



X v. Kutaisi City 2nd Police Department

Case no. # 4/აქ- 182-2010

Country: Georgia

Region: Europe

Year: 2010

Court: Kutaisi Appellate Court

Health Topics: Controlled substances, Medicines

Facts

This case was an appeal regarding the perpetration of an administrative misdemeanor. On August 14, 2010, the Chief of the Kutaisi City 2nd Police Department sent a report on administrative misdemeanor against X to the Kutaisi City Court. A drug test showed that X had consumed marijuana. As a result, an administrative fine of 500 GEL was imposed on X.

X appealed this decision, arguing that he had a serious incurable disease which for which he needed to be under treatment and a doctor's constant supervision. He claimed that the drugs he was taking for this disease resulted in a false positive on his drug tests. The viability of his story was confirmed by a doctor's letter. According to these expert testimonies, the drug he was taking often resulted in a false positive results for marijuana intake.

Decision and Reasoning

The Appellate Court upheld the Kutaisi City Court's decision. The Appellate Court noted that, according to the police report which was signed by X, X had confirmed the laboratory test indicating that he had consumed marijuana. The Appellate Court agreed that the X's medication might have given a positive result for marijuana as the result of urine test, but it was more important that during the court hearing, X confirmed his use of marijuana. Accordingly, there was no legal basis to void the lower court's ruling.

Decision Excerpts

The Appellate Court agreed with the factual circumstances established by the City Court, their legal assessment and notes that the substance Efavirenz might have a positive result for marijuana as result of testing of urine for illicit drug use of the group of tetrahydrocannabinol and benzodiazepine substances. But it is obvious that on the one hand X's test is positive as result of the laboratory examination, the use of the drug tetrahydrocannabinol (marijuana) is confirmed and on the other hand, which is most significant, during the court hearing X confirmed the fact mentioned in the delinquency report "the use of tetrahydrocannabinol (marijuana).

Accordingly the act perpetrated by X is envisioned by Article 45 of the Administrative Delinquency Code and the decision is lawful, accordingly there is no legal basis to void or cease the case. Page 2.