have any training in chemistry?

14 A Yes.

15 Q What training?

16 A I have a bachelor's of science degree in
17 chemistry with an American Chemical Society
18 certification from Tennessee Tech University.

19 Q Is it fair to say that you have
20 significant firsthand knowledge about criminal
21 drug enforcement and trafficking?

22 A Yes.

23 Q Is it fair to say that you have
24 significant firsthand knowledge about the effects
25 of scheduled drugs on Tennessee?

1 A Yes.

2 Q In your role with TBI, what experiences
3 particularly have you had with marijuana?

4 A I've had experience with the forensic
5 analysis and identification of marijuana, as well
6 as investigative experience into the distribution
7 of marijuana and the criminal activity that's
8 associated with the distribution of marijuana.
9 Additionally, I have experience with our
10 eradication efforts as part of the Governor's Task
11 Force for Marijuana Eradication.

12 Q In your role with TBI, have you ever
13 served as an expert witness?

14 A Yes.

15 Q Thank you. Agent Stephens, are you aware
16 that the Attorney General has proposed
17 rescheduling marijuana to Schedule III under the
18 Controlled Substances Act?

19 A Yes.

20 Q What is the legal status of marijuana in
21 Tennessee?

22 A Any marijuana that doesn't meet the
23 statutory definition of hemp is illegal in the
24 state of Tennessee.

25 Q And what is hemp defined as in Tennessee?

1 A Hemp is defined as the cannabis plant
2 containing no more than 0.3 delta-9 THC.

3 Q And what is marijuana defined as?

4 A The cannabis plant containing more than
5 0.3 percent delta-9 THC.

6 Q Does the state of Tennessee regulate any
7 other aspect of hemp-based cannabinoids?

8 A Currently, as of July 1st of this year,
9 there have been new regulations focused on other
10 cannabinoids found in the marijuana plant to
11 include delta-8 and delta-10 THC.

12 Q And those statutes and regulations are
13 meant to address how these products are sold in
14 the marketplace?

15 A Yes.

16 Q And, federally, what is hemp defined as?

17 A The same as the state of Tennessee. The
18 cannabis plant containing no more than 0.3 percent
19 delta-9 THC.

20 Q And are there upcoming changes to federal
21 law?

22 A Yes.

23 Q Can you describe those changes?

24 A It's set to go into effect in November
25 that the definition of hemp will move from just

1 focusing on delta-9 THC to a total THC.

2 Q Has TBI taken a position on whether
3 marijuana should be federally reclassified?

4 A Yes.

5 Q What is that position?

6 A TBI opposes the rescheduling of
7 marijuana.

8 Q Agent Stephens, I'd like to ask you to
9 flip to Exhibit 2 in your binder. What is that
10 exhibit?

11 A It is TBI's comment letter opposing the
12 rescheduling of marijuana.

13 Q And are you familiar with that exhibit?

14 A Yes.

15 Q Why does TBI oppose rescheduling
16 marijuana?

17 A Marijuana is a dangerous drug whose use
18 poses significant threat to the public and whose
19 cultivation poses a significant threat to the
20 environment. Additionally, marijuana is strongly
21 connected to crime, to include violent crime, and
22 the deregulation of marijuana would increase its
23 availability, decrease regulation, and make
24 enforcement efforts regarding criminal activity
25 surrounding marijuana more difficult.

1 Q Does marijuana rescheduling have any
2 direct effect on TBI's operations?

3 A Yes.

4 Q What is that impact?

5 A Rescheduling of marijuana would require
6 TBI to spend even more resources not only on the
7 regulation enforcement efforts surrounding
8 marijuana use but also on the mitigation of the
9 negative effects of its use.

10 Q Does TBI invest a significant amount of
11 manhours in marijuana enforcement and eradication?

12 A Yes. In 2025, for example, during our
13 GTFME or Governor's Task Force on Marijuana
14 Eradication efforts, which runs from June to
15 approximately September, we spent approximately
16 ~~342900~~ manhours on eradication efforts and
17 760 manhours on presumptive field testing efforts.

18 Q Does that include TBI's enforcement
19 efforts aside from GTFME work?

20 A No.

21 Q So the real number of manhours is much higher.

22
23 A Yes.

24 Q Is that amount of time typical for a
25 given year?

1 A Yeah. In 2024, we spent approximately,
2 I believe it was, 2900 manhours on enforcement
3 efforts -- or, I'm -- excuse me, 3400 manhours on
4 enforcement efforts, and then 590, approximately
5 590, effort -- manhours on presumptive testing
6 efforts.

7 Q And what type of work is reflected in
8 those manhour calculations?

9 A Those manhours reflect the time spent,
10 again, during our GTFME season on eradication
11 efforts, as well as investigating, you know,
12 criminal activity and interception of marijuana
13 being brought into the state of Tennessee.

14 More importantly, what those manhours do
15 not represent is the time spent by TBI outside of
16 the Governor's Task Force season, and then also it
17 does not represent the time spent by the TBI crime
18 laboratories on confirmatory testing for
19 marijuana.

20 Q So I'm glad you mentioned forensic
21 testing. Does TBI conduct forensic testing on
22 marijuana?

23 A Yes.

24 Q How much marijuana does TBI test? Is it
25 a large amount, a small amount?

1 A Relatively speaking, marijuana
2 historically has been the number one drug tested
3 by TBI crime laboratories. In recent years,
4 methamphetamine has moved up into that number one
5 spot, but marijuana remains number two.

6 Q And why did marijuana drop from the
7 number one to number two spot?

8 A There's a couple of different reasons.
9 One is the availability of presumptive field
10 testing technology that the Dangerous Drugs Task
11 Force has invested in. Another is with the -- now
12 Tennessee allowing, you know, growers to get
13 licensed and grow hemp, we had to differentiate
14 between marijuana and hemp. That analysis
15 requires a quantification of the delta-9 THC
16 content, and that analysis is lengthy, and you
17 simply just can't test as many samples in any given
18 amount of time.

