

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
I. INTEREST OF <i>AMICUS CURIAE</i>	1
II. INTRODUCTION AND SUMMARY	2
III. STATEMENT OF FACTS	5
IV. ARGUMENT.....	14
A. THE 23RD JUDICIAL DISTRICT’S POLICY OF REQUIRING A SHOWING OF MEDICAL NECESSITY FOR MEDICAL MARIJUANA USE, AS SHOWN BY MR. PENBERTH’S HISTORY, CAUSES REAL-WORLD HARM TO PERSONS SITUATED LIKE MR. PENBERTH, IN THE FORM OF INORDINATE DELAYS AND OBSTACLES TO GAINING ADMISSION TO TREATMENT COURTS AND, IN MR. PENBERTH’S CASE, A POSSIBLE DENIAL OF ADMISSION TO THE PROGRAM.....	14
V. CONCLUSION.....	18

TABLE OF AUTHORITIES

CASES	Page(s)
<i>Gass v. 52nd Judicial District</i> , 232 A.3d 706 (Pa. 2020)	4, 15, 16, 18

I. INTEREST OF *AMICUS CURIAE*

Pursuant to Pa.R.A.P. 531, *Amicus Curiae* William F. Penberth, III (“Mr. Penberth” or “Amicus”) respectfully submits this *Amicus Curiae* Brief in Support of Petitioners’ Answer to Respondent’s Application for Summary Relief in the above-captioned matter. Mr. Penberth submits this brief as a person who has personally been harmed by the 23rd Judicial District’s illegal policy regarding the use of medical marijuana in connection with applications to specialized treatment courts, in his case, DUI Treatment Court. The court in his case, in conformance with the 23rd Judicial District’s Policy, imposed an additional requirement on him to be admitted to DUI Treatment Court—the need to produce a letter from a “treating physician” setting forth a “diagnosis” necessitating medical marijuana use—that has prevented his admission to Treatment Court for over a year and, due to the passage of time required to obtain the letter, might well result in his application for admittance being ultimately denied. His story as recounted below makes clear that the 23rd Judicial District’s illegal policy has had a real and negative effect on him, and persons like him, who have a medical marijuana card and are lawfully using medical marijuana to treat a real and serious medical condition, only to be denied admission to a specialized Treatment Court, or have admission delayed, on such basis. Mr. Penberth therefore joins in support of Petitioners Damon Monyer and the Pennsylvania Cannabis Coalition to the 23rd Judicial District’s Answer to

Respondent's Application for Summary Relief seeking to dismiss Petitioners' challenge to the 23rd Judicial District's Policy requiring a showing of "medical necessity" for medical marijuana use in order to obtain admission to a treatment court.¹

II. INTRODUCTION AND SUMMARY

As set forth more fully below, Mr. Penberth is a resident of Mohnton, Pennsylvania located in Berks County.² In 2020, Mr. Penberth obtained a medical marijuana card issued by the Pennsylvania Department of Health Office of Medical Marijuana, and thereafter lawfully used marijuana to treat and mitigate a longstanding back injury, as well as anxiety. In July 2022, Mr. Penberth was criminally charged in the 23rd Judicial District with DUI and related offenses. On August 2, 2023, he applied to DUI Treatment Court. Mr. Penberth's case was then heard at disposition hearings on October 20, 2023, November 17, 2023, and February 9, 2024. Despite providing the court with his valid medical marijuana card, at each of these hearings, the court required a note from a treating physician (i.e., not the medical provider who approved his medical marijuana card) setting forth a "diagnosis" that necessitated Mr. Penberth's medical marijuana use. Ultimately, on

¹ Pursuant to Pa.R.A.P. 531(b)(2), no other person or entity (i) paid in whole or in part for the preparation of the *amicus curiae* brief or (ii) authored in whole or in part the *amicus curiae* brief.

² Mr. Penberth is described as "W.P." in the parties' filings in this matter.

