

IN THE  
SUPERIOR COURT MARION COUNTY

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ANDREW U. D. STRAW,	)	
<i>plaintiff,</i>	)	
	)	Case No: 49D10-1907-PL-030392
v.	)	
	)	
STATE OF INDIANA,	)	The Honorable David J. Dreyer
<i>defendant.</i>	)	Presiding Judge
	)	

**MOTION FOR DECLARATORY JUDGMENT**

I, *plaintiff* Andrew U. D. Straw, move the Court for declaratory judgment that medical marijuana is available to help Attorney Andrew U. D. Straw overcome his disabilities and regain the competence the Indiana Supreme Court says he lacks:

1. My principal complaint is that Indiana is picking on me as a disabled attorney who is doing his level best to improve disability rights across the entire nation and even abroad. <http://crime.andrewstraw.com>  
<http://disability.andrewstraw.com> Suspending me inflicted pain and suffering on me for years and slowed down my work excessively. It inflicted poverty on me.
2. It is important for the Court to enforce the U.S. Constitution and invalidate state laws that contradict the **U.S. Constitution** and federal laws. Supremacy Clause, Article VI, cl. 2. It is also important to reject state laws that violate the **Indiana Constitution**.
3. Indiana Trial Rule 57 allows for **declaratory judgments**.

4. The ADA, Title II, and the Rehabilitation Act of 1973, Section 504, apply to state courts. *Tennessee v. Lane*, 541 U.S. 509 (2004).
5. *In Re Straw*, 68 N.E.3d 1070 (Ind. 2/14/2017) is my discipline order and it punished me for having certain disabilities and demanding certain disability rights that the Court does not support, calling me “**incompetent.**”
6. We know that disability is the reason for calling me incompetent because the Disciplinary Commission offered a non-punitive “**disability status**” to me instead of prosecuting the verified complaint. My failure to agree to a totally non-punitive “disability status” then turned into **3 years of suspension** of my law license with 4 U.S. District Courts following suit without any hearing. Indiana used a conflicted single hearing officer. *Straw v. U.S. District Court*, 1:18-cv-278-CMH (E.D. Va.) (**Dkts. 7 & 20**).
7. However, the Virginia State Bar used an unconflicted 3-judge panel and exonerated me, suggesting that the “frivolous” lawsuits I filed may not have been “totally frivolous.” *Moseley*. In Virginia, after having considered the Indiana case against me, said that I met the **clear and convincing** standard and would not be disciplined at all in Virginia for doing the exact same things.  
<https://www.vsb.org/docs/Straw-062217.pdf>
8. It only got worse, with the 7<sup>th</sup> Circuit refusing to protect me and comparing me with an insane individual and with a criminal who stole his client’s funds. *Lee v. Clinton*, 209 F.3d 1025 (7<sup>th</sup> Cir. 2000); *In Re Wick*, 628 F.3d 379 (7<sup>th</sup> Cir. 2010). I am like neither of these; the 7<sup>th</sup> Circuit has in its immunity **libeled**

**me.** I am not insane and I am not a criminal, having no criminal record.

9. The 7<sup>th</sup> Circuit in its hostility to me first **failed to protect me from the Indiana Supreme Court discipline.** *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir. 7/6/2017). Then the 7<sup>th</sup> Circuit said that **I did not merit any federal hearing** before losing the 4 U.S. District Court licenses. *Straw v. U.S. District Court*, 17-2523 (7<sup>th</sup> Cir. 2017). Then the 7<sup>th</sup> Circuit said **I had no First Amendment right to disassociate from a court** and demand that my licenses be rescinded. The 7<sup>th</sup> Circuit said I had no such right and called the request frivolous. *Straw v. U.S. District Court*, 18-2192 (7<sup>th</sup> Cir. 2018). I kept trying to get justice by attacking Indiana laws, but Curtis Hill's office committed perjury, claiming that the FRCP time limit for answering after a complaint has been served is **29 days**. Any lawyer who appears in federal court knows that there is no such 29-day time limit for an answer. Because I reported the perjury, 18 U.S.C. § 4, the judge attacked me and the 7<sup>th</sup> Circuit on appeal **banned me from using the federal courts.** *Straw v. Indiana*, 18-2878 (7<sup>th</sup> Cir. 2018). I cannot even get the 7<sup>th</sup> Circuit to protect my right to the **sidewalks where I live to be kept clear of snow** so neither I nor other disabled people fall, also considering the blocking that snow does. These are public sidewalk access rights that the Federal Highway Administration civil rights office in Washington, D.C., told me that I have. I was told there is a limit on the number of times one can use the 7<sup>th</sup> Circuit and I apparently crossed that non-statutory, non-FRAP, non-FRCP, and non-constitutional limit. *Straw v.*

*Streamwood, et. al.*, 17-1867 (7<sup>th</sup> Cir. 2018).

