

**THE TEXAS CODE AT SEC. 481.062 (a)(3)
ALLOWS ME TO LAWFULLY “POSSESS”
MARIJUANA BECAUSE I AM THE SEC.
481.002 (48) “ULTIMATE USER.”**

TEXAS EXEMPTION FROM REGISTRATION REQUIREMENTS clearly reads:

“Sec. 481.062. EXEMPTIONS. (a) THE FOLLOWING PERSONS ARE NOT REQUIRED TO REGISTER AND MAY POSSESS A CONTROLLED SUBSTANCE UNDER THIS CHAPTER: . . . (3) AN ULTIMATE USER or a person in possession of the controlled substance under a lawful order of a practitioner or in lawful possession of the controlled substance if it is listed in Schedule V; . . .” And;

It is a CR 8(d) undisputed fact that Texas Law at subsection (a)(3) of Sec. 481.062 is consistent with Federal Law at 21 U.S.C. 822 (2)(C)(3), which clearly states that an “ULTIMATE USER” as defined by Sec. 481.002 (48) & 21 U.S.C. 802 (27) need **NOT** register **AND MAY LAWFULLY POSSESS MARIJUANA OR ANY OTHER CONTROLLED SUBSTANCE.**

See Sec. 481.002 (48) & 21 U.S.C. 802 (27) clearly defining . . . “ULTIMATE USER”:

“Sec. 481.002 (48) “ULTIMATE USER” MEANS A PERSON WHO HAS LAWFULLY OBTAINED AND POSSESSES A CONTROLLED SUBSTANCE FOR THE PERSON'S OWN USE, for the use of a member of the person's household, or for administering to an animal owned by the person or by a member of the person's household.” (Texas law says I can get my dogs and cats **HIGH** as a kite if I want to!) And;

Furthermore, it is **NOT** illegal to “possess” or “USE” “drug paraphernalia” unless you are using it with intent for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, etc., as stated in Texas Codes at Sec. 481.125 (a) which reads:

“Sec. 481.125. OFFENSE: POSSESSION OR DELIVERY OF DRUG PARAPHERNALIA. (a) A person commits an offense if the person knowingly or intentionally uses or possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter or to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. . . .” (Hey Officer Friendly, did you see me actually “USING” my pipe while attempting to **DISTRIBUTE** or **SELL** my weed to any other **PERSON**???) And;

Therefore, the mere “use” and “possession” of the “drug paraphernalia” by itself is not

illegal if you are the Sec. 481.062 (a)(3) “**ULTIMATE USER**” as defined by Sec. 481.002 (48), unless they charge you with and prove that you used the drug paraphernalia **with the intent to sell or deliver, or manufacture with intent to sell or deliver as stated in** Sec. 481.125 (a)(b); Sec. 481.120 et seq. and Sec. 481.121 et seq.

“**THE STATUTE IS VIOLATED ONLY IF POSSESSION IS ACCOMPANIED BOTH BY KNOWLEDGE of the nature of the act AND ALSO BY THE INTENT “TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.”** United States v. Clark, 475 F.2d 240, 248-49 (2d Cir. 1973).” **UNITED STATES v. JEWELL, 532 F.2d 697 (9th Cir. February 27, 1976.)** (It is crystal clear that 21 U.S.C. 841(a)(1) is worded in the conjunctive “and”). And;

United States v. Jewell, supra, makes it clear that you cannot be charged with the “**lessor but included offense**” of “**possession**” unless they also charge you with “**manufacturing with intent to distribute.**” – **POSSESSION BY ITSELF IS NOT ILLEGAL!** – Furthermore, you cannot be charged with any violation of the PHARMACEUTICAL CODE unless you have or possess a PHARMACEUTICAL LICENSE on the following authority:

“Privilege” . . . is synonymous with license The possession of a . . . license is a prerequisite to violation of this statute. . . . On appeal the Superior court dismissed the charges against Cole on the ground that since he had no . . . license, he had no privilege . . . [2] the statute refers to those whose "privilege" . . . is suspended. Cole never had any type of privilege**License is synonymous with privilege, since Cole did not have a license, and that state did not grant Cole a license, THE STATE CANNOT SUSPEND WHAT HE DOES NOT HAVE.** Aberdeen v. Cole, 13 Wn. App. 617, 537 P.2d 1073 (June 10, 1975). (See also United States v. Jin Fuey Moy, 241 U.S. 394 (June 5, 1916). And;

Contact Tribal Court Lawyer Luis Ewing at: 1 - (253) 226-3741 or 1 - (360) 335-1322 or write me at: <rcwcodebuster@aol.com> or <<http://www.ultimateusers.com>> for help with Drug Possession, Weapons Possession charges, D.U.I.'S, Driving While License Suspended Violations.

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