February 9, 2024, the court rejected Mr. Penberth's application for DUI Treatment Court because he failed to provide the doctor's note in what the court believed was sufficient time, explaining that the amount of time that had lapsed since the application was made went "well beyond my [the court's] normal practice for how quickly I [the court] want people in, and this is not his first appearance." Exhibit 14-B, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (February 9, 2024) at 3.³

Mr. Penberth has since reviewed the 23rd Judicial District's Application for Summary Relief and supporting Brief. Within the application, the 23rd Judicial District describes the court's position on a Treatment Court applicant's evidentiary burden (or lack thereof) as such:

Treatment Court applicants and participants are not required to meet an evidentiary burden at a hearing, and the Policy does not require demonstration of medical necessity. The Policy states, "[c]onsideration for use should be accompanied by a letter addressed to the Court from a treating physician that details diagnosis and medical necessity for use" (emphasis added). It does not require applicants to meet a strict precedent condition in the form of an evidentiary burden."

Respondent 23rd Judicial District's Brief in Support Application for Summary Relief ("23rd Judicial District Br."), at 35.

³ The exhibits cited throughout this Brief refer to the exhibits attached to Petitioners' Application for Summary Relief filed in this case on April 8, 2024 and Petitioners' Answer to Respondent's Application for Summary Relief filed in this case on April 22, 2024.

Despite the 23rd Judicial District’s position in its papers, in practice, the District is in fact denying applicants and participants from Treatment Court for failure to meet an evidentiary burden such as providing certain *additional* paperwork other than a valid medical marijuana license obtained pursuant to the Pennsylvania Medical Marijuana Act (“MMA”), 35 P.S. §§ 10231.101-10231.2110. The District’s denial of applicants from Treatment Court for failure to provide such paperwork, imposing requirements above and beyond those set forth in the MMA in violation of the Supreme Court’s ruling in *Gass v. 52nd Judicial District*, 232 A.3d 706 (Pa. 2020), is perfectly demonstrated in Mr. Penberth’s case summarized above and as detailed below. If this evidentiary barrier did not exist, Mr. Penberth would have been in the Treatment Court program for approximately nine months now, since he submitted his application to Treatment Court in August 2023, and there is no indication that his application would have been disapproved on any other basis. Mr. Penberth therefore has been harmed by this excessive and illegal requirement imposed by the 23rd Judicial District, because, but for this requirement, he would be nine months closer to completing the Treatment Court program and moving on with his life. Instead, the Court has required Penberth to provide a doctor’s note (which in itself requires a showing of “medical necessity” not required by the MMA), that has delayed his entry into Treatment Court for nearly a year and, indeed, may result

in his ultimately being denied entry into the program. As such, this Court should deny the 23rd Judicial District's Application for Summary Relief.

III. STATEMENT OF FACTS

All of the facts set forth in this *Amicus Curiae* Brief are set forth in exhibits submitted and made part of the record by Petitioners. But for the requirement that Mr. Penberth produce a doctor's note to essentially "bolster" his valid medical marijuana license issued by the Pennsylvania Department of Health Office of Medical Marijuana, he would have been admitted to DUI Treatment Court nearly one year ago. This means he would be nearly one year closer to completing the Treatment Court program, and moving on with his life, in conformance with the mission of the Treatment Court. The only cause of this delay, as shown through the Court transcripts and the docket for Mr. Penberth's criminal case, is the Court's requirement that he produce a "treating" doctor's note documenting a medical necessity for his medical marijuana use. Exhibit 53, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Docket Sheet; Exhibit 52, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (October 20, 2023); Exhibit 14-A, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (November 17, 2023); Ex. 14-B, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (February 9, 2024).

Mr. Penberth suffers from severe back pain and anxiety disorder, both of which negatively impact his life. Ex. 14, W.P. Decl., ¶ 2. His back pain stems from an injury he suffered while in a grade school wrestling tournament. *Id.* ¶ 3. At the time of his injury, he was taken to the emergency room after hearing a crack in his neck and was later told that his spine and neck were crooked. *Id.* As he has aged, Mr. Penberth's back pain has become increasingly painful. *Id.* ¶ 4. In 2013 or 2014, he began receiving medical care at St. Joseph's Medical Group at Exeter for his back pain. *Id.* There, he had an MRI that confirmed that his L4-L5 discs were not properly aligned. *Id.* Since this time, Mr. Penberth's pain has been consistent, particularly when experiencing flare-ups of back pain, debilitating spasms, and numbness. *Id.*

In 2020, due to his back pain and anxiety, Mr. Penberth applied for a medical marijuana card, which he renews each year. *Id.* ¶ 2. He uses medical marijuana in a manner that is consistent with the MMA, and his medical marijuana comes from the Sunnyside dispensary in Berks County. *Id.* ¶ 5.

