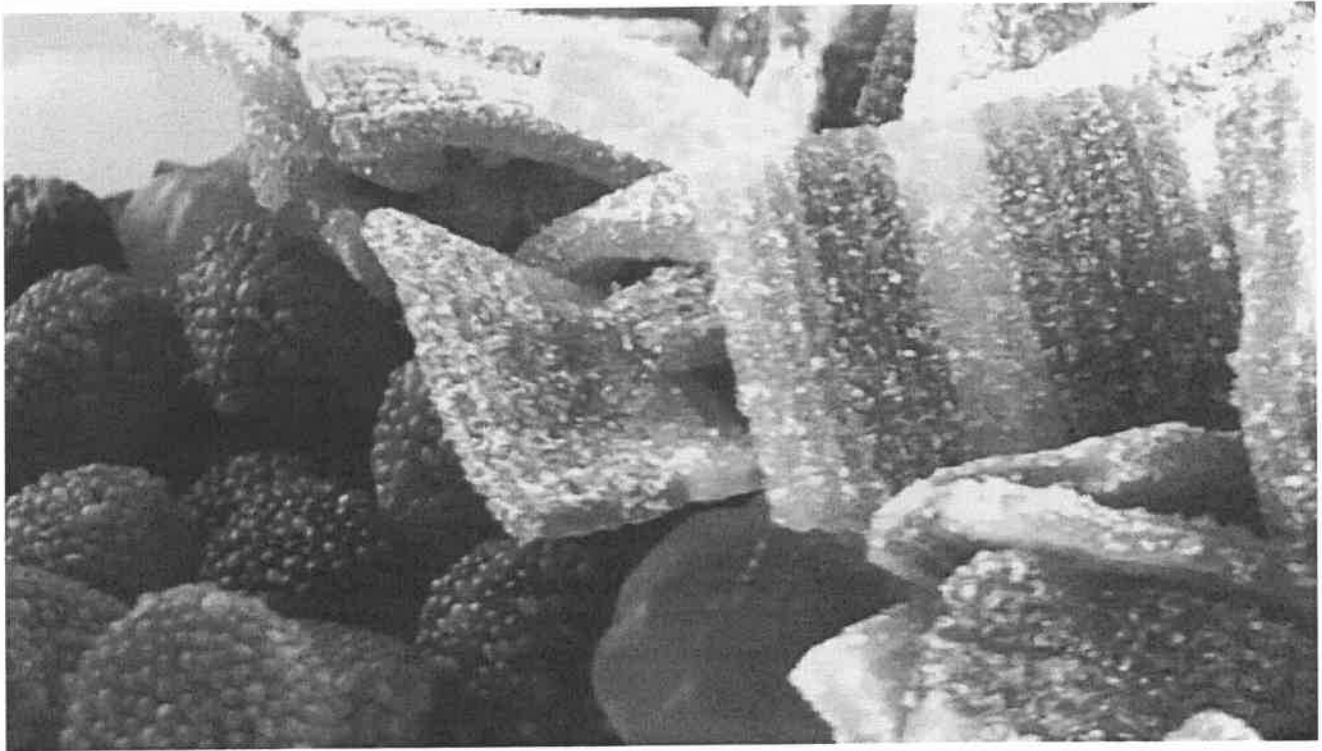


Virginia mother charged with murder after 4-year-old son dies from eating THC gummies

[nbcnews.com/news/crime-courts/virginia-mother-charged-murder-4-year-old-son-dies-eating-thc-gummies-rcna53449](https://www.nbcnews.com/news/crime-courts/virginia-mother-charged-murder-4-year-old-son-dies-eating-thc-gummies-rcna53449)

Julianne McShane



A Virginia mother has been charged with murder and felony child neglect after her 4-year-old son died from eating THC gummies, police said.

Dorothy Annette Clements, 30, of Spotsylvania was arrested Wednesday, two days after a grand jury indicted her on the charges related to the May death of her son.