19 Q Can you differentiate between
20 presumptive field testing and confirmatory
21 testing?

22 A Presumptive -- presumptive testing in
23 general is like a screening test. Most people, when
24 you talk about presumptive testing, are looking at
25 or think about chemical color tests. It gives you

1 an idea of the drug or the class of drug that you
2 might be dealing with.

3 With the presumptive testing that we use
4 for marijuana, however, it is a little bit
5 more -- well, much more sophisticated than that,
6 and we use what is called the LightLab technology.
7 The LightLab technology is actually half of the
8 same technology that they use in the crime lab to
9 confirm the identity of marijuana.

10 What it doesn't provide is chemical
11 structural information. So, essentially, it
12 doesn't provide a chemical fingerprint for
13 individual components, and, therefore, is not
14 considered confirmatory. I would liken it to, for
15 lack of a -- of a better example, if you had a
16 margarita, for example, our LightLab would tell
17 you: a) that it's a margarita and a -- there's
18 tequila in there.

19 Our lab would be able to tell you, okay,
20 yes, it's also a margarita, but you have, you know,
21 precisely two shots of this specific brand of
22 tequila and two ounces of lime juice.

23 Q In that second example, that's the
24 confirmatory testing tells you six ounces of lime
25 juice and two shots of tequila?

1 A Yes.

2 Q Okay. And how does the accuracy of
3 presumptive testing compare with that of
4 confirmatory testing?

5 A The LightLab technology is considered
6 accurate and is actually used by both law
7 enforcement and individuals within the -- the
8 marijuana industry for testing of products.

9 Q So it's accurate.

10 A Yes.

11 Q I'd now like to turn to the subject of
12 this hearing: marijuana status under the
13 Controlled Substances Act. Starting with
14 factor 1, marijuana's potential for abuse. What
15 does marijuana abuse mean in this context?

16 A When determining the potential for abuse
17 of any given drug, HHS looks at a couple of
18 different factors. One of those factors is
19 being -- is looking at how detrimental the use of
20 that drug is not only to the individual but the
21 community. Another factor is determining whether
22 the use of that drug is self-initiated or done
23 under the guidance of a doctor.

24 Q Is there any legal use of marijuana in
25 Tennessee?

1 A No.

2 Q What about medical marijuana?

3 A The state of Tennessee doesn't recognize
4 medical marijuana. Additionally, the state of
5 Tennessee doesn't recognize prescriptions for
6 medical marijuana from out of state as valid.

7 Q So no one can use marijuana under medical
8 guidance in Tennessee?

9 A No.

10 Q And why does TBI spend so many resources
11 trying to eradicate marijuana in Tennessee?

12 A Marijuana use and abuse is not only a
13 prevalent problem within the state of Tennessee,
14 it's also been a consistent problem within the
15 state and is closely tied to several adverse
16 effects, including its correlation with criminal
17 activity.

18 Q How prevalent is marijuana use today?

19 A It's extremely prevalent. Both DEA and
20 HHS agree that marijuana use -- or marijuana is
21 the number one illicit substance used in the
22 United States.

23 Q Does TBI's experience align with HHS's
24 and DEA's views on the scope of marijuana use?

25 A Yes.

1 Q What evidence supports that alignment?

2 A Marijuana is consistently the number one
3 drug seized by TBI annually, and then it's also
4 consistently the number one or number two drug
5 that is tested by our forensic crime laboratories.

6 Q You said earlier that marijuana is a
7 consistent problem. What do you mean by that?

8 A We have data that we've collected through
9 what we call our Tennessee Incident Based
10 Reporting System. It's also known as TIBRS. In
11 that, we have data going back as far as 2016 that
12 indicates that marijuana is the number one drug
13 associated with all criminal activity to include
14 crimes against persons.

15 Q Are there any trends in the use of
16 marijuana -- use and abuse, I should say, that are
17 particularly concerning to TBI?

18 A Yes. We've seen an -- an increase in use
19 of marijuana and/or THC products in all age groups
20 in the state of Tennessee. So everyone from
21 school-aged children to young adults and
22 middle-aged adults as well.

23 Q I want to particularly talk about
24 school-aged children or people younger than 18.
25 What signs are there that marijuana abuse is

1 growing or high in that group?

2 A Through our partnerships with
3 administrators within the school system of -- of
4 the state of Tennessee, we have reports of just
5 an increase in especially vaping of THC products.
6 We've also seen an increase in the number of
7 non-fatal overdoses related to THC exposure.

8 One example relatively recently is there
9 was a teenager on a school bus that after taking
10 two hits off a THC vape almost immediately passed
11 out, overdosed, and required hospitalization. The
12 Dangerous Drugs Task Force tested that vape
13 cartridge, and we determined that it contains
14 99.9 percent delta-9 THC.

15 Additionally, we've seen both at the
16 national and state levels an increase in the
17 number of calls to poison control centers
18 regarding -- or as a result of THC exposure.

19 Q And are there any products that kids are
20 especially susceptible to?

21 A Yes. Kids are especially susceptible to,
22 I would say, the -- the THC vaping products and
23 then also the THC edible products.

24 Q Why are so many kids being exposed to
25 edibles in particular?

1 A The edible products that we see and that
2 are widely available in almost any gas station or
3 corner store are often packaged in a way that look
4 very similar to traditional candy, snacks,
5 cookies, chips, cereal. That would be items that
6 would be traditionally marketed towards children.
7 So we see things that look very similar to like
8 Warheads candy packaging or Chips Ahoy packaging
9 or Cheetos packaging, just for a few examples.

10 Q Agent Stephens, I'd like you to flip to
11 Exhibit 11 in your binder, particularly page 58 as
12 marked by the yellow numbers -- or, excuse me, not
13 the yellow numbers, the black numbers. If you can
14 let me know when you're there.