After being charged with DUI and related offenses in July 2022, Mr. Penberth submitted an application for DUI Treatment Court. *Id.* ¶ 6. At the disposition hearing before the Court on October 20, 2023, Mr. Penberth provided the Court with his medical marijuana certification, knowing that he would test positive for marijuana if he was required to take a drug test. *Id.* At that hearing, the Court told him that there was a "different procedure for entering into treatment court when you have a

medical marijuana card” and that a doctor’s note from an “actual doctor who can give that diagnosis” was required before he could be considered for Treatment Court. Ex. 52, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (October 20, 2023) at 8-9. The Court added that pre-trial bail conditions were not necessary until “we actually know if he’s qualified.” *Id.* at 9. The Court then continued the matter to November 17, 2023.

THE COURT: All right. Mr. Penberth, have you had anything other than what you referenced in your guilty plea colloquy?

MR. PENBERTH III: No.

THE COURT: Is that -- Do you have a medical marijuana card?

MR. PENBERTH III: I do. I actually have my paperwork.

THE COURT: Okay. ***So there’s a different procedure for entering into treatment court when you have a medical marijuana card.*** So at this point, I'm just going to ask that you step aside. I'm going to continue with Ms. Beavens, and you can speak to Ms. Boder and we can work through those issues while I complete this guilty plea.

MR. PENBERTH III: All right.

(Whereupon, the Court finished the guilty plea colloquy for Mr. Beavens.)

THE COURT: All right. So what’s the situation?

PROBATION OFFICER: ***He has documentation from the prescribing medical marijuana doctor not a physician that treats him for this condition.***

THE COURT: All right. So then we have to delay this until he can get the ***proper documentation.*** All right. November the 17th at 9 a.m.

Probation Officer: Judge, is there any benefit to doing the pre-trial bail condition for urine testing?

THE COURT: Yes, I think there would be. *Well, I think first we have to see it from a physician. I mean, unless he's saying -- and we don't mean the medical marijuana doctor. I need to know what his diagnosis is from an actual doctor who can give that diagnosis. I mean, I've had orthopedic surgeons give anxiety diagnosis. We're not going to accept that. So that's what we need. I don't know that we should do that until we actually know if he's qualified,* and then if it's all compliant, then fine. And if not -- and he still wants to do the program -- then you can let us know what he wants to do.

Probation Officer: Okay.

THE COURT: All right.

MR. PENBERTH III: Thank you, Your Honor.

Ex. 52, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (October 20, 2023) at 8:4-9:21 (emphasis added).

At the November 17, 2023 hearing, after producing documents from 2018 from his primary care physician detailing his acute back pain, the Court told him that the document was to be “from the physician that diagnosed the condition” necessitating the need for medical marijuana. Ex. 14, W.P. Decl., at ¶ 7 (quoting 11/17/2023 Transcript at 2 (See Exhibit A)). The Court then explained, “[f]or instance, you are diagnosed with anxiety – whoever diagnosed you with anxiety, and then suggested or said this is your protocol, that is who needs to write the letter. It’s not an internet doctor.” *Id.* (*Id.* at 3).

THE COURT: The issue there is –

[Mr. Penberth’s criminal counsel] MR. [JAMES] POLYAK: You need a document for medical marijuana?

THE COURT: All right. You understand we need it from the physician that diagnosed the condition not – I mean, I get all kinds of things. I get it from orthopedic surgeons for anxiety. That is not what I need. ***I don’t know what the underlying thing is for which he was prescribed medical marijuana, but whoever diagnosed you with whatever that is, they need to provide the letter.***

THE DEFENDANT: Okay. So it has to be that person themselves?

THE COURT: The person that diagnosed you with the underlying condition. This is about that condition and not about use –

THE DEFENDANT: Okay.

THE COURT: -- and avoiding jail. So it is not prohibited, but we need sufficient documentation to be program compliant. ***For instance, you are diagnosed with anxiety -- whoever diagnosed you with anxiety, and then suggested or said this is your protocol, that is who needs to write the letter. It’s not an internet doctor.***

THE DEFENDANT: All right.

THE COURT: All right. I'm going to give you the December date, but I don't want to keep going around the mulberry bush.

THE DEFENDANT: Okay.

THE COURT: So December 15th. That’s plenty of time.

