

**FEATURE ON DUSTIN COSTA,
MARIJUANA LIFER PROJECT CLIENT**
www.MarijuanaLiferProject.org



Federal prisoner Dustin Costa is serving a de-facto life sentence. A true warrior for the cause, Costa has been incarcerated since 2006 for nonviolent marijuana-related offenses. His dedication allows him to remain sanguine about his circumstances despite routine indignities like having to wait an hour between phone calls limited to a mere 15 minutes. “This is only one example of how a prisoner becomes a little like a ghost, fading away from the real world,” he says.

Costa’s sentence stems from a February 2004 arrest made during a raid at his farm in Winton, Calif. “I’d started a nonprofit medical-marijuana collective with a handful of patients that had ballooned to 300 members,” he explains. “Everything was above board. I placed display ads in the Merced Sun-Star offering medical-marijuana services to those in need. I had promotional merchandise made and held events. I contributed more than 300 patient pre-screening interviews to the first-ever peer-reviewed study of medical-marijuana patients.”

All of which made him a target. “Just because someone was qualified to possess or cultivate marijuana under Prop 215 did not bar their arrest or prosecution,” Costa makes clear. “So the policy became ‘arrest and destroy first; sort out the legalities through the courts later.’ Local law enforcement is heavily reliant on funding from the federal government, which has never supported legalization in any form. As a result, they must dance to the feds’ tune.”

He continues: “The Joint Merced County Narcotics Task Force estimated the value of the 908 plants seized in the raid of my collective at approximately \$4.4 million. The true value was around \$87,000, with my personal income in the

neighborhood of \$3,000 a month. Neither this nor my strict adherence to state medical-marijuana laws made a difference. So 24 court appearances later, I was delivered into federal custody.”

Marijuana Is Medicine

He’d refused to take a plea bargain, remaining steadfast in his belief that marijuana is medicine: “My fellow medical-marijuana providers and I were passionate and liberally infused with a spirit of righteous civil disobedience, with more than a little counterculture influence.” A former U.S. Marine, union-local president and community organizer, Costa felt a compelling need to do what he felt was right. “My sense of justice inspired my advocacy for social change,” he affirms.

Dustin Costa has surely paid a price for his principles. “Both of my parents were in failing health when I was locked up,” he relates. “Both died in the first three years. I was especially close to my mother, whom I was able to speak with on the phone. Our conversations were always a bright spot. Toward the end, the calls were difficult – she was fading fast and had trouble speaking. I never stop wishing I could still call her.”

Strangely enough, in what has been a long, strange trip indeed, Costa’s legal odyssey repaired a longstanding rift with his father. “My father and I had been estranged for years prior to my bust. We’d always had a difficult relationship,” he confides. “But he came to visit me while I was awaiting trial, which was extremely painful for him as he had advanced colon cancer. He passed away moments after my last call to him.”

Costa’s sister is his rock. “She’s been by my side since my arrest, a pillar of support,” he attests. He regrets the “nagging, tiresome burden” of her having to assist him in the most mundane things, venturing, “For my family and friends, it’s like being a caregiver to someone who is profoundly disabled; they order books and pay bills, locate important documents – everything I could previously do on my own. My incarceration has been a terrible imposition.”

“I Would Have Been Sent to the Hole”

In some ways Costa is a model prisoner, but he concedes the occasional failure in one particular area: “Keeping my mouth shut when stupid things happen,” which he says is “pretty much all the time. Awesome dumbness is a hallmark of prison. My mouth has contributed to a few close calls.

A reckless wisecrack can result in threats of violence by fellow prisoners or being sent to the hole. Once, when I was trying to make a point about my diabetes to a physician assistant, I let slip an insult – I called him a fraud. He went ballistic. Had it not been for the cool head of a custody C.O., I would have been sent to

the hole. From there, I could easily have been transferred to a higher-security facility.”

What keeps Costa going? The support he receives not only from family and friends but complete strangers: medical-marijuana patients, activist organizations and dispensaries across the country. He’s received thousands of cards and letters.

“In the beginning, I was blown away,” Costa says. “It still warms my heart. I’ve always kept my chin up, but this support has made it impossible for me to do otherwise. I am humbled to have these good people at my back. It really helps to know the sacrifices I’ve made have not been in vain. It’s what allows me to continue my advocacy – the encouragement gives me even more to live up to.”

“I have an abundance of something most prisoners never have,” he says of this unwavering validation. “That makes me a pretty lucky guy and keeps me optimistic about the future.”

— **Julia Rubiner, *The Herbal Verbalist***
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