**Prosecution as a Form of Education**

According to reliable witnesses the case began with an absolutely smashing booze-up at Libuše Bryndová´s cottage near Tábor with a Czech TV crew in attendance. Except group sex, everything else was present and abused in huge quantities as per normal for such events. Bushie´s neighbours were contributing to the jollity with home-made pear shnapps which lacked methanol but had all the more kick to it as a result...

The excuse for the presence of the Czech TV crew by Bushie was a short TV profile about Bushie and her role as a grower of cannabis for healing purposes. And the TV film was shot. And transmitted. And on the basis of what was no arty-farty film but more a recording of a leaving exam soirée from a special needs school for mature students, Bushie ended up being prosecuted for dissemination of a toxic substance. She, indeed, did disclose all about herself (and some more) with her heart opened out to all and sundry, her hand holding a joint and laughter not leaving her lips.

When her mates came to ask me to defend her, I knew full well that this case will bring me another Brownie point as the good deed here will be of major proportions and I can do nothing but accept the request.

Even the first trip to Court was demanding (to say the least). I was driving and giving a lift to a few of Bushie’s supporters from Prague. In the back of the car we had the macho section, the journalist Štěpán Kotrba and the avid promoter of growing cannabis, Dušan Dvořák. This turned out to be an error in seat distribution. Mr. Kotrba, a lifelong leftie who has been banging into my ears for years that I am a cocooned socialist, and Mr. Dvořák, a lifelong right-winger who keeps insisting that I mustn´t betray my right-wing ideals, went for each other´s throat in a manner which suggested we wouldn´t reach our destination. The result was that a Member of Parliament and (then) Vice-Chairman of the Council of Europe, Anička Čurdová, sitting in the front passenger seat, spent most of the journey hanging on her safety belt facing backwards trying to keep the two of them apart. Only my emphatic warning that Court waits for no-one made them take on board the need to stay put in their seats without engaging in fratricidal violence.

We picked up Bushie and took off for the Tábor Regional Court in front of which about half of the membership of the south Bohemian Green party awaited, led by the Member of Parliament (and later Minister of Education) Mrs. Dana Kuchtová. Two camera crews and lots of newspaper folk were present as well.

Bushie´s questioning turned into an educational session on the topic of, „How to nurture and produce cannabis in a way that its beneficial effects are best made use of“, during which all efforts of the young judge, who most clearly had underestimated the opponent, to engage the accused in examining her supposedly criminal activity were destined for failure. When he tried too much, Bushie reproached him for his inadequate knowledge about what kind of cannabis has what quantity of THC and that he should listen and learn. When the poor wretch tried to ask questions, Bushie told him off for not reading her website in detail. If he had read it, he´d know and would not ask stupid questions. The desperate judge lamented that he´d been swotting up on her website until 3 a.m. Not enough commented Bushie and I asked for a recess. I used the break for a visit to the toilet, which I must admit was a fundamental mistake as I´d left Bushie unsupervised. She used the freedom to educate the entire available public, with an emphasis on the media folk, about all aspects of the use of cannabis in medicine, and I, having returned from the lav and cottoned on to what was happening, pointed out in my most friendly way that if anyone writes a word on this in the press, I will, despite being a worrier for the right of free speech, beat the shit out of them.

After the recess the weary judge adjourned the hearing, which wasn´t of much help to him as during subsequent hearings Bushie ripped apart the worthy Professor acting as an expert witness and commented in respect of her own witness, an Assistant Professor of Addictology, that he didn´t cover the entire field properly. Not surprising the court of first instance convicted her.