Ex. 14-A, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (November 17, 2023 at 2-3 (emphasis added)).

The next hearing occurred on February 9, 2024. At that hearing, Mr. Penberth's criminal defense attorney, James Polyak, Esq., noted that the Court had previously required him to produce a letter from his treating physician concerning his use of medical marijuana. Ex. 14, W.P. Decl., at ¶ 8. (quoting 02/09/24 Transcript at 2 (See Exhibit B)). The Court inquired if Mr. Penberth's orthopedic surgeon said that medical marijuana was "the way to deal with" the pain, and Attorney Polyak explained that Mr. Penberth was seeing a new treating provider (so that he could comply with the Court's requirement), that Mr. Penberth was not far enough along in treatment for the new provider to author the required letter, but that he should be able to produce such a letter from the new provider concerning his medical marijuana use "in short order." *Id.*

The Court then stated that, due to the amount of time that had lapsed, it was inclined to send Penberth's case back to Judge Lillis, so that the application would no longer be pending with the DUI Treatment Court. *Id.* ¶ 9. The Court further explained that it "goes well beyond my normal practice for how quickly I want people in, and this is not his first appearance." *Id.* The Court concluded by stating that Penberth "had multiple opportunities to obtain [a letter from my treating provider]." *Id.* The full colloquy reads:

MR. BRIDGHAM: Your Honor, if we may call William Penberth docketed at 2664 of 22. The Defendant is represented by Attorney Polyak.

THE COURT: All right.

MR. POLYAK: Judge, this is an instance where *the Court/the treatment court team is requiring Mr. Penberth to produce a letter from his treating physician concerning his ongoing use of marijuana.* I do believe that he will be able to do that in short order. He has a new provider that has been treating him, and he's not far enough along in the course of treatment that the provider can author that letter, but he tells me –

THE COURT: Well, who diagnosed him and directed him there from the get-go?

MR. POLYAK: So he had an orthopedic injury years ago, and I do have the medical records that support that, but I don't think the Court is going to accept the medical records.

THE COURT: Well, did the orthopedic surgeon say this is the way to deal with that?

MR. POLYAK: Not necessarily which is why he is re-engaged with a provider separate and apart from the –

THE COURT: Right.

MR. POLYAK: -- from the doctor that authorized his medical marijuana license. And I understand and appreciate the fact that we're beyond the deadline established by the Court, but I'm simply sharing with you –

THE COURT: Right.

MR. POLYAK: -- where we are with regard to that.

THE COURT: *So I'm going to tell you that my inclination is to send it back. I mean, this app is from July of '23. That goes well beyond my normal practice for how quickly I want people in, and this is not his first appearance.*

MR. POLYAK: Agreed.

THE COURT: He's had multiple opportunities to obtain that.

MR. POLYAK: It had been a long and tortured path.

THE COURT: Right.

MR. POLYAK: But I'm not disagreeing with you. I'm simply informing the Court that there may be some light.

THE COURT: At the end of the tunnel.

MR. POLYAK: At the end of the tunnel.

THE COURT: Well, we'll see. ***But, for now, it's going to be put back in front of Judge Lillis.***

Ex. 14-B, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (February 9, 2024) at 2:4-3:25.

Since Mr. Penberth at that point was unable to comply with the Court's requirement to provide a document from a "treating physician" that demonstrated medical necessity for his medical marijuana use, the Court denied his treatment application. Ex. 14, W.P. Decl., at ¶ 10 (quoting 2/9/24 transcript at 3 (See Exhibit B)). The Court wrote in the Order denying him: "The defendant's DUI Treatment Court application is denied due to non compliance with program requirements." Exhibit 54, Feb. 9, 2024 Court Order Denying Admission to DUI Treatment Court.

Since his DUI Treatment Court application was denied on February 9, 2024, Mr. Penberth has been able to obtain a letter from his new provider, Dr. Steven Evans, the new provider to whom Mr. Polyak had referred in the hearing. *Id.* ¶ 11.