10. Not only does Curtis Hill oppose medical marijuana, his office committed perjury against me so I would not be able to get default judgment when his office failed to timely answer. *See also*, FRCP 8(b)(6).
11. I am also the one who reported Curtis Hill<sup>1</sup> for his groping multiple women in 2018 and the Disciplinary Commission took up my complaint. This seems to indicate that I do have **a certain level of competence**, that my disciplinary complaint may well cause the **Indiana Supreme Court's lawyer against me** in my 7<sup>th</sup> Circuit appeals to lose both his license and his office. This is what should have happened after I reported perjury that cannot be disputed. It was in an official motion to the trial court with Curtis Hill's name on it. *Straw v. Indiana*, 1:17-cv-4158-WTL (S.D. Ind. 2018) (**Dkt. 17 – perjury motion**)
12. I have been crushed, processed, and mounted to the wall at the 7<sup>th</sup> Circuit and the Indiana Supreme Court as an example of what excessive punitive results happen when you don't accept **a label**.
13. The Indiana Supreme Court suspended me on **February 14, 2017**, as though I

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<sup>1</sup> [https://www.goshennews.com/news/local\\_news/suspended-attorney-formerly-of-goshen-filed-complaint-against-ag-hill/article\\_5389e2a5-2b0d-532b-8e57-f601f7cbe6ca.html](https://www.goshennews.com/news/local_news/suspended-attorney-formerly-of-goshen-filed-complaint-against-ag-hill/article_5389e2a5-2b0d-532b-8e57-f601f7cbe6ca.html)

<https://www.indystar.com/story/news/politics/2019/03/26/indiana-attorney-general-curtis-hill-complainant-has-ax-to-grind/3266485002/>

<https://www.journalgazette.net/news/local/indiana/statehouse/20200119/if-court-suspends-hill-what-happens>

committed some grave criminal offense, like the drunk-driving judges in Indiana with criminal convictions who get mere reprimands. Only I have not done any criminal actions. I have not driven drunk with criminal convictions. I have not groped anyone like Curtis Hill. I was suspended for **180 days with one justice wanting even more**. When that 180 day time expired, the court ceased making any orders in my disciplinary case, even with about 2 dozen pleadings from me in the docket as of **January 30, 2020**.

14. I had the option to be labeled “disabled” and that would have precluded any punitive discipline. I am disabled and I admit that, but I don’t admit that I did anything wrong. So, because I believe what a **unanimous 3-judge panel** of the VSB in Virginia believe, that I did not do anything wrong, I have been **suspended for 3 years**, with 4 U.S. District Court licenses suspended reciprocally for the same amount of time.

15. Further, Indiana prohibits medical marijuana usage as well as recreational usage of this **medicinal substance**. I have the right to challenge any state law, regulation, or rule for violation of any federal legislation or the state or federal constitutions. *Sykes v. Cook County. Circuit Court Probate Div.*, 837 F.3d 736, 742 (7th Cir. 2016):

16. So, for example, a state court loser is not barred from **targeting a statute** which has been construed against him in a state court decision, so long as he does not seek to overturn the state court judgment itself. *Skinner v. Switzer*, 562 U.S. 521, 532-33, 131 S.Ct. 1289, 179 L.Ed.2d 233 (2011)

## MARIJUANA FOR BIPOLAR DISORDER, *INTER ALIA*

17. The Indiana Supreme Court ADA Coordinator disciplinary complaint focused first and foremost on **my mental disabilities**. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-JMS (S.D. Ind. 2/16/2017) (Dkts. 1-11 & 1-13).
18. These include **bipolar disorder, depression, migraines causing blindness, and anxiety**. (Ex. 1, 2). I admit that I have these illnesses and it is because of my being born at Camp LeJeune, North Carolina, during the contamination period like tens of thousands of other children of veterans and so **exposed to industrial solvents** on the first days of my life on the order of U.S. Navy officer doctors.
19. I do have these illnesses. They are the subject of several lawsuits because I have not been compensated or provided health care for the damage, such as the damage of discrimination and disciplinary attacks that focus on these mental disabilities, as the Indiana Supreme Court did. *Straw v. Wilkie*, 18-7129 (U.S. CAVC); *Straw v. North Carolina*, 7:18-cv-74-M (E.D. N.C.); *Straw v. United States*, 16-17573-GG (11<sup>th</sup> Cir. 5/22/2019).
20. Without Rule 3.1 or any reasonable claim of reciprocal discipline based on the result in the 4 federal lawsuits, the only other way to suspend me is to invoke, explicitly or implicitly, **Indiana Rule of Admission & Discipline, Rule 23, Sections 2(c) & 3(b)**. This the text:

Section 2. Grounds for Discipline or Suspension (c) **Disability**. Any attorney who becomes disabled by reason of physical or mental illness or infirmity or because of the use of or addiction to intoxicants or drugs shall be subject to suspension by reason of the disability.