15 JUDGE JULIUS: I'm sorry, Counsel. Could
16 you repeat? The -- the black numbers or the yellow
17 numbers?

18 MR. DURST: The black numbers, Your
19 Honor.

20 JUDGE JULIUS: Thank you.

21 MR. DURST: The yellow numbers, I think,
22 are endemic to the NDTA, and then we numbered over
23 those.

24 THE WITNESS: I'm there.

25 BY MR. DURST:

1 Q You're there? What is the -- can you
2 describe the two products that are visible in
3 those images?

4 A These are examples of THC-infused edible
5 products that are packaged to resemble legitimate
6 snack packaging. One resembles a Chips Ahoy
7 package. The other one resembles a Cheetos bag.

8 Q Would you be able to tell the difference
9 between, say, the Cheetos bag, a normal Cheetos
10 snack-sized bag in that picture?

11 A In this picture, the -- there are very
12 few differences that I can see. This is a -- a
13 very -- a very good duplication of their -- of
14 their products. Maybe upon close inspection you
15 could tell the difference, but it would require
16 close inspection.

17 Q Thank you. I want to shift gears a
18 little bit. Do some states allow marijuana to be
19 grown legally?

20 A Yes.

21 Q Does marijuana from those other states
22 sometimes make its way to Tennessee, where it is
23 not legal to grow marijuana?

24 A Yes.

25 Q Does a large volume of marijuana find its

1 way into Tennessee from states that license it?

2 A Yes. TBI, in conjunction with our just
3 normal investigative business, as well as our
4 Governor's Task Force on Marijuana Eradication
5 efforts, seize and/or destroy tens of thousands of
6 pounds of marijuana every year. Some of it has
7 been, you know, grown in the state of Tennessee,
8 but a large portion of it has been interdicted
9 from packages shipped from other states to
10 Tennessee.

11 Q And does TBI seize or destroy thousands
12 of pounds every year?

13 A Yes.

14 Q How does TBI track the amount of
15 marijuana it seizes?

16 A Through our internal intelligence
17 database that's managed by the Dangerous Drugs
18 Task Force called DI-3. Also, TBI as a whole keeps
19 tracks of drugs that are seized from the Drug
20 Investigation Division.

21 Q Does TBI publish data regarding seizures
22 of marijuana?

23 A Yes.

24 Q Where does it publish that data?

25 A TBI publishes an annual report, and then

1 the Dangerous Drugs Task Force also publishes an
2 annual report outlining the Governor's Task Force
3 on Marijuana Eradication efforts.

4 Q And are some of those reports included
5 as exhibits for this proceeding?

6 A Yes.

7 Q Would those be from Exhibits 5 through
8 18?

9 A Yes.

10 Q Thank you. How does the deregulation of
11 marijuana impact TBI's work with respect to the
12 drug?

13 A Deregulation would require TBI spend
14 even more resources than we already do on
15 investigative efforts, enforcement efforts, and
16 then also efforts to mitigate the adverse effects
17 of marijuana use within the community.

18 Q And is that process known as diversion?

19 A Diversion is deregulation. Let me step
20 back if -- if I may. Deregulation would also
21 increase the number of available channels for
22 individuals and drug trafficking organizations to
23 divert marijuana from legitimate sources into the
24 state of Tennessee in -- in a process known as
25 diversion. So, yes, deregulation would also

1 contribute to diversion of marijuana.

2 Q Thank you. What types of diversion has
3 TBI witnessed in its drug enforcement efforts?

4 A We've witnessed a couple different types
5 of diversion. One is from marijuana that is grown
6 in a state that is licensed to do so legally. That
7 is grown in that state and then illegally shipped
8 in and distributed in the state of Tennessee.
9 We've also experienced diversion from
10 state-licensed hemp growers as well.

11 Q Can you explain that a little bit more?
12 Let's start particularly with marijuana imports
13 from other states.

14 A So individuals or drug trafficking
15 organizations may set up in a state that's
16 licensed to grow marijuana and then ship their
17 finished product, whether it is plant material or
18 THC products, into the state of Tennessee for
19 distribution.

20 Q So, basically, they ship marijuana from
21 states where it's legal or you can license to grow
22 into Tennessee where it's not.

23 A Yes.

24 Q And how does marijuana find its way from
25 states that license it to Tennessee?

1 A Any way that you can move things, so
2 cars, trucks, other vehicles by way of the
3 interstate system. And then we also see a
4 significant amount of marijuana being brought into
5 the state through the mail, so USPS and then also
6 private freight and shipping companies as well.

7 Q Can you give some examples of that
8 phenomenon?

9 A Just this last June, I believe -- I
10 believe it was the -- the first week of June, we
11 actually seized an approximately 7,000 pound
12 pallet of THC products that was being shipped from
13 California to Tennessee under the guise of being
14 auto parts.

15 Q So it was designated as auto parts, and
16 it said it was THC products.

17 A Yes.

18 Q How do you know that marijuana was grown
19 in a state that licenses it rather than a foreign
20 country?

21 A There's a couple of different indicators
22 as to the origin of the marijuana or THC products.
23 One of those is the tracking information. If it's
24 being shipped, will give you a point of origin.
25 Another is the packaging that they use for the

1 marijuana or THC products. And then also -- the
2 condition of the plant material is also a -- an
3 indicator as to where it may have originated.

4 Q And you mentioned earlier that these
5 shipments often contain some form of
6 documentation. Does that documentation frequently
7 or often accurately reflect the contents of a
8 given shipment?

9 A No. As with the pallet that we seized
10 back in June, the bill of lading indicated that
11 it was auto parts when it was not. Additionally,
12 we often see with marijuana and THC products that
13 are being shipped in from other states accompanied
14 by like a certified lab analysis. And that
15 analysis paperwork indicates that the products
16 contain ~~illegal~~ levels of delta-9 THC.

17 And very often when the Dangerous Drugs
18 Task Force or the TBI Crime Laboratory test those
19 products, we find that the amount of delta-9 THC
20 is -- is much higher than what is indicated on
21 those analysis sheets.

22 Q So you frequently see fraudulent or
23 falsified documentation?

24 A Yes.

25 Q Does that documentation, in your

1 experience, contribute to an appearance of
2 legitimacy?