In the letter, Dr. Evans confirmed that he is treating Mr. Penberth for low back pain and lumbar spondylosis. He further wrote that Mr. Penberth's "use of medical marijuana is consistent with many other responsible patients in this practice who would prefer to avoid prescription pain meds and opiates." Dr. Evans concludes the letter by stating that Mr. Penberth's "use of medical marijuana is medically necessary, appropriate and consistent with his current condition and diagnosis." *Id.* (quoting W.P. Medical Letter (see Exhibit C))

After receiving this letter, on March 6, 2024, Mr. Polyak filed a new application on Mr. Penberth's behalf for admission to DUI Treatment Court. *Id.* ¶ 12-13. On March 20, 2024, Mr. Penberth had a status hearing before Judge Lillis. *Id.* ¶ 14. Attorney Polyak informed the Court that Mr. Penberth submitted an application for DUI treatment court, and the hearing was then continued to May 7, 2024. *Id.* After more than six weeks, the DUI Treatment Court has still not scheduled a hearing on Mr. Penberth's application or decided whether to admit him. Ex. 53, *Commonwealth v. W.P., CP-06-CR-2664-2022*, Docket Sheet.

Due to the hoops the Court has required Mr. Penberth to jump through, he remains uncertain whether his application will be accepted by the Court at the next hearing date or ever. Ex. 14, W.P. Decl., at ¶ 14. If the letter is found insufficient, or Mr. Penberth is otherwise denied admittance to DUI Treatment Court due to his medical marijuana use, he will be forced to choose between using medical

marijuana, which would likely lead to his incarceration for the DUI, and being admitted to DUI Treatment Court. *Id.* ¶ 15. Penberth would likely stop using medical marijuana to avoid the risk of jail, but he believes that this would be difficult given the extent of his longtime injury and the pain it causes. *Id.*

IV. ARGUMENT

A. **THE 23RD JUDICIAL DISTRICT’S POLICY OF REQUIRING A SHOWING OF MEDICAL NECESSITY FOR MEDICAL MARIJUANA USE, AS SHOWN BY MR. PENBERTH’S HISTORY, CAUSES REAL-WORLD HARM TO PERSONS SITUATED LIKE MR. PENBERTH, IN THE FORM OF INORDINATE DELAYS AND OBSTACLES TO GAINING ADMISSION TO TREATMENT COURTS AND, IN MR. PENBERTH’S CASE, A POSSIBLE DENIAL OF ADMISSION TO THE PROGRAM.**

The 23rd Judicial District in its brief asserts that there is no “blanket policy banning medical marijuana in the Judicial District...” 23rd Dist. Br. at 29. It claims that it makes decisions about medical marijuana use on a “case-by-case basis” and that the district’s requirement that “[c]onsideration for use should be accompanied by a letter addressed to the Court from a treating physician that details diagnosis and medical necessity for use” is not, in fact, mandatory. *Id.* at 29, 35. It also claims that “[n]o medical marijuana patients have been denied admission to any of the treatment courts for using medical marijuana.” *Id.* at 7. These statements are, in fact, untrue, as Mr. Penberth’s history demonstrates.

The court colloquies quoted above make clear that the judge considering Mr. Penberth's DUI Treatment Court application considered it a *requirement* to admission to the program that Mr. Penberth produce a letter from a "treating physician" (or an "actual doctor") that "diagnoses" his need for medical marijuana, clearly in conformance with the 23rd Judicial District's Policy requiring such documentation. Mr. Penberth, although he has re-applied for admission to the program, has been *denied* entry to DUI Treatment Court because of what the court deemed an inordinate delay in Mr. Penberth obtaining the required letter. ("I mean, this app is from July of '23. That goes well beyond my normal practice for how quickly I want people in...."). The court could very well decide to deny his re-application on the basis of the prior delay, all of which was due to the court's requirement that Mr. Penberth obtain additional documentation over and above having an approved medical marijuana license. But for that requirement, Mr. Penberth could have obtained admission to DUI Treatment Court long ago, and been well on his way to completing the program and getting on with his life.

Thus, there is no doubt that the 23rd Judicial District, in fact, has a "policy" regarding medical marijuana use that imposes requirements regarding medical marijuana use that go well beyond the requirements of the MMA to obtain a medical marijuana license and that this Policy in Mr. Penberth's case resulted in his being delayed in, and ultimately denied, admission to treatment court, perhaps for good.