Section 3. Types of Discipline and Suspension; Notice of Orders and Opinions (b) **Disability suspension. Any attorney found disabled by reason of physical or mental illness or infirmity or by use of or addiction to any intoxicants shall be suspended indefinitely for the duration of the disability.**

21. The disciplinary order suspending me said that I was “incompetent” based on my mental disabilities and one must take her at her word. Invoking Rule 3.1 was an error of law once the Disciplinary Commission offered me “disability status” as a non-punitive means to avoid prosecution. Rule 3.1 does not address disability. Rule 23, Sections 2(c) and 3(b) do.

22. If in fact I am incompetent and it is because of **the industrial solvent poisoning and mental disabilities**, then the State of Indiana has obligations to allow me the full range of medical treatment that is allowed in other states like Illinois and Michigan and Ohio.

23. In taking away my active law license, Indiana needs to help me by providing the medicine I need no longer to be incompetent. My background ([www.andrewstraw.com](http://www.andrewstraw.com)) shows a great deal of competence, so the only issue is helping me to regain my full competence. The State of Indiana and its Supreme Court have an absolute obligation to do whatever it takes to restore me to an attorney who can do disability rights law again in state and federal court. It is exceptionally important for this to happen because my ability to effectuate change and improve disability access everywhere affects millions of people with disabilities, including disabled lawyers.

24. My brother is a critical care trauma nurse and very prominent Indiana

advocate for medical marijuana reform. His name is USAF Captain Jason Lee Straw (ret.). Captain Straw, a critical care nurse and veteran of Afghanistan who treated 600 disabled veterans with similar or worse injuries to mine when I drove to the Indiana Supreme Court to work, believes marijuana could help me regain my full competence. Please see the following URLs:

25. <http://camplejeune.andrewstraw.com>

26. <http://disability.andrewstraw.com>

27. <http://crime.andrewstraw.com>

28. <http://jls.andrewstraw.com>

29. I have written an amendment to the Indiana Constitution to allow marijuana use and the Court should be aware of what I propose.

<http://marijuana.andrewstraw.com>

30. Marijuana is available as a medical treatment in **33 U.S. states** and prohibited in only **17 states**. This is one state short of the number needed to pass a U.S. Constitution amendment.

31. Indiana's neighboring states overwhelmingly support marijuana reform.

Illinois and Michigan legalized *recreational* use of marijuana. Ohio has legalized *medical* marijuana. The only state surrounding Indiana not to at least allow medical marijuana is Kentucky, at least as of June 25, 2019. See,

<https://www.governing.com/gov-data/safety-justice/state-marijuana-laws-map-medical-recreational.html>

32. Access to marijuana as a treatment for any of my mental disabilities must be

protected by the U.S. Constitution under the 14<sup>th</sup> Amendment due process clause for **liberty and property**, the Indiana Constitution's Bill of Rights, Article I, Section 1 (protection of **liberty and property**), Section 11 (**search & seizure protections**), Section 23 (**equal privileges**). *See also*, 29 U.S.C. § 794.

33. The governor of Indiana has admitted to using marijuana. Now he opposes it, as does the Attorney General, Curtis Hill, *inter alia*.

34. I have a liberty right to use of a medicine (a property right) that can help my mental disabilities. I should have those rights protected by the right not to have the medical marijuana seized. Further, if the governor used marijuana when it was clearly not legal across most of the nation, I have the same right now that the vast majority (**66% of the states**) make medical marijuana legal.

35. I also have the same right as the Hoosiers located along the border with Illinois or Michigan to use medical marijuana, as those people have this right simply due to geography. Some people have property right up to the state line and they can cross that line and have a stash of marijuana that they can use with impunity inches across the state line.