3 A Yes. It's an attempt to make that
4 shipment look legitimate. In June, they wanted it
5 to -- to look like it was auto parts on paper.
6 And then, again, the certified lab results that
7 accompany these shipments want -- or are an
8 attempt to make those products seem like they
9 contain a legal amount of delta-9 THC.

10 Q And you mentioned that there were other
11 ways to tell if marijuana is from another state
12 versus a foreign country other than documentation.

13 A Yes.

14 Q Can you restate those for me?

15 A The packaging. So very often, marijuana
16 or THC products that are brought in from other
17 states are packaged like they are ready to go on
18 a shelf, like in a retail-type setting. So you
19 know, they have flashy boxes and -- and -- and,
20 you know, advertisements.

21 And then, also, the condition of the
22 plant material. So plant material that is from
23 foreign sources is very often very dried and very
24 tightly compressed and is -- is often not seen as
25 very good quality.

1 Q Is there evidence that other states are
2 facing similar problems with the diversion of
3 state-licensed marijuana?

4 A Yes.

5 Q What evidence are you aware of?

6 A DEA itself notes that marijuana that's
7 grown in states that are licensed to do so has
8 become the number one source of marijuana in the
9 illicit market.

10 Q And is the source of that statement the
11 2025 National Drug Threat Assessment?

12 A Yes.

13 Q Can you explain more about how Tennessee
14 has experienced diversion of marijuana from hemp
15 farms?

16 A Yeah, in a couple of different ways. One
17 way is that someone, an individual or drug
18 trafficking organization, may obtain a legal
19 license to grow hemp and then grow marijuana under
20 the guise of growing hemp.

21 Another way is in order to circumvent the
22 regulations surrounding delta-9 THC is hemp
23 growers may grow hemp with a legal amount of
24 delta-9 THC but very high levels of other
25 components like THCA, which is an immediate

1 precursor and readily converts to delta-9 when
2 used.

3 And then we also see hemp growers taking
4 hemp plant material and running it through an
5 extraction process to create concentrated THC
6 products.

7 Q And does TBI frequently seize marijuana
8 from hemp farms?

9 A Yes. We receive almost weekly
10 notifications from the Department of Agriculture
11 regarding a licensed hemp grower that has failed
12 a routine inspection.

13 Q And is the Department of -- excuse me.
14 Is the Tennessee Department of Agriculture
15 historically the regulatory body overseeing hemp
16 production and growth?

17 A Yes, historically. That responsibility
18 has now been shifted to our Alcoholic Beverage
19 Commission relatively recently.

20 Q I want to ask some basic questions. Is
21 it possible to determine whether a cannabis plant
22 is hemp or marijuana onsite?

23 A No, not without some type of testing.

24 Q Does that affect diversion from hemp
25 farms?

1 A Can you clarify your question?

2 Q So is the fact that you have to perform
3 testing on a given cannabis plant, is -- does that
4 affect diversion from hemp farms?

5 A Yes. I -- I -- it increases the amount
6 of diversion because it just makes it more
7 difficult to differentiate, you know, legal
8 products from illicit products, and very often we
9 find that these products are mixed in together.
10 So you may have a pallet that has legitimate hemp
11 products right alongside a box that does not, has
12 marijuana products.

13 Q So the only way to -- to be sure that
14 something is hemp and not marijuana is to test
15 everything.

16 A Yes.

17 Q Have hemp farms created other issues with
18 respect to marijuana in Tennessee?

19 A Yes. In order to circumvent the
20 regulations surrounding delta-9 THC, very often we
21 see hemp growers producing plant material or THC
22 products that contain high levels of other
23 psychoactive components. THCA, for example, is
24 one example, as well as delta-8 THC.

25 Q And are those other chemicals -- does TBI

1 see a lot of those?

2 A Yes. Both delta -- delta-8 products and
3 then also THCA products.

4 Q Do the recent changes in Tennessee law
5 regarding hemp-based cannabinoids solve the issue
6 of diversion from hemp farms?

7 A They are an attempt to solve some of the
8 issues concerning diversion from hemp farms. But
9 considering that the regulation just went into
10 effect on July 1st of this year, we don't know yet
11 how effective those new regulations are going to
12 be.

13 Q Does the NPRM address the issue of
14 diversion from state-licensed hemp farms?

15 A No, only from marijuana diverted from
16 federally approved medical marijuana research.

17 Q I want to shift gears now and talk a
18 little bit about public health, which relates to
19 factor 6. In your experience, do drug trafficking
20 organizations bring marijuana into Tennessee?

21 A Yes. Both domestic and transnational
22 drug trafficking organizations are responsible for
23 bringing marijuana into the state.

24 Q What evidence is there that drug
25 trafficking organizations are responsible for most

1 of the illicit marijuana in Tennessee?

2 A For the most part, everyone that's
3 involved in the trafficking of marijuana is part
4 of a drug trafficking organization at some level.
5 Very often the, you know, cultivation, production,
6 and distribution of marijuana is rarely a
7 single-person operation.

8 Additionally, very often when we seize,
9 you know, larger quantities of marijuana, we are
10 also seizing other narcotics, firearms, and
11 uncovering other criminal activity. In the state
12 of Tennessee, we had one -- a licensed hemp grower
13 that had failed a routine inspection, and upon
14 investigation, we seized thousands of marijuana
15 plants, several firearms, and then also uncovered
16 a human trafficking operation as well.

17 Q And regarding the drug trafficking --
18 that drug trafficking organizations bring a large
19 amount of marijuana between states, whose
20 conclusion is that? Is that TBI's?

21 A TBI as -- as well as DEA.

22 Q Okay. And where can you find the DEA's
23 conclusion on that matter?

24 A I believe it's their 2025 National Drug
25 Threat Assessment report.

1 Q I'd like to direct you to that report.
2 So that's Exhibit 11, Agent Stephens, particularly
3 page 53. And I think I may have mixed up which
4 page numbers were correctly -- so if it doesn't
5 look like marijuana-related, that's my problem.