Authorities said Clements failed to get her son help quickly enough after he was found unresponsive on May 6 at a Fredericksburg home they were visiting, about 11 miles away from Spotsylvania.

The boy died two days later, according to police, who said detectives believe the boy ingested a "large amount" of the gummies.

NBC Washington reported that an autopsy found THC — the ingredient in marijuana that gets people high — was the cause of death.

A doctor told detectives that the boy could have been saved if he received medical attention sooner, according to authorities.

Clements told police she called poison control after the boy ate half of a CBD gummy and that officials told her he would be fine, NBC Washington reported.

But police say Clements' claims did not match evidence found at the home, where a detective reported finding an empty THC gummy jar in the house where he was found, according to NBC Washington.

Clements faces up to 40 years in prison for the murder charge.

Her arraignment is set for Nov. 1, online records show.

Poison Control says that "serious and sometimes life-threatening side effects can occur in children who consume cannabis edibles," and recommends parents keep cannabis products away from kids.

Side effects for kids who consume THC edibles can include "vomiting, dizziness, difficulty walking, a rapid heart rate, drowsiness, confusion, and breathing difficulties," along with hallucinations, low blood pressure and an abnormally slow heart rate in severe cases, according to Poison Control.

"Parents and caregivers should call poison control regardless of whether symptoms are present because signs and symptoms may not occur immediately after consumption," the organization says.

Experts say the appearance of THC gummies is part of what makes them extra risky to leave around children.

The packaging of the gummies typically isn't childproof, and given their resemblance to candy, "when children come across them, most children are going to put that in their mouth and ingest it," pediatric emergency room physician Dr. Jill McCabe, who works at Inova Loudoun Hospital in Leesburg, told NBC Washington.

If children do consume them, parents should immediately call 911 and seek emergency medical care if the child is "having difficulty breathing, not breathing well, having a seizure, difficulty walking, very lethargic, [or having] persistent vomiting," McCabe told NBC Washington.

The warnings follow a string of recent incidents in which children were hospitalized for consuming foods laced with THC.

In 2020, at least two children — an 11-year-old and a 5-year-old — were hospitalized after eating "Medicated Nerds Rope," a THC-laced candy, from a food bank in Utah.

A year earlier, the mother of a 5-year-old boy was arrested for child endangerment after her son brought gummies laced with THC to his Cleveland elementary school, causing nine children to be hospitalized.

