IN THE IOWA DISTRICT COURT FOR POLK COUNTY

CARL OLSEN, Petitioner, v. STATE OF IOWA Respondent.	No. CVCV068508 ***MOTION FOR JUDICIAL NOTICE*** Iowa R. Evid. 5.201

Petitioner Carl Olsen respectfully asks this Court to take Judicial Notice of the following: On June 18, 2026, the United States Supreme Court delivered its opinion in *United States v. Hemani*, No. 24–1234. A copy of the opinion is attached to this motion.

The government's argument in *Hemani* is identical to the State's argument in this case, "The burden the government sets for itself in this case is a considerable one … The law, says the government, doesn't require anything more. It doesn't matter what controlled substance an individual uses, in what amounts he does so, or whether his drug use has ever made him a danger to himself or others." Slip op. at 5. See *Gonzales v. O Centro Espírita Beneficente União do Vegetal*, 546 U.S. 418, 432 (2006) ("Under the more focused inquiry required by RFRA and the compelling interest test, the Government's mere invocation of the general characteristics of Schedule I substances, as set forth in the Controlled Substances Act, cannot carry the day").

> As this case came to us, marijuana was listed on Schedule I — a schedule reserved for drugs with "a high potential for abuse" with "no currently accepted medical use." 21 U. S. C. §812(b)(1). But after we heard oral argument, the government moved some marijuana products to Schedule III, 91 Fed. Reg. 22714 (2026), a schedule that applies to drugs with a lower potential for dependence and abuse and for which a "currently accepted medical use" exists, §812(b)(3). Years before that, too, the Department of Justice issued a memorandum directing federal prosecutors nationwide to curtail their enforcement efforts against marijuana users even while all marijuana products remained on Schedule I. Attorney General Memo (Aug. 29, 2013).
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> Seismic changes followed that memorandum. While marijuana use largely remained unlawful under federal law, the number of federal offenders sentenced for possession of marijuana dwindled. See United States Sentencing

> Commission, Interactive Data Analyzer. And most States responded by legalizing marijuana use to one degree or another as a matter of state law. See Nat. Conf. of State Legislatures, State Medical Cannabis Laws (June 27, 2025) ("Forty states, three territories and the District of Columbia" have legalized some marijuana use). As a result, some surveys suggest there now may be more adults in this country who regularly use marijuana than consume alcohol. See, *e.g.*, J. Caulkins, Changes in Self-Reported Cannabis Use in the United States from 1979 to 2022, 119 Addiction 1648 (2024) (finding, for the first time in 2022, more individuals who self-report daily or near-daily marijuana use than alcohol use). Whatever one thinks of these developments, the federal government has not just tolerated them; it helped fuel them. All of which leaves it awkwardly positioned to suggest that the millions of Americans who now regularly use marijuana are categorically and unusually dangerous. In saying this much, we do not question that sometimes an individual's unlawful use of marijuana (or any other controlled substance) may render him a danger to others. But, again, the government disclaims the need to show anything like that in this case. Instead, it asks us to conclude that anyone who regularly uses marijuana is categorically violent and dangerous without any further showing. All based on little more than its current say-so, one at odds with its own regulatory actions.

Slip op. at 17-18.

Foundation: The Religious Freedom Restoration Act protects the private religious use of cannabis by the Petitioner as long as that right does not interfere with the right of anyone else not to use cannabis for medical or religious purposes, the same as Iowa Code Chapter 124E protects the private medical use of THC by persons registered under the Medical Cannabidiol Act.

Relevance: The relevance of this evidence is that it shows the government has no compelling interest in criminalizing the private religious use of cannabis by the Petitioner. The government cannot show that possession and cultivation of cannabis for private religious use by the Petitioner is a threat to public health and safety sufficient to deny the Petitioner religious freedom, the right to enjoy privacy and the right to own property.

Sometimes a statute provides for both medical and religious exceptions, as in Iowa Code §§ 139A.8(4)(a)(1) and (2). Other times, as in Iowa Code Chapter 124, a statute provides a medical exception, Iowa Code Chapter 124E, and a statute provides a religious exemption, Iowa Code Chapter 675.

Dated June 20, 2026.

Respectfully submitted.

CARL OLSEN

/s/ Carl Olsen

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