6 JUDGE JULIUS: And, Counsel, that's
7 page 53 of the black numbers?

8 MR. DURST: Yes, Your Honor. Yellow
9 numbers. My apologies, Your Honor.

10 JUDGE JULIUS: Okay. Yellow numbers.
11 Okay. Thank you.

12 BY MR. DURST:

13 Q Agent Stephens, did you find that page?

14 A Yes.

15 Q What does that page say regarding drug
16 trafficking organizations?

17 A This page reports that specifically
18 Chinese drug trafficking organizations have come
19 to dominate the cultivation and distribution of
20 marijuana in the United States.

21 Q Excellent. Thank you. Does the
22 deregulation of marijuana play any role in the
23 involvement of drug trafficking organizations in
24 the marijuana black market?

25 A Yes. Deregulation just decreases the

1 number of barriers that are associated with drug
2 trafficking organization -- or with drug
3 trafficking for both individuals and drug
4 trafficking organizations. It increases the
5 available legal channels for production of
6 marijuana, which in turn increases the amount of
7 diversion that we're going to see from those legal
8 channels.

9 Q Can you explain that connection a little
10 bit more?

11 A Which connection?

12 Q The connection between drug trafficking
13 organizations seeking channels that appear
14 legitimate or are otherwise legitimate.

15 A So drug trafficking organizations, just
16 like we see diversion from hemp farms, can use
17 legal channels to divert marijuana in a couple of
18 different ways. And, you know, one way is
19 obtaining legal license, and license is in states
20 that are -- you know, where it's legal to grow
21 marijuana and then just shipping that marijuana
22 into the state of Tennessee.

23 Another way, because of the fact that
24 they're an organization made up of multiple
25 people, they may obtain licenses and operate

1 multiple grows, one for the illicit cultivation or
2 one for regulatory purposes and then other grows
3 for the production of illicit material.

4 You know, they also -- you know, once
5 that crop is harvested from multiple grows
6 and -- and like I mentioned before, you have that
7 mixture of both legal and illegal material, it
8 makes it more difficult for law enforcement to
9 detect the illicit material.

10 Q But why wouldn't -- or why would a drug
11 trafficking organization choose, willingly
12 choose, that regulatory oversight over operating
13 a covert grow site, for instance?

14 A Operating under these quasi-legitimate
15 conditions allows drug trafficking organizations
16 and individuals to essentially hide in plain
17 sight. Also, regulatory oversight is often
18 preferable -- preferable to enforcement oversight.
19 They're not subject to as harsh of penalties and
20 can, you know, operate under the guise of, you
21 know, attempting to do -- to do the right thing.

22 Q And how do they -- these drug trafficking
23 organizations exploit this appearance of
24 legitimacy?

25 A By, you know, mixing legitimate and

1 illicit activity and materials by providing
2 certified -- falsified certified lab documentation
3 with their -- their products, it just makes
4 overall detection and enforcement of laws
5 regarding marijuana more difficult for law
6 enforcement.

7 Q And why does it matter whether marijuana
8 is being produced by a drug trafficking
9 organization, a transnational drug trafficking
10 organization, or a small local operation?

11 A Generally speaking, drug trafficking
12 organizations can run more sophisticated
13 operations. They have more people. They're able
14 to produce more product. Marijuana is -- is
15 definitely a cash crop, and so we very often see
16 these drug trafficking organizations use marijuana
17 to fund other illegal activity, to include the
18 distribution of other narcotics, firearms, human
19 trafficking, as -- as we've seen within our state.

20 Additionally, these drug trafficking
21 organizations very often can produce higher
22 potency material and then distribute it, just
23 based on their numbers, to a wider customer base.
24 The compartmentalization that we see often within
25 an organization, again, also makes it just more

1 difficult for law enforcement to -- to do their
2 jobs.

3 Q And do drug trafficking organizations
4 that traffic marijuana only traffic marijuana?
5 Are they specialized in that sort of trafficking?

6 A Very rarely. In our experience, when we
7 have significant seizures of marijuana, they are
8 often accompanied by seizures of other narcotics
9 and the uncovering of other criminal activity.

10 Most recently, as of last week, we had a seizure
11 of several pounds of marijuana. I don't remember
12 exactly, but that was accompanied by also the
13 seizure of 68 kilos of cocaine, 37 firearms, and
14 almost \$60,000 in cash.

15 Q Where can a person learn about these
16 confiscations or seizures?

17 A TBI publishes an annual report every year
18 that details the work that's done by our Drug
19 Investigation Division. And then, also, the
20 Dangerous Drugs Task Force publishes an annual
21 report outlining our Governor's Task Force on
22 Marijuana Eradication efforts.

23 Q And are those the reports that we
24 mentioned earlier today?

25 A Yes.

1 Q Agent Stephens, I'd like you to flip to
2 Exhibit 14.

3 A I have to get the other notebook.

4 Q Oh. If you're running out of space up
5 there, we might be able to -- are you there, Agent
6 Stephens?

7 A Yes.

8 Q What is Exhibit 14?

9 A It is the Tennessee Dangerous Drugs Task
10 Force 2025 annual report on GTFME efforts.

11 Q And are you familiar with that report?

12 A Yes.

13 Q What does it indicate about the seizure
14 of weapons and drugs in conjunction with marijuana
15 enforcement efforts?

16 A During our 2025 marijuana eradication
17 season, in addition to the marijuana and THC
18 products that we seized, we also seized 472,000 in
19 drug proceeds, 55 firearms, and then numerous
20 other drugs, to include 1.89 pounds and 150 dosage
21 units of benzodiazepines, 45.44 pounds of cocaine,
22 44.4 grams of crack cocaine, 12.03 pounds of
23 fentanyl, plus an additional 94 dosage units,
24 6 pounds of heroin, 341 pounds of kratom, 1 pound
25 and 60 dosage units of MDMA or ecstasy, 187.66

1 pounds of methamphetamine, 291.25 grams and 109
2 dosage units of opiates, 6.25 pounds of
3 promethazine, 104.97 pounds of psilocybin, and
4 6 pounds of steroids.