That completely destroyed her. It took three years during which she was convicted by the primary court for the judgment to be set aside by an Appeal Court and the case to be returned for a new hearing, where she was acquitted but the Prosecutor filed an appeal. Thereafter, Bushie’s acquittal was confirmed. The actual hearing did set out new legal rules in getting a fair trial in relation to the right to call witnesses. Bushie asked Assistant Professor Hanuš from the University of Jerusalem to testify on the basis that his testimony was vital and the State is obliged to pay his airfare. I cross-examined witnesses in a manner Perry Mason wouldn´t have been ashamed of and at night I lapped up information from Bushie´s website (no doubt in tandem with the judge as the night before the main proceedings were due there were two people online on that website). The defence process seemed at time like a joust with the judge as to who knows more about cannabis and with Bushie acting as the umpire. The State Prosecutor with his dim criminal law paragraphs was side-lined into the role of a second unworthy of our attention.

In the meantime, the High Court expressed opinions regarding some aspects of similar cases. As the use of cannabis for medical purposes was legalised in neighbouring Austria, it was difficult to argue that this represents „social danger of a criminal act“, because some 80 kilometres away it isn´t criminal.

Thus, the defence was proceeding smoothly even though there were times when it was doubtful the accused would live to see the end of the court case as there was reason to believe she might be strangled by her own lawyer. These moments were particularly imminent when after the end of the day´s proceedings she started handing out to reporters small plastic cups filled with cannabis-based ointment with explanations on which parts of the body it is most effective. But taking into account that my fees were only paid in the form of the above-mentioned ointment, all I could really do was to keep my mouth shut.

The final verdict of acquittal from the Appeal Court based in České Budějovice, court branch Tábor, was a victory for all as everyone survived on one piece. The general agreement was that it was all the fault of the pear schnapps which turned the entire TV report into an untrustworthy piece of reportage and, as a result, there was no basis for a legal case. After the decision was announced, the Chairman of the Appeal Court informed Bushie that she can demand her property back from the police – approx. 5 kilos of dried cannabis plants and approx. ten plastic cups of confiscated ointment. This unleashed a lecture regarding the expiration of the medicinal effects of cannabis plants – the Appeal Court Chairman clearly hadn´t learnt from his younger colleague´s mistakes and forgot to read Bushie´s website properly. But the worst was to come: „And as far as the ointment is concerned, well, I bet that´s all used up! You know, esteemed Sir, police work is a real trigger as far as haemorrhoids are concerned and the best cure is cannabis, y´know?“ „I know“, retorted the judge, even though it was clear he didn´t know that police work causes neither haemorrhoids nor that cannabis was the best cure for it. I literally dragged Bushie out of that courtroom and made her swear that she´ll keep quiet at least until I got her home, as otherwise I might kick the bucket and public transport doesn´t go anywhere near the hole she lives in beyond Veselí, about 40 kilometres away.

From that time on, on the odd occasion, I accept a fee instalment in the form of the cannabis ointment (without paying VAT or Income Tax - and so you see what a subversive element cannabis is), and I also visit Bushie now and then for a jolly weekend away where I refresh myself listening to her notions of world politics with particular stress on our relationship with Ukraine and the European Union. I learn about the latest discoveries how to extract Fenix’s tears which is a remarkable medicinal cannabis-based extract. I have a good time with her ten cats and take on board quotes from famous works in several foreign languages. Slightly socially worse off is where I go to bed: in her garden outhouse filled with flowers whose back part serves as a chicken coop. The onus is upon the guest to let out the chicken early in the morning allowing them to do their pecking business. Thus ready to face the world, I return to the hustle and bustle of the city to devote my time to swindlers, divorces, thefts, double-crosses and other related forms of behaviour which nearest and dearest like to commit on each other. In my nostrils there remains the aroma of medicinal cannabis...

From every tale there should be a moral lesson to be drawn, right? The moral here is that as a lawyer you never know what you´ll find out and learn. Knowledge that I gained through my legal work, apart from growing cannabis for medicinal use, includes bee-keeping whereby the matter of „my“ bees was actually adjudicated by the Supreme court in the land and as it wisely said, it never had to make a decision on bees. I, in fact, can distinguish a carniolan bee from a wild bee. Also thanks to the Law I know that pigeons loosen their sphincter up to 25 metres after having flown off, which means that if your abode is less than 25 metres from the pigeon loft, you will most definitely be shitted on. And much more. As I keep saying: advocacy – one big adventure.