

STATE OF MAINE

v.

MICHAEL J. DEE

Submitted on Briefs January 30, 2012
Decided February 7, 2012

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Michal J. Dee appeals from the judgment of the District Court (Augusta, *Sparaco, J.*) finding that he committed the civil violation of possessing a useable amount of marijuana. *See* 22 M.R.S. § 2383(1)(A) (2011). This is not the first time that Dee has litigated the constitutionality of marijuana prohibitions before the courts of Maine and elsewhere.¹ Contrary to Dee's assertions, the Legislature's

¹ *Dee v. United States*, Docket No. 09-CV-163-P-H, 2009 U.S. Dist. LEXIS 39568 (D. Me. Apr. 28, 2009) (recommending denial of Dee's request for leave to file a declaratory action); *In re Michael J. Dee*, Docket No. 04-MC-33-GZS (D. Me. Apr. 26, 2004); *Dee v. United States*, 241 F. Supp. 2d 50 (D. Me. 2003) (denying Dee's request to file a new declaratory judgment action); *Dee v. United States*, Docket No. 2:98-CV-37-DBH (D. Me. May 26, 1998) (enjoining Dee from filing additional challenges to Maine's marijuana laws in federal court); *Dee v. Att'y Gen. of the U.S.*, Docket No. 2:97-CV-229-DBH (D. Me. Aug. 11, 1997); *Dee v. Att'y Gen. of Me.*, Docket No. 1:96-CV-274-MAB (D. Me. Feb. 25, 1997); *Dee v. Reno*, Docket No. 95-CV-29-P-H (D. Me. Sept. 11, 1995), *aff'd*, No. 95-2173, 1996 U.S. App. LEXIS 6999 (1st Cir. Apr. 10, 1996) (per curiam), *cert. denied*, 519 U.S. 873 (1996), *reh'g denied*, 519 U.S. 1001 (1996); *Dee v. State*, 2007 Me. Super. LEXIS 121 (June 25, 2007), *aff'd*, Mem-07-208 (Dec. 13, 2007), *cert. denied*, 555 U.S. 823 (2008) (enjoining Dee from filing challenges to Maine's marijuana laws in state court); *Dee v. State*, 2001 Me. Super. LEXIS 59 (Apr. 10, 2001) (entering judgment on the pleadings against Dee's action for judgment declaring marijuana laws unconstitutional), *aff'd*, Mem-02-1 (Jan. 16, 2002); *State v. Dee*, 2001 Me. Super. LEXIS 14 (Jan. 24, 2001) (affirming a judgment that Dee committed the civil violation of possession of a usable amount of marijuana at the State House), *aff'd*, Mem-01-59 (June 26, 2001); *Dee v. State*, No. CV-99-690 (Me. Super. Ct. Apr. 25, 2000), *aff'd*, Mem-00-132 (Oct. 27, 2000); *Dee v. Att'y Gen.*, No. CV-97-763 (Me. Super. Ct. July 7, 1998), *aff'd*, Mem-99-59 (Apr. 30, 1999); *Dee v. State*, 177 P.3d 218 (Wyo. 2008), *reh'g denied*, No. S-

decision to proscribe the possession of marijuana does not violate his right to due process pursuant to the Fourteenth Amendment to the United States Constitution. *See In re Penelope W.*, 2011 ME 58, ¶ 7, 19 A.3d 813; *State v. Haskell*, 2008 ME 82, ¶¶ 5-6, 955 A.2d 737. Dee has not met his burden of demonstrating “the complete absence of any state of facts that would support the need for” prohibiting the possession of marijuana. *Haskell*, 2008 ME 82, ¶ 5, 955 A.2d 737.

The entry is:

Judgment affirmed.

On the briefs:

Michael J. Dee, appellant pro se

Evert Fowle, District Attorney, and Patricia K. Poulin, Asst. Dist. Atty.,
Augusta, for appellee State of Maine.

Augusta District Court docket number VI-2011-167
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