

Under the laws of Ohio, it is a grave and considerable matter when someone is accused by the State of possessing, trafficking, distributing, or manufacturing illegal drugs. Most serious drug crimes are charged or indicted as felonies by the state, and a felony conviction for a drug charge generally leads to some sort of prison term if the person charged with the drug crime is found guilty as charged. Felony drug offenses also have the potential to result in forfeiture of money or property as an additional penalty if the person convicted of such an offense as charged. Even lesser drug crimes, however, no matter how insignificant the amount, can lead to a serious penalty, (possession of a small amount of marijuana can lead to serious consequences - such as a 6-month drivers license suspension). A person charged with a serious drug offense may also find that they have run afoul of the federal legal system as well. The federal government has exercised control over the importation and manufacture of drugs since the mid-1800s, and such control grants the federal government jurisdiction to hear and/or try cases for certain drug offenses. An experienced and capable criminal defense lawyer and criminal law attorney should be able to use their knowledge of Ohio's drug laws, and federal drug laws, to fight for their clients and provide them with an aggressive legal defense.

At the **Law Offices of Jack L. Moser, Jr.**, our criminal defense lawyers and criminal law attorneys provide aggressive and experienced criminal defense legal representation to clients arrested or charged with drug crimes. We take our role as lawyer, attorney, and counsel seriously and we provide our clients with an extensive legal defense strategy for those clients charged with a criminal drug offense. Our attorneys and legal staff are knowledgeable about Ohio and federal drug offenses, Ohio and federal drug laws, as well as defenses to such drug crimes. We also are familiar with the sentencing guidelines for Ohio and the federal courts for certain drug offenses, and we use such knowledge to mitigate a possible sentence in the event that a client must plead or is found guilty. Our lawyers and attorneys provide aggressive and experienced representation to protect our client's rights when they face a criminal drug charge. We can fight and provide you with a strong and aggressive legal defense to your criminal drug charge as well.

## OVERVIEW

Drug crimes and drug crime laws encompass a broad range of criminal offenses that involve controlled substances. Such crimes may focus on the possession and/or sale of an illicit drug, the manufacture and/or distribution of illegal drugs, or deception to obtain such illegal drugs.

Drug crimes and violations of drug crime laws also involve violations of federal law, state law, or both. More often than not, a big drug crime case involves federal agents as well as state police actors. When a person has been arrested for illegal drug activity, the authorities may charge or indict such a person for violating state law or federal law, or both.

Depending on the particular circumstances of the case, conviction of a drug offense can result in a broad range of potential criminal and administrative consequences, including probation, prison, property forfeiture and participation in a court-ordered drug treatment program. At the Law Offices of Jack L. Moser, Jr., our experienced and knowledgeable criminal defense lawyers and criminal law attorneys defend against charges for drug abuse, drug possession, drug trafficking, possession of drug paraphernalia, cultivation of drugs, deception to obtain dangerous drugs, conspiracy, and other drug-related crimes. Our lawyers and attorneys have defended cases involving marijuana, cocaine, heroin, crack, methamphetamine, crystal meth, LSD, ecstasy, prescription drugs, and other types of illegal drugs.

More severe drug crime charges usually result in harsher penalties. However, even less serious charges may lead to harsh consequences -- especially if the person has been charged for a drug crime and has prior convictions, was found with a firearm, conducted the drug activity near a protected zone (such as a school or park), or the allegations for the drug offense involves a minor.

Defending against a drug crime often involves questions as to whether law enforcement properly obtained evidence presented by the State. Generally, evidence acquired by the State that was obtained by violating the constitutional rights of the accused offender will not be admissible in court. Defense challenges to the admissibility of evidence usually are based in the Fourth Amendment, which protects citizens from unreasonable searches and seizures. A knowledgeable and skilled criminal defense lawyer and criminal law attorney well versed in drug crimes law can file motions with the court to test the adequacy and sufficiency of the State's mandate to show probable cause for the search and seizure, as well as other legal issues that focus on the accused offender's legal rights.

## FEDERAL COMPARED TO STATE DRUG LAWS

Since the mid-1800s, the federal government has exercised control over the importation and manufacture of drugs. Such exercise and control provides the federal government with jurisdiction in certain drug cases to charge the accused with violations of federal law. Generally,

the federal sentencing guidelines are much harsher and severe than the sentencing guidelines of the State. Congress passed the Comprehensive Drug Abuse Prevention and Control Act in 1970 (known as the "Controlled Substances Act"). Such Act classified all controlled substances into Five Scheduled categories (Schedules I to V), and the categories are based on their potential for abuse and addiction, as compared to their value as a therapeutic drug. The Act also established particular regulatory requirements, certain procedures for the enforcement of federal drug laws, as well as specific penalties for unauthorized manufacture, distribution, or possession of controlled substances.

Under the federal formula, persons charged with drug crimes involving Schedule I drugs face the most severe penalties. Persons charged with drug crimes involving Schedule V drugs face the least severe penalties.

- Schedule I drugs have high potential for abuse and no accepted medical use - such drugs include marijuana, heroin, and LSD.
- Schedule II drugs have high potential for abuse and severe dependence, but have current and accepted medical use – such drugs include cocaine, PCP, methadone, and methamphetamine.
- Schedule III drugs have less potential for abuse than Schedule II drugs, potential for moderate dependency, and accepted medical use – such drugs include anabolic steroids and codeine.
- Schedule IV drugs have less potential for abuse than Schedule III drugs, limited potential for dependency, and accepted in the course of medical treatment – such drugs include tranquilizers, sedatives, and drugs like Valium, or Xanax.
- Schedule V drugs have low potential for abuse, limited risk for dependency, and are accepted for medical use – such drugs include cough medicines with codeine.

