

Jury says guilty on 3 counts related to growing marijuana

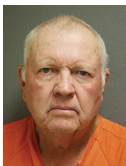
By ROBERT PIERCE

• Leader & Times

Jurors were sent to deliberations around 3:30 p.m. Wednesday and by 5 p.m., the group returned to the courtroom with a guilty verdict on three counts in the Albert Greeson case.

Greeson, 72, was found guilty of unlawful possession of marijuana with intent to distribute, possession of drug paraphernalia with intent to use and possession of marijuana with no Kansas drug tax stamp.

Greeson was arrested in October 2012 in connection with marijuana growing on the property of Larry Joe Lambert of Liberal.



Lambert took the stand Wednesday morning to testify in the case. Under oath, he said he had known Greeson for 30 years, as the defendant had worked as a custom harvester for Lambert prior to his arrest.

Lambert admitted to needing money to pay his ex-wife as part of a divorce settlement, and in order to collect that money, he decided to grow marijuana.

Lambert said he called Greeson because the defendant knew someone in Colorado, Albert Perez, to get the operation started.

Lambert said Greeson knew where to get rid of the marijuana. Prosecuting attorney Dennis Jones then asked Lambert, "You wanted to make some easy money?" Lambert simply replied "yes."

Under a lengthy cross examination from Greeson's attorney, J. Gregory Swanson, Lambert said as part of his divorce settlement, he agreed to pay \$100,000 to his ex-wife.

Lambert said Perez, who operates a marijuana dispensary in Colorado and had earlier testified in the case, brought marijuana to his property, and Lambert drove the tractor to plant the drug.

He also admitting using his tools and fertilizer to grow marijuana. He said prior to the October bust by law enforcement, he wanted to get the marijuana crop out so Greeson could harvest the corn that was planted near the marijuana.

Lambert added that he and Greeson were supposed to get part of the money from the marijuana crop, although he gave no specific amount that was to be exchanged.

Like some of the other witnesses who had testified in the case, Lambert, too, had made a plea

agreement for a reduced sentence. He pleaded guilty previously to two counts of level 4 drug paraphernalia.

Swanson explained that without his plea agreement, Lambert could have faced an additional sentence. As it is, Lambert only got immediate probation for his role in the events.

Under redirect from Jones, Lambert said he and Greeson would split half of the money from the marijuana crop, with Perez getting the other half.

Lambert added he did not realize the marijuana was being processed and trimmed at his rural home. He thought that work would be done in Colorado, where marijuana is legal.

After a couple of law enforcement officers were recalled to the stand, the jury was taken out of the room, and Swanson made a motion for an acquittal in the case.

Swanson said he knew of no previous testimony about the distribution of marijuana. Jones said testimony from agents of the Kansas Bureau of Investigation, Lambert and other witnesses gave proof that Greeson was part of the process to distribute.

District judge Clint Peterson, who presided over the case, agreed with Jones, saying there was sufficient evidence, and he subsequently denied Swanson's motion.

The last testimony of the case came from Greeson himself. He said 10 days prior to the arrest, he was out at Lambert's property testing moisture on corn crops being readied for harvest.

Greeson later admitted he does not grow marijuana himself, but that it is grown on land he owns in Colorado. He said he did not participate in the cutting and trimming of the local crop.

Greeson said his part was merely picking up product from Lambert's property that workers had placed in Greeson's pickup to take to his property where it would be hung to dry.

Greeson said his sole function was to dry the marijuana on his property, and he had no discussion of payment arrangements. He also testified that he did not distribute or intend to distribute marijuana in 2012.

Under cross examination from Jones, Greeson said the marijuana was in his possession, but was "theirs to deal with."

"I stored it for them, and dried it for them," he said.

Greeson later said he did not participate in the hanging process except at his house.

"I hung it to dry, as a friend," he said.

After testimony, the jury was again taken again out of the courtroom, and Swanson once more asked for an acquittal on the distribution charge, claiming there had been "no direct or indirect testimony of distribution by Greeson." Peterson disagreed, saying there was "sufficient evidence," and once again denied the acquittal.

Jurors were then presented instructions for deliberation, and both Swanson and Jones gave their closing statements.

Jones began his statement by saying that the law applied in this case is from the state of Kansas, not Colorado. He said that through his testimony, Greeson had admitted he did what he was charged with.

“He was involved from the beginning,” Jones said.

He then said it is not a defense to use the deals witnesses received as part of a case.

“(Greeson) got the whole process started by contacting Albert Perez,” the prosecutor said.

Jones added all of the elements had been established in all of the charges.

“He wanted to, he chose to, he participated,” Jones said.

Swanson began his closing statement by writing the words “beyond a reasonable doubt” on a chalk board in the courtroom, claiming he believed reasonable doubts had been created throughout the three-day trial.

He gave some examples of the doubt, including to continue asking for evidence of Greeson’s intent to distribute. He likewise claimed there was no evidence to suggest the defendant had such an intent, and that jurors had spent “two days listening to evidence about cultivation, not distribution.”

Jones gave a redirect statement following Swanson’s, and the prosecutor said Greeson’s attorney was trying to distract the jury from the testimony and the evidence.

Jones added that Lambert’s statement about the oral deal to split the money from the marijuana established proof of the intent to distribute and that Greeson admitted helping Lambert.

He ended his statement by asking the jury to find Greeson guilty of the crimes “we’ve proven he committed.”

The jury did just that.

Following the verdict, Swanson moved that no bond be attached to Greeson's case. Jones requested a \$25,000 bond. Peterson said because Greeson's crimes have a minimum of 12 years sentencing, he would set the bond at \$1 million.

Sentencing in the case has been tentatively set for 11:30 a.m. Tuesday in Seward County District Court.