5 Q And does your experience at TBI support
6 those numbers?

7 A Yes.

8 Q Aside from the involvement of organized
9 crime in marijuana, what other public health risk
10 has TBI observed regarding the drug?

11 A Marijuana, according to data that we've
12 collected through our TIBRS system, marijuana is
13 the number one drug associated with criminal
14 activity, to include violent crimes, in the state
15 of Tennessee.

16 Q Is there a particular crime that you
17 frequently see marijuana involved with or type of
18 crime?

19 A It's the number one drug associated with
20 all criminal activity. And then, also, we see
21 marijuana is connected to traffic accidents or
22 driving under the influence as well.

23 Q What about, for instance, crimes against
24 persons?

25 A Yes. Crimes against persons,

1 essentially violent crime.

2 Q And is that a consistent trend or
3 statistic over, say, the last decade?

4 A Yes. At least since 2016, marijuana has
5 consistently been the number one drug associated
6 with overall criminal offenses, reported criminal
7 offenses, and then also violent criminal offenses.

8 Q Is there any evidence that ties crimes,
9 these sorts of crimes, to the deregulation of
10 marijuana?

11 A DEA itself recognized the connection
12 between the availability of drugs of abuse and
13 criminal activity. Additionally, through our
14 partnerships with the postal carriers, it's been
15 reported that marijuana is one of the greatest
16 drivers of violence against postal workers.

17 Also, looking at studies that have come
18 out of Colorado after the legalization of
19 marijuana, it was reported that neighborhoods that
20 contain dispensaries experienced higher rates of
21 crime than neighborhoods that did not.

22 Q And is that Colorado study you just
23 referenced -- is that included in TBI's exhibits?

24 A Yes.

25 JUDGE JULIUS: Counsel, I don't mean to

1 interrupt you. I just want to get a clarification.
2 You've used the word "deregulation" in a number of
3 your questions. Can you clarify what you mean by
4 "deregulation"?

5 MR. DURST: I'm using it as a synonym for
6 "lowering the schedule." My apologies, Your
7 Honor.

8 JUDGE JULIUS: Thank you. I just wanted
9 to make sure I understood the concept as you were
10 intending it. Thank you.

11 MR. DURST: Thank you for the question.

12 BY MR. DURST:

13 Q Is that Exhibit 23 and the Colorado
14 study -- Exhibit 23 included in TBI's exhibits --

15 A Yes.

16 Q -- Agent Stephens? Thank you. Are there
17 other public health concerns tied to marijuana
18 abuse?

19 A There are marijuana involved in traffic
20 accidents and fatalities, as well as environmental
21 concerns from the chemicals used not only in THC
22 products but in the cultivation of marijuana.

23 Q And is marijuana -- does marijuana
24 frequently show up in fatal traffic accidents in
25 the state of Tennessee?

1 A Yes. Anywhere from 10 to 12 percent of
2 all fatal accidents are at least associated with
3 marijuana. I believe it was 2023 that almost --
4 or a little bit more than half of accidents
5 involving marijuana were fatal.

6 Q And is there any other evidence from
7 other states, for instance, that aligns with that
8 perspective or TBI's views or experience on that?

9 A Yes. There was a six-year Ohio study
10 that reported approximately 41 percent of deceased
11 drivers tested positive for marijuana.

12 Q And is that study included in Tennessee
13 -- or the TBI's exhibits?

14 A Yes.

15 Q I believe that is TBI Exhibit 33. Does
16 that sound correct to you?

17 A Yes.

18 Q Thank you. What about chemicals used to
19 produce some of the concentrated THC products that
20 you've discussed today?

21 A Very often the -- or the chemicals used
22 in the extraction process of plant material to
23 create high-concentrate THC products are
24 considered hazardous materials.

25 Q Can you give an example?

1 A Butane, for example, is a flammable
2 liquid that we often see used in these extraction
3 labs.

4 Q And has the CDC recognized any of these
5 chemicals as problematic for humans' health?

6 A Yes. Specifically, the CDC recognized
7 that one of the chemicals used in the production
8 or not -- used within, like, a vape material,
9 especially to include THC vapes, is Vitamin E
10 acetate, and that has been linked to serious lung
11 injury.

12 Q And what about pesticides or fungicides
13 that are used when marijuana is grown?

14 A Yes. The -- the cultivation of
15 marijuana, because of the chemicals that are used,
16 pose a significant hazard to the environment. One
17 fungicide in particular, the CDC noted that when
18 it was heated up it would release hydrogen
19 cyanide, which is particularly hazardous when you
20 consider that this material is often smoked or
21 vaped.

22 Q I'd like to move on to marijuana's
23 chemical composition, which relates to factor 3.
24 What does marijuana look like from a chemistry
25 perspective?

1 A Marijuana is the dried buds and leaf
2 material of the cannabis plant that contains a
3 number of psychoactive components. The primary
4 group of psychoactive components is
5 tetrahydrocannabinols, commonly known as THC, and
6 within that group delta-9 THC is included.

7 Q Let's start with delta-9. How much
8 delta-9 is typically found in marijuana?

9 A It has -- over the past several decades,
10 the average amount of delta-9 THC found in plant
11 material has been increasing. In the 1970s, the
12 average content was approximately 1 percent; in
13 the '90s, approximately 4 percent; and then in
14 2022, it was reported the average delta-9 THC
15 content was around 16 percent.

16 In my experience with the Dangerous Drugs
17 Task Force and our presumptive field testing
18 efforts, we have actually tested ourselves
19 marijuana plant material that contained as much as
20 approximately 40 percent delta-9 THC.

21 Q So all that is to say some forms of
22 marijuana are more potent than others.

23 A Yes.

24 Q And the amount of delta-9 THC can vary
25 pretty substantially plant to plant?

1 A Yes.

2 Q Is it possible to manipulate the delta-9
3 THC potency in marijuana?

4 A Yes. Through selective breeding, you can
5 create different strains of the plant that contain
6 more delta-9 THC content. Also, through
7 cultivation practices like strategic
8 fertilization timing as well as, like, strategic
9 harvest timing can affect the amount of THC that
10 is contained within the plant.