36. This implicates the Privileges and Immunities<sup>2</sup> under the U.S. Constitution. I have a right to my law licenses and if Indiana is saying my disabilities that

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<sup>2</sup> *Ex Parte Garland*, 71 U.S. 333, 379 (1867) (One does not hold a law license merely “as a matter of **grace and favor**.”); *Supreme Court of N.H. v. Piper*, 470 U.S. 274, 281 (1985) (“The opportunity to practice law is a ‘**fundamental right**’ which falls within the ambit of the **Privileges and Immunities Clause**.”)

could be treated with medical marijuana are the reason I cannot practice law (presuming those disabilities make me incompetent), then my right to a law license is being **suspended based on disabilities that marijuana could treat**. I therefore provide some medical studies showing medical marijuana can be used to successfully treat my disabilities from the Camp LeJeune poisoning: bipolar disorder, depression, migraines causing blindness, and anxiety.

### **RECENT TREATMENT STUDIES IN THE PUBMED.GOV DATABASE**

37. **Bipolar Disorder** has been successfully treated with marijuana in a clinical trial.

[https://pubmed.ncbi.nlm.nih.gov/27275781-joint-effects-a-pilot-investigation-of-the-impact-of-bipolar-disorder-and-marijuana-use-on-cognitive-function-and-mood/?from\\_term=marijuana+treatment+for+bipolar+disorder&from\\_pos=9](https://pubmed.ncbi.nlm.nih.gov/27275781-joint-effects-a-pilot-investigation-of-the-impact-of-bipolar-disorder-and-marijuana-use-on-cognitive-function-and-mood/?from_term=marijuana+treatment+for+bipolar+disorder&from_pos=9)

“Findings suggest that for some bipolar patients, marijuana may result in partial alleviation of clinical symptoms. Moreover, this improvement is not at the expense of additional cognitive impairment.”

38. **Depression and Anxiety** have been successfully treated with marijuana in a clinical trial.

[https://pubmed.ncbi.nlm.nih.gov/30291748-characteristics-and-patterns-of-marijuana-use-in-community-dwelling-older-adults/?from\\_term=marijuana+treatment+for+depression&from\\_page=5&from\\_pos=7](https://pubmed.ncbi.nlm.nih.gov/30291748-characteristics-and-patterns-of-marijuana-use-in-community-dwelling-older-adults/?from_term=marijuana+treatment+for+depression&from_page=5&from_pos=7)

“Of current users, 44% used marijuana products at least weekly for common conditions including chronic pain, depression, anxiety, and insomnia, and most found marijuana helpful for these conditions.”

39. **Migraine** treatment has been demonstrated in a marijuana rat study.

[https://pubmed.ncbi.nlm.nih.gov/29111112-anti-migraine-effect-of-9-tetrahydrocannabinol-in-the-female-rat/?from\\_term=marijuana+treatment+for+depression&from\\_page=6&from\\_pos=8](https://pubmed.ncbi.nlm.nih.gov/29111112-anti-migraine-effect-of-9-tetrahydrocannabinol-in-the-female-rat/?from_term=marijuana+treatment+for+depression&from_page=6&from_pos=8)

“These findings support anecdotal evidence for the use of cannabinoids as a treatment for migraine in humans and implicate the CB1 receptor as a therapeutic target for migraine.”

40.A        **second**        marijuana        **Migraine**        success        study.

[https://pubmed.ncbi.nlm.nih.gov/26749285-effects-of-medical-marijuana-on-migraine-headache-frequency-in-an-adult-population/?from\\_term=marijuana+treatment+for+migraine&from\\_pos=1](https://pubmed.ncbi.nlm.nih.gov/26749285-effects-of-medical-marijuana-on-migraine-headache-frequency-in-an-adult-population/?from_term=marijuana+treatment+for+migraine&from_pos=1)

“The frequency of migraine headache was decreased with medical marijuana use.”

41.A        **third**        marijuana        **Migraine**        success        study.

[https://pubmed.ncbi.nlm.nih.gov/30152161-medicinal-properties-of-cannabinoids-terpenes-and-flavonoids-in-cannabis-and-benefits-in-migraine-headache-and-pain-an-update-on-current-evidence-and-cannabis-science/?from\\_term=marijuana+treatment+for+migraine&from\\_pos=2](https://pubmed.ncbi.nlm.nih.gov/30152161-medicinal-properties-of-cannabinoids-terpenes-and-flavonoids-in-cannabis-and-benefits-in-migraine-headache-and-pain-an-update-on-current-evidence-and-cannabis-science/?from_term=marijuana+treatment+for+migraine&from_pos=2)

“There is accumulating evidence for various therapeutic benefits of cannabis/cannabinoids, especially in the treatment of pain, which may also apply to the treatment of migraine and headache. There is also supporting evidence that cannabis may assist in opioid detoxification and weaning, thus making it a potential weapon in battling the opioid epidemic.”