Most states, including Ohio, have drug laws that mirror the federal Controlled Substances Act. The federal drug sentencing guidelines are strict in application and most persons who are found guilty of a federal drug crime faces a specific and certain mandatory time in prison for such an offense. However, under the State sentencing guidelines, the possible penalties for an offender may be less harsh and more flexible than under the federal sentencing guidelines. A knowledgeable and experienced criminal defense lawyer and criminal law attorney can help guide their client through the maze of possible penalties. At the **Law Offices of Jack L. Moser, Jr.**, our capable and assertive criminal defense attorneys discuss with our clients all legal options available and we construct an aggressive defense strategy that meets the particular needs of such clients and their drug crimes case.

PENALTIES

Drug crime offenses include a broad variety of activities prohibited by state or federal statutes. Such drug crimes include the possession, manufacture, distribution, sale and trafficking of illegal drugs, as well as forgery and prescription fraud. Drug crime offenses also include attempts to commit such acts, as well as conspiracies to commit any of the drug crimes acts. At the federal level drug crimes are defined with specificity, and the government has the burden to prove particular facts before a person accused of a drug crime can be found guilty. Penalties for a drug crime conviction depend on many factors, but the foremost factor is the level of felony or misdemeanor the state has charged. Under Ohio laws, the lower the felony or misdemeanor number, the higher the penalty that an offender may face.

| Classification | Confinement    | Maximum Fine | Organizational Fine |
|----------------|----------------|--------------|---------------------|
| Felony 1 (F1)  | 3 to 10 years  | \$20,000     | \$25,000            |
| Felony 2 (F2)  | 2 to 8 years   | \$15,000     | \$20,000            |
| Felony 3 (F3)  | 1 to 5 years   | \$10,000     | \$15,000            |
| Felony 4 (F4)  | 6 to 18 months | \$5,000      | \$10,000            |
| Felony 5 (F5)  | 6 to 12 months | \$2,500      | \$7,500             |

As many drug crimes cases involve the use of firearms, in addition to the drug crime offense itself, supplemental penalties may be assessed for the use of a firearm (ORC 2929.14(D)(1)(a)):

Under the federal formula, persons charged with drug crimes involving Schedule I drugs face the most severe penalties. Persons charged with drug crimes involving Schedule V drugs face the least severe penalties.

- Possession of an automatic or muffled firearm – 6 additional years.
- Displaying, brandishing, or using firearm – 3 additional years.
- Schedule III drugs have less potential for abuse than Schedule II drugs, potential for moderate dependency, and accepted medical use – such drugs include anabolic steroids and codeine.
- Firearm not a factor in committing the crime – 1 additional year.
- Drive-by shooting – 5 additional years, plus a separate penalty for use or possession of gun as above.
- Discharging a firearm at police officer – 7 additional years.

Under Ohio law there are also supplemental penalties for repeat violent offenders (ORC 2929.14(D)(2)) that may be assessed in addition to the drug crime offense. As well as additional penalties for major drug offenders (MDOs).

Accordingly, when addressing confinement or incarceration in a drug crimes case the potential penalties depend on the nature and quantity of the drug at issue, the defendant's prior criminal record, and other factors that may lead to an enhanced sentence.

Many of the court systems in Ohio, including most larger court systems, recently began operating "Drug Courts" for certain drug crimes offenders. Such specialized courts emphasize treatment rather than incarceration for certain defendants with substance abuse issues. The sentencing phase of a drug crimes offender may be mitigated by the court for the offender's compliance with terms and conditions imposed by the Drug Court, e.g., participation in a treatment program, regular drug testing, as well as other court ordered conditions. Such mitigation may result in dismissal of charges, a suspended sentence, or a reduced sentence for the offender.

If You Have Been Charged With a Drug Crime:

The criminal defense lawyers and criminal law attorneys at the Law Offices of Jack L. Moser, Jr., provide aggressive and experienced criminal defense legal representation to clients arrested or charged with drug crimes. We take our role as lawyer, attorney, and counsel seriously and we provide our clients with an extensive legal defense strategy for those clients charged with a criminal drug offense. Our attorneys and legal staff are knowledgeable about Ohio and federal drug offenses, Ohio and federal drug laws, as well as defenses to such drug crimes. We also are familiar with the sentencing guidelines for Ohio and the federal courts for certain drug offenses, and we use such knowledge to mitigate a possible sentence in the event that a client must plead or is found guilty. Our lawyers and attorneys provide aggressive and experienced representation to protect our client's rights when they face a criminal drug charge. We can fight and provide you with a strong and aggressive legal defense to your criminal drug charge as well.

We represent clients charged with drug crime cases in Columbus and surrounding counties in Central Ohio: Franklin County, Delaware County, Fairfield County, Licking County, Pickaway County, Madison County, Union County; as well as through out the rest of Ohio.

If you are charged with a drug crime, contact the Law Offices of Jack L. Moser, Jr., so we may immediately evaluate your case and help you determine what kind of defense should be prepared on your behalf.

Regardless of your county of residence, if you are in need of a skilled, experienced, and aggressive Domestic Relations and Family Law attorney, call the **Law Offices of Jack L. Moser, Jr.** , to find out how our knowledgeable and qualified attorneys can help you meet your goals.

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Call Jack L. Moser, Jr. at (614) 478-8005.

Law Offices of  
Jack L. Moser, Jr.  
Attorney at Law  
107 West Johnstown Road  
Columbus / Gahanna Ohio 43230  
Tele: (614) 478 - 8005  
Fax: (614) 471 - 4581