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Medical Marijuana Dispensary Owner Gets Year Behind Bars

By Dennis Romero

We've written about how some juries have been reluctant to help put pot shop owners who have been prosecuted for selling marijuana behind bars. It appears one man wasn't so lucky. Forty-seven-year-old Charles Lynch was convicted on federal charges of cultivating and selling weed, and Thursday he was sentenced to 366 days behind bars.

An L.A. federal court convicted him in 2008, and U.S. District Judge George H. Wu sentenced him downtown Thursday. The man ran a Morro Bay medical marijuana dispensary that was raided by federal authorities.

Lynch's case became a cause celebre among medical marijuana advocates: He tried to follow the rules, at least those of the state of California. He notified local authorities when the shop opened, maintained copious records, and tried to ensure his customers were truly medical patients and not just recreational users. The city council in Morro Bay endorsed the pot shop, as did the local district attorney.

Although he was convicted of selling to people under 21 -- a no-no under federal law -- Lynch argued that they had doctors' recommendations.

The man was also sentenced to three years of supervised release following his prison stint. The extra day behind bars, as opposed to exactly one year, allows him to be eligible to get out early if he behaves.

While it's legal to cultivate and distribute marijuana for the seriously ill in California, it's still illegal to do so under federal law. President Barack Obama, however, ordered the U.S. Drug Enforcement Agency to stop moving against people like Lynch.

At the same time, many district attorneys in the state, including those in San Diego and Los Angeles, believe that state law does not allow retail sales of marijuana but rather only legalized the cultivation and collective distribution of pot for the seriously ill. Juries, however, seem to be reluctant to follow through on those district attorneys' prosecutions.