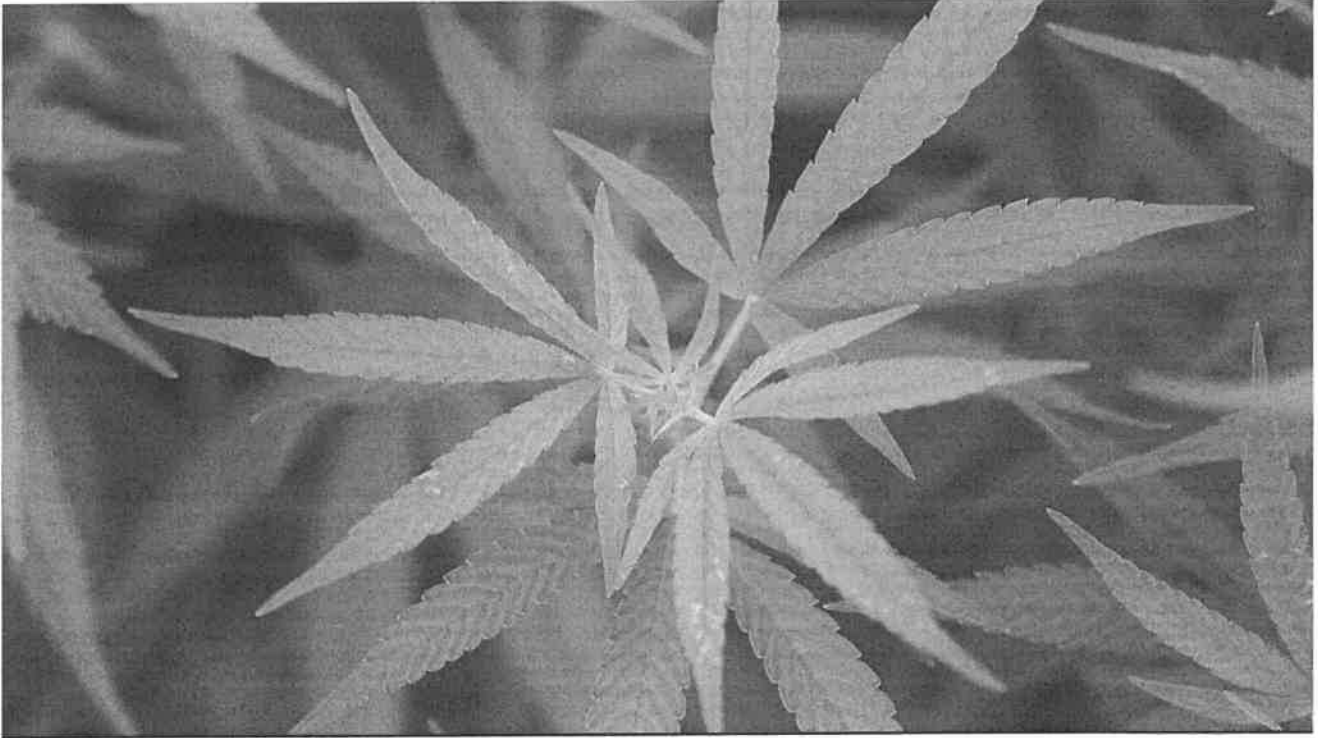
In 2018, at least 5 Florida middle school students were taken to the hospital after eating marijuana-laced gummy bears, which a 12-year-old boy allegedly handed out during gym class.

Medical experts said the 2015 death of an 11-month-old baby boy in Colorado marked "the first reported pediatric death associated with cannabis," though the baby was officially listed as having died from myocarditis, an inflammation of the heart muscle, and other experts questioned whether cannabis caused the death.

Julianne McShane

The potential impact of Virginia's new proposed hemp restrictions

[wusa9.com/article/news/local/virginia/virginia-new-hemp-restrictions-senate-bill-903/65-c7032420-b04c-4a2a-b48d-591093cfee37](https://www.wusa9.com/article/news/local/virginia/virginia-new-hemp-restrictions-senate-bill-903/65-c7032420-b04c-4a2a-b48d-591093cfee37)