42. Migraines for me are particularly debilitating, causing pain, mood variability, blindness, and incapacitation.

43. **Disabilities** more generally were treated successfully regarding **pain**.

[https://pubmed.ncbi.nlm.nih.gov/30456993-the-level-of-evidence-of-medical-marijuana-use-for-treating-disabilities-a-scoping-review/?from\\_term=marijuana+treatment+for+depression&from\\_page=2&from\\_pos=7](https://pubmed.ncbi.nlm.nih.gov/30456993-the-level-of-evidence-of-medical-marijuana-use-for-treating-disabilities-a-scoping-review/?from_term=marijuana+treatment+for+depression&from_page=2&from_pos=7)

“Chronic pain is the leading cause of disability and is the most common cause of long-term disability. There is sufficient evidence that medical marijuana is effective in treating epileptic seizures and chronic pain. Medical marijuana may improve the level of functioning and quality of life for individuals with certain disabilities.”

## CONCLUSION

44. The Indiana Supreme Court has punished me punitively for mental disabilities

I have had since birth and the entire course of my life, the use of medical marijuana has been unavailable to me because the Republican Party in Indiana and every one of its governors have been against marijuana

legalization.

45. The “Reefer Madness” scare and the Nancy Reagan “Just Say No” propaganda have kept people like me from using this substance as a medicine.
46. The Democratic Party has listened to the People and to the latest medical research. The prosecutor in Marion County now refuses to prosecute minor marijuana possession. Senator Karen Tallian, a Democratic candidate for Indiana Attorney General, supports marijuana reform and has introduced legislation in the Indiana Senate to that end.
47. Every mental illness and problem I have had likely is worse precisely because people like Curtis Hill, the Indiana Attorney General, and their allies in the legislature have kept medical marijuana illegal in Indiana.
48. So, I am punished for not having had a way to treat these mental illnesses as effectively as I could and the ones punishing me and resisting my civil rights work are precisely the same people fighting against me having access to medical marijuana. My mental health professionals in Elgin, Illinois, in 2018 told me that I could get medical marijuana in that state if I wanted due to the mental illnesses I have.
49. The State of Indiana has constitutional obligations to me when I was poisoned and disabled by the U.S. Marine Corps, disabled and in daily pain because of the reckless driver who hit me head-on as I drove to the Indiana Supreme Court to work. <http://crime.andrewstraw.com>
50. If Indiana takes away my law license, which is a fundamental right under the

Privileges and Immunities Clause of the U.S. Constitution, because I am “incompetent” and attacks my mental disabilities, and at the same time refuses to allow people like me to have a medicine, medical marijuana, then the state in denying me my license while denying me my medicine is in fact violating my right to a law license under U.S. Supreme Court precedents.

51. Medical marijuana is good for pain treatment also, but not available in Indiana due to political prejudices.

52. If the Indiana Supreme Court punishes me for “incompetence” after its Disciplinary Commission offered me **non-punitive “disability status,”** this means my disabilities are at least acknowledged as the reason for my being called “incompetent.”

53. That being the case, if the governor can use marijuana recreationally, then I have a right to treat these disabilities that were the indisputable reason for my law licenses being removed.

54. I want a declaratory judgment that since my law license was suspended based on disability and “competence,” Indiana has an obligation to help me regain the competence that apparently only medical marijuana can treat so broadly and specifically treats the conditions I have according to the above studies.

55. This is not a general statement on marijuana rights, but very specific to my disabilities because my inability to use medical marijuana has been afflicting my “competence” since birth.

WHEREFORE, I move the Court to declare that an attorney with bipolar disorder, depression, anxiety, and migraines causing blindness who was suspended with “competence” being the stated reason has a right to medical marijuana in Indiana to treat the conditions that were the reason for suspending his constitutionally-protected law license. Proposed ORDER attached along with Exhibits 1 and 2, demonstrating the disabilities are real.

I, *plaintiff* Andrew U. D. Straw, verify on this **January 30, 2020**, that the above statements and factual representations are true and correct under penalty of perjury.

Respectfully submitted,



s/ ANDREW U. D. STRAW, *Plaintiff, Proceeding Pro Se*  
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#### CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that I filed the above MOTION FOR DECLARATORY JUDGMENT with 2 EXHIBITS and a PROPOSED ORDER with the Court via efile on **January 30, 2020**. There are no attorneys of record at this point, and I seek that the Clerk will serve these papers and make them available on the <http://mycase.in.gov/>

Respectfully submitted,



s/ ANDREW U. D. STRAW, *Plaintiff, Proceeding Pro Se*

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