11 Q Are there other factors that have
12 felt -- excuse me, that affect the delta-9 THC
13 potency in marijuana?

14 A Yes. THCA is an immediate precursor to
15 delta-9 THC that readily converts at a rate of
16 87.7 percent when heated. So if you have a THC
17 product or marijuana that contains high levels of
18 THCA, when that product is smoked or vaped, you
19 will have considerable conversion of that THCA to
20 delta-9.

21 Q And what effect does the potency of
22 delta-9 THC have on a user?

23 A Generally speaking, the more delta-9
24 THC, the more intoxicating effects that product is
25 going to have.

1 Q And is the plant form of marijuana its
2 most potent in terms of delta-9 content?

3 A No.

4 Q What is?

5 A We often see THC products -- vapes
6 specifically, honey oil, wax -- that contain
7 up -- up to 99.9 percent delta-9 THC, as in
8 the -- the vape that we recovered from the -- the
9 teenager -- teenager that had overdosed.

10 Q And does -- does TBI have experience in
11 addition to that example that you've mentioned
12 several times about the teenager with these
13 products?

14 A Yes. The Dangerous Drugs Task Force has
15 conducted thousands of tests on marijuana and THC
16 products, and we have found delta-9 contents in
17 things other than plant material, so what we would
18 consider concentrated products, anywhere from 0 to
19 99.9 percent.

20 Q And to mention that example that you
21 mentioned about the teenager, he took a hit of
22 this 99.9 THC vape, delta-9 THC vape, and had to
23 be hospitalized, correct?

24 A Yes.

25 Q What are some other forms of THC that are

1 found in marijuana?

2 A We also have other isomers of THC to
3 include delta-8 THC, delta-10 THC, as well as, you
4 know, THCA that I've mentioned, THC-O acetate.

5 Q How do these -- those other forms of THC
6 compare with delta-9?

7 A They are all considered psychoactive
8 components with varying degrees of intoxicating
9 effects.

10 Q So you could have the same amount of
11 delta-9 and delta-8 in two different plants, and
12 they would have a different effect on a user?

13 A Potentially, yes.

14 Q Are these other forms of THC common?

15 A Yes. In the state of Tennessee,
16 specifically delta-8 products, we've seen a huge
17 increase in the availability of those products.
18 Currently, delta-8 products can be purchased
19 almost anywhere. And then we've seen a pretty
20 significant rise in the use of delta-8 products
21 specifically in young or school-aged children.

22 Q Is there any evidence documenting that
23 rise?

24 A We've seen a number of reported overdose
25 events related to delta-8 exposure, and then,

1 also, both nationally and on the state level
2 there's been an increase in calls to poison
3 control as a result of delta-8 THC exposure.

4 Q Is there any evidence -- you just said
5 there is some evidence supporting a rise in
6 delta-8 use and abuse both nationwide and in
7 Tennessee?

8 A Yes.

9 Q Are these other forms of THC harmful to
10 humans?

11 A We don't -- we don't really know yet.

12 Q So the research has not been developed
13 on that?

14 A Not a ton of research.

15 Q Does the NPRM address this rise in
16 delta-8 THC use particularly?

17 A No.

18 Q I'd like to wrap things up a little bit,
19 Agent Stephens. To sum up, will rescheduling make
20 it more or less difficult to prevent illegal
21 marijuana use and trafficking in Tennessee?

22 A It will make it more difficult.

23 Q To prevent that use and abuse and
24 trafficking, correct?

25 A Yes.

1 Q Thank you. Can you describe why?

2 A Deregulation would, by definition,
3 decrease regulations on the production of
4 marijuana and removing -- remove obstacles from
5 individuals and drug trafficking organization in
6 their efforts to produce and distribute marijuana,
7 while placing more barriers in the way of law
8 enforcement.

9 Q And will Tennessee's public health be
10 affected by a rise in marijuana use?

11 A Yes.

12 Q How so?

13 A With the deregulation of marijuana,
14 we're going to see a reduction in the perception
15 of harm of marijuana use. That, in combination
16 with increased availability of the plant material,
17 we're going to see an increase in use of marijuana
18 and/or THC products leading to the number of
19 adverse effects that, you know, we've discussed:
20 increase in criminal activity, driving while
21 intoxicated incidents, as well as, you know,
22 increased risk of environmental exposures from
23 cultivation.

24 Q So to sum up, that experience will be
25 negative if marijuana use rises.

1 A Yes.

2 MR. DURST: Thank you. That's all the
3 questions I have.

4 JUDGE JULIUS: Thank you, Counsel.

5 Ma'am, I just have one question for you.
6 You also used the word "deregulation." Could you
7 explain what you mean by that term?

8 THE WITNESS: Deregulation again, just
9 using it synonymously with rescheduling of
10 marijuana.

11 JUDGE JULIUS: Okay. Thank you.

12 We're a little bit ahead of schedule.
13 Let's go ahead and take a 15-minute break. We'll
14 come back, and then the Government will have an
15 opportunity to ask you some questions. Please
16 don't discuss your testimony with anyone during
17 the break, but if you need to step out, get some
18 water, make a phone call, you're free to do so.

19 THE WITNESS: Okay.

20 JUDGE JULIUS: Just don't discuss your
21 testimony, okay?

22 THE WITNESS: Okay.

23 JUDGE JULIUS: Okay. We'll be in recess
24 for 15 minutes. Let's come back at 10:30 -- let's
25 come back at 10:35. I'll make it a round number

1 just for everyone's convenience. See you back
2 here at 10:35. We'll be in recess until then.
3 Thank you.

4 (Whereupon, the above-entitled matter
5 went off the record at 10:18 a.m. and
6 resumed at 10:35 a.m.)

7 JUDGE JULIUS: Thank you, everyone.
8 Please be seated.

9 An opportunity for Government
10 cross-examination, whenever you're ready.

11 CROSS-EXAMINATION

12 BY MS. KREINHEDER:

13 Q Good morning, ASAC Stephens.

14 A Good morning.

15 Q Based on your testimony today, you would
16 agree that the safety of the people in Tennessee
17 is important to you.