Virginia

The impact of Virginia's new proposed hemp restrictions

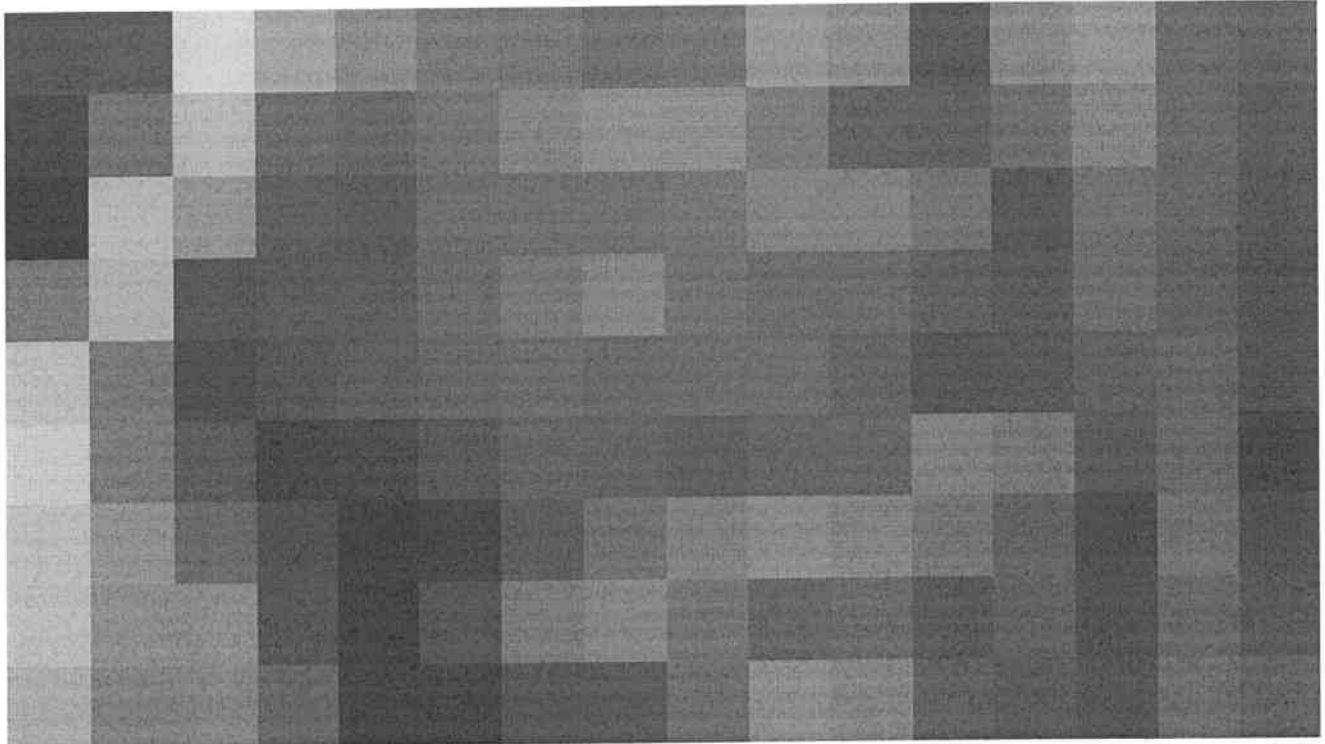
Virginia Senate Bill 903 limiting THC content of hemp products awaits Gov. Youngkin's signature.

HILLSVILLE, Va. — A 2018 federal law allowed hemp to be grown, chemically altered, and turned into products containing THC. THC is the compound that can get you high and is also used for pain relief.

Last Friday, Virginia lawmakers passed Senate Bill 903. The vote was 78-14 in the House of Delegates and 22-18 in the Senate. It limits all hemp products to only 2 milligrams of THC per package, far lower than most products carried in Virginia stores.

While holding up a bag of THC-infused hemp tea, District Hemp Botanical owner Barbara Biddle, with two stores in Virginia, said, "This is a tea right here specifically formulated to help with sleep. This is great for people that just need help with sleep sporadically. You know, they brew a tea they drink it before bedtime. It's a very easy way to administer CBD. This

has 3.96 milligrams of THC and the entire package; this will become illegal. I would get a \$10,000 fine if I sold this to anybody in Virginia from my stores. So products like these products, like this honey, some edibles, they'll all be gone. I'd say about 90% of my store would be gone because of the bill."