As set forth in Petitioners' brief, this clearly violates the Supreme Court's decision in *Gass v. 52nd Judicial District*, 232 A.3d 706 (Pa. 2020). The holding of *Gass* does not apply only where there is a "blanket ban policy," as suggested by the 23rd Judicial District. Rather, the Court found that, under the MMA, courts and probation officials may, at best, "make reasonable inquiries into the *lawfulness* of a probationer's use of medical marijuana." *Id.* at 715 (emphasis added). Whether medical marijuana usage is "lawful" depends solely on the user's compliance with the MMA, which does *not* have any "treating physician" or "medical necessity" requirement, as does the 23rd Judicial District's Policy. The letter required by the court in Mr. Penberth's case had nothing to do with the "lawfulness" of his medical marijuana use but instead appears to be aimed at allowing the DUI Treatment Court to make a *medical* determination as to his "need" for medical marijuana to treat his health issues. The 23rd Judicial District's Policy is transparently informed and premised on skepticism regarding the requirements under the MMA for obtaining a medical marijuana card ("[W]e don't mean the medical marijuana doctor. I need to know what his diagnosis is from an actual doctor who can give that diagnosis."). Ex. 52, *Commonwealth v. W.P.*, CP-06-CR-2664-2022, Notes of Testimony (October 20, 2023) at 9. But it is not the function of the 23rd Judicial District to try to "beef up," within its own realm, what it may view as deficiencies in requirements in the MMA for obtaining a medical marijuana card. If that legislature in enacting the

MMA wanted to impose a “treating physician/medical necessity” requirement, it could have done so. That it imposed no such requirement does not, under *Gass*, permit the 23rd Judicial District to superimpose additional requirements, including requiring the treating physician letter in Mr. Penberth’s case, on lawful users of medical marijuana seeking to obtain admission to specialized Treatment Courts.

As Mr. Penberth’s experience demonstrates, the documentation requirement imposed by the 23rd Judicial District is not a mere formality that can be readily or quickly overcome. In Mr. Penberth’s case, it required him to seek out a new medical provider (as he had not had one for some time); make an initial appointment (which, as we all know, can take some time); allow the doctor sufficient time and opportunity to allow him to determine whether medical marijuana is “medically necessary” to treat Mr. Penberth’s diagnosed conditions; and then obtain the letter itself and provide it to the court. This all led to a delay sufficient for the court to deny Mr. Penberth’s application to DUI Treatment Court, and could well do so in the future as to his renewed application. While Mr. Penberth eventually obtained the required letter (without yet being admitted to treatment court), others go through the same process only to *not* be able to obtain the required letter demonstrating medical “necessity” for medical marijuana even where its use is, at the very least, beneficial (if not, in the provider’s view, “necessary”) for the applicant’s mental and/or physical well-being. This, as it yet may do with Mr. Penberth, prevent such persons

with a Hobson's choice whether to forego an effective treatment in a hope to avoid jail time, or relinquish the opportunity to obtain admission to a treatment court specifically designed to allow the person to turn his or her life around. This is unfair and, as demonstrated by *Gass*, illegal.

V. CONCLUSION

Based on the foregoing, and the motion papers submitted by Petitioners Damon Monyer and the Pennsylvania Cannabis Coalition, Amicus William F. Penberth, III respectfully requests that this Court deny the 23rd Judicial District's Motion for Summary Relief.

Respectfully submitted.

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Counsel for Amicus Curiae

William F. Penberth, III

Dated: April 22, 2024

CERTIFICATE OF COMPLIANCE WITH Pa. R.A.P 531(b)(3)

I certify that this *Amicus Curiae* brief in support of Petitioners' merit briefing of their application for summary relief complies with the word count limit set forth in Pa. R.A.P. 531(b)(3). Excluding matters exempted by Pa. R.A.P 2135(b), this brief contains 4,313 words. I have relied on Microsoft's word count function to determine the length of this brief.

/s/ Stephen G. Harvey
Stephen G. Harvey

Dated: April 22, 2024

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Stephen G. Harvey
Stephen G. Harvey

Dated: April 22, 2024

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Damon Monyer and the Pennsylvania : 283 MD 2023
Cannabis Coalition, :
Petitioners :
v.
23rd Judicial District, Berks County,
Respondent

PROOF OF SERVICE - DRAFT

I hereby certify that this 22nd day of April, 2024, I have served the attached document(s) to the persons on the date(s)
and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE - DRAFT

(Continued)

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE - DRAFT

(Continued)

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Courtesy Copy

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

/s/ Stephen G. Harvey

(Signature of Person Serving)

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