18 A Yes.

19 Q And you would agree that enforcement of
20 drug crimes is crucial to ensuring that safety,
21 correct?

22 A Yes.

23 Q Much of your testimony today focused on
24 criminal activity, correct?

25 A Yes.

1 Q Specifically, you -- you discussed
2 marijuana obtained from illicit means and
3 channels. Is that correct?

4 A That is correct, yes.

5 Q It is illegal to handle marijuana in
6 Tennessee, correct?

7 A Yes, all forms of marijuana. Anything
8 that doesn't meet the statutory definition of hemp
9 is illegal in the state of Tennessee.

10 Q Thank you. It's also illegal to divert
11 Adderall. Is that correct?

12 A Yes.

13 Q It is also illegal to divert oxycodone.
14 Is that correct?

15 A Yes.

16 Q You testified a little bit about
17 diversion, correct?

18 A Yes.

19 Q And diversion is the exit of any
20 controlled substance outside of the closed system
21 of distribution, correct?

22 A That is correct, yes.

23 Q So you would agree that these are all
24 significant issues for law enforcement. Is that
25 correct?

1 A Yes.

2 MS. KREINHEDER: I have no further
3 questions, Your Honor. Thank you.

4 JUDGE JULIUS: Thank you, Counsel.
5 Redirect.

6 MR. DURST: Very brief.

7 JUDGE JULIUS: You have a full hour if
8 you need it.

9 REDIRECT EXAMINATION

10 BY MR. DURST:

11 Q Agent Stephens, does TBI believe that
12 rescheduling marijuana will make it more difficult
13 to prevent its use and abuse in Tennessee?

14 A Yes.

15 MR. DURST: That's really all I have.
16 Your Honor, I have a technical matter that I was
17 hoping to correct as well. I referenced the wrong
18 page when I directed Agent Stephens to an exhibit.
19 Is it possible for me to ask her to look at it and
20 describe it again, or would that be repetitive?

21 JUDGE JULIUS: Go ahead. I -- I might
22 know which -- what you're talking about, but go
23 ahead, and we'll just make sure the record is clear
24 as to what she was looking at when she was
25 testifying.

1 MR. DURST: Thank you, Your Honor.

2 BY MR. DURST:

3 Q Agent Stephens, will you please open your
4 exhibit binder to Exhibit 11, the 2025 NDTA. And
5 just to be clear, Agent Stephens, you -- you are
6 familiar with this report?

7 A Yes.

8 Q Will you open it to page 58 using the
9 yellow numbers?

10 A Yes.

11 Q And what is pictured in part on that
12 page?

13 A These are the pictures of the THC-infused
14 products, the packaging that we find these
15 products in that are -- resemble legitimate candy
16 and snacks. One of them resembles a Chips Ahoy
17 package. The other one resembles a Cheetos bag.

18 Q And during your direct examination,
19 these are the pictures you were looking at when
20 you described how easy it is to mistake one of
21 these products with a non-THC product?

22 A Yes.

23 MR. DURST: That's all, Your Honor.

24 JUDGE JULIUS: Thank you. Was there
25 anything else?

1 MR. DURST: I'm sorry, Your Honor.
2 Nothing for -- one -- one moment, Your Honor.

3 (Pause.)

4 MR. DURST: A couple more redirect
5 questions, if Your Honor would permit.

6 REDIRECT EXAMINATION

7 BY MR. DURST:

8 Q Agent Stephens, in your knowledge, is
9 there any evidence indicating that Adderall or
10 oxycodone are being diverted in an amount similar
11 to marijuana?

12 A I don't know that I have the exact
13 numbers of, you know, how much or how many
14 oxycodone or Adderall tablets that we seize or
15 test. I do know through my experience as a
16 forensic scientist that we do test considerable
17 number of pills that contain Adderall or
18 amphetamine and oxycodone that are diverted from
19 legitimate sources.

20 Q But you testified earlier that TBI seizes
21 or destroys tens of thousands of pounds of
22 marijuana on a yearly basis.

23 A That is correct, yes.

24 MR. DURST: Thank you, Your Honor.

25 JUDGE JULIUS: Thank you, Counsel. Okay.

1 And this was your only witness, correct?

2 MR. DURST: That's correct, Your Honor.

3 JUDGE JULIUS: So have you concluded your
4 case in chief at this point?

5 MR. DURST: We have, Your Honor.

6 JUDGE JULIUS: With the exception,
7 obviously, of the written closings that we will
8 allow.

9 MR. DURST: Yes, Your Honor.

10 JUDGE JULIUS: Okay. Any other
11 procedural matters from any counsel before we wrap
12 up today? Anything from the Government?

13 MS. KREINHEDER: Nothing from us, Your
14 Honor.

15 JUDGE JULIUS: Mr. McNichols?

16 MR. McNICHOLS: Not from us, Your Honor.

17 JUDGE JULIUS: Okay. Well, thank you all
18 for a very efficient day of the hearing. Wish
19 everyone a good weekend. We will see you back
20 here on Monday at nine o'clock for the case in
21 chief of Phillip Drum.

22 Special Agent, thank you for your
23 testimony. You're free to go.

24 THE WITNESS: Thank you very much.

25 (Witness excused.)

1 JUDGE JULIUS: Safe travels. Those are
2 coming your way. Everyone have a great weekend.
3 We'll be in recess until Monday at nine. Thank
4 you.

5 (Whereupon, the above-entitled matter
6 went off the record at 10:41 a.m.)
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1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript
3 was duly recorded and accurately transcribed under
4 my direction; further, that said transcript is a
5 true and accurate record of the proceedings; and
6 that I am neither counsel for, related to, nor
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9 am not a relative nor an employee of any of the
10 parties nor counsel employed by the parties, and
11 I am not financially or otherwise interested in
12 the outcome of the action.

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17 *Michael Morris*
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