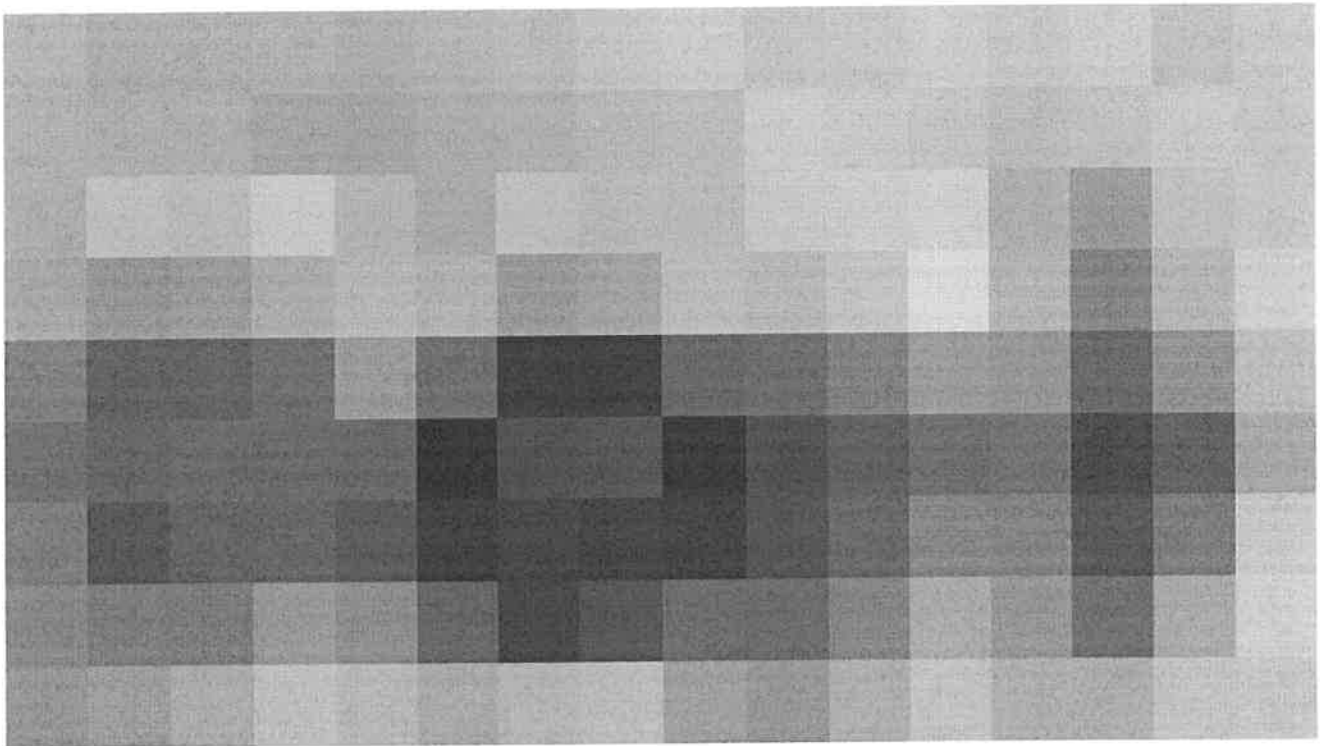
Credit: Barbara Biddle

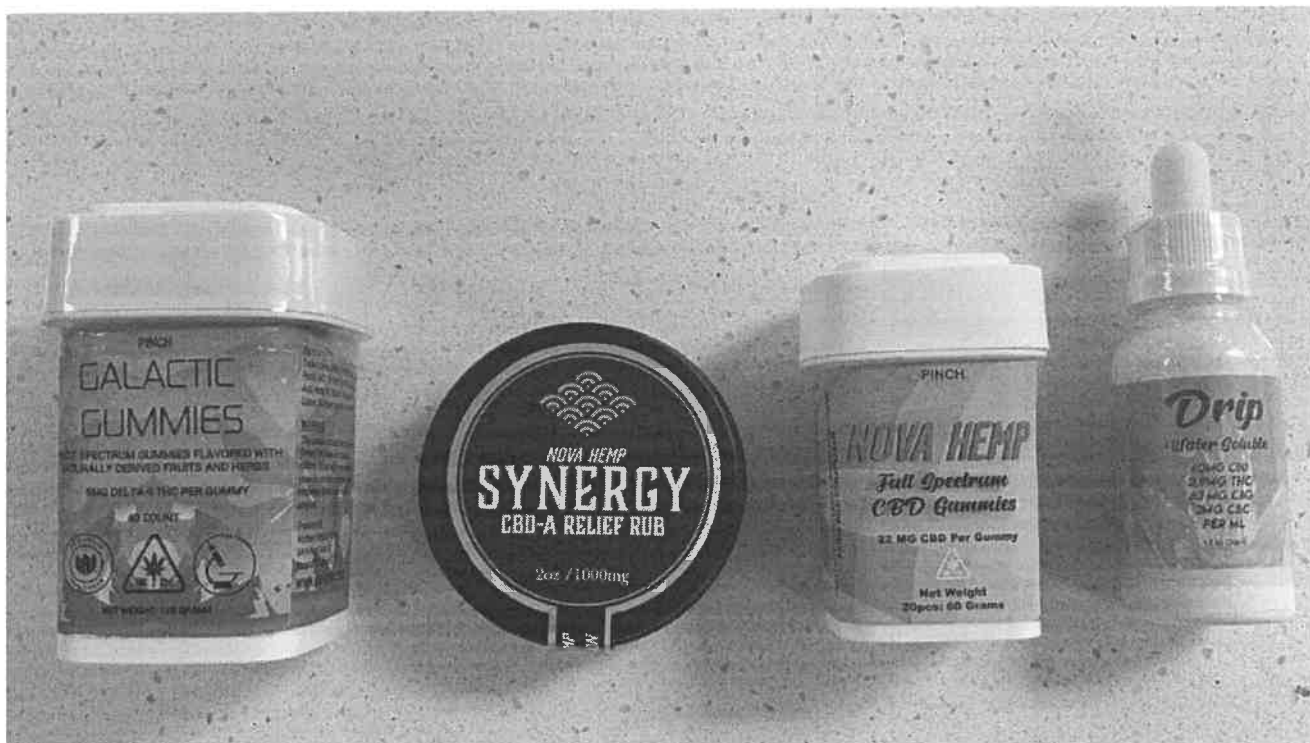
A bag of tea sold at District Hemp Botanicals stores in Virginia

Dr. Lynn Silver with the Public Health Institute supported Virginia's new bill limiting hemp:

"The loophole of 0.3% THC content allowed [in the 2018 Federal Farm Bill] was to open the barndoor wide for a whole range of products that were highly intoxicating, because 0.3% of plant is just not the same thing as 0.3% of a can of soda or of a gummy worm. And that criteria allowed large amounts of psychoactive THC to be pushed out there, as gummy worms, as "Sour Patch Kids" as all kinds of products that should not be out there exposing kids, and many of them with this very creative soup of new artificially derived cannabinoids. A lot of creative chemistry in there that we really know nothing about their safety."

Virginia's bill, if signed by the governor, would not just restrict Delta-8 THC gummies seen as potentially harmful if eaten by children, it would prevent manufacturing and sale of most existing hemp products meant for pain and anxiety relief with any THC in them.





Credit: Nova Hemp

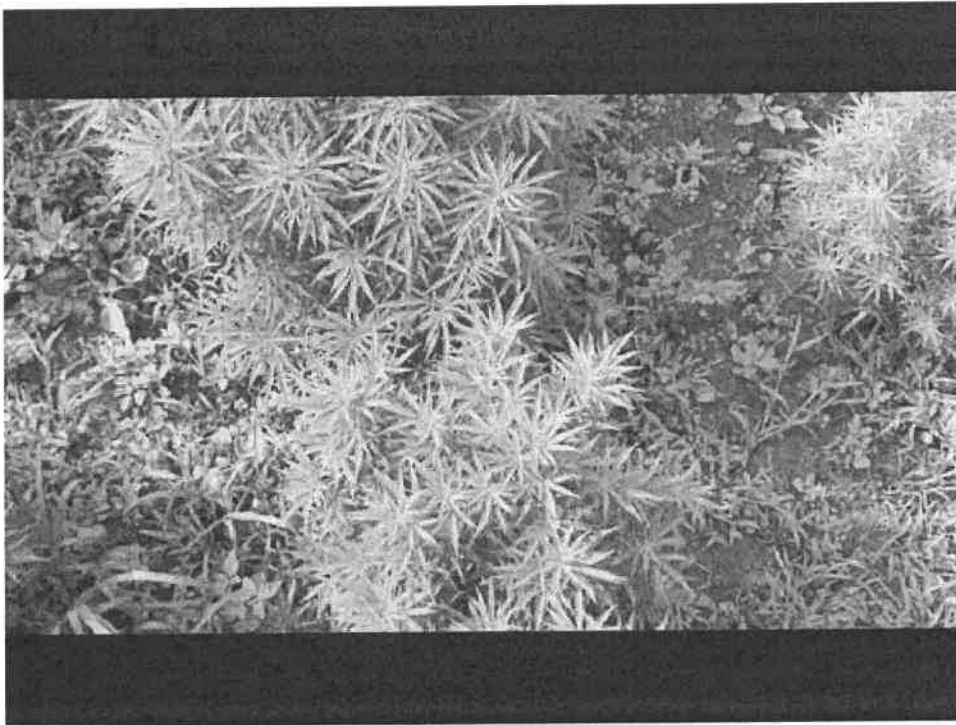
THC-infused hemp products facing bans in Virginia

While holding up a small bottle, Northern Virginia Hemp and Agriculture owner Travis Lane explained, "this is this is a CBD water soluble tincture that we make here and it's got 60 milligrams of CBD in it. But it also has 2.9 milligrams of THC per serving in the bottle, which is Farm Bill compliant and meets all standards to the limits the [Federal] Farm Bill says but this for instance, is a product that will become illegal and removed off of our shelves. I mean, we we have a very big line of stuff here that you know will just be completely wiped out and this is just a nonintoxicating hemp product."

Virginia's attorney general helped write the hemp restriction bill. His office wrote WUSA9 their motive for doing so: "The attorney general assisted lawmakers in crafting legislation to create safeguards for the total THC content available in products. This year, we've seen a spike in accidental THC overdoses in children, due to many of the products' misleading packaging and unreliable regulation. These safeguards protect Virginia children and consumers from accidentally consuming THC, as well as holding accountable vendors that try to circumvent the law."

Silver added, "Some of these products have way more THC in them than legal cannabis edible would, you know, most states legal cannabis edibles can't be more than five or maximum 10 milligrams."

Virginia Cultivars owner Travis Wagoner said, "This is about people being able to improve their quality of life with products that are made here locally, with small farms, small businesses, you know, people within the community. Unfortunately, the products that are being highlighted and all the stories with the negative publicity are products that are being shipped in from out of state with California logos on it. It's not the Virginia Cultivars product. You know, we care about our constituents; we care about our users. There certainly are products on the shelves that are dangerous, but it's not products that are being made here in Virginia by reputable companies like ourselves. I think that it's not just me, unfortunately, it's my community and not having the right to choice. It's my employees having to seek out other employment because I can no longer offer them 40 hours a week. It's my community here locally, not having the revenue coming in from the employees, but also not having a tax revenue. You know, Hillsville was a small town, the biggest thing we have going for us here is a flea market that happens twice a year, and that's done. So with that being said, you know, if we're talking about public safety and taking care of the constituents, I think we need to take their opinions and their freedom of choice into consideration, and this is eliminating that."



Watch Video At: <https://youtu.be/JQuv-g9lsSY>

Virginia's hemp growing and processing facilities are often located in the state's rural, higher unemployment areas.

Biddle added, "I have 12 employees in Virginia, and I don't know what tell them, you know, they might lose their jobs and I have no idea."

Senate Bill 903 now goes to Gov. Youngkin. Lawmakers expect him to sign it considering it was fellow Republican, Attorney General Jason Miyares, who helped write it. It would go into effect July 1.

Maryland and D.C. currently have no additional restrictions on hemp-derived THC products and follow federal law allowing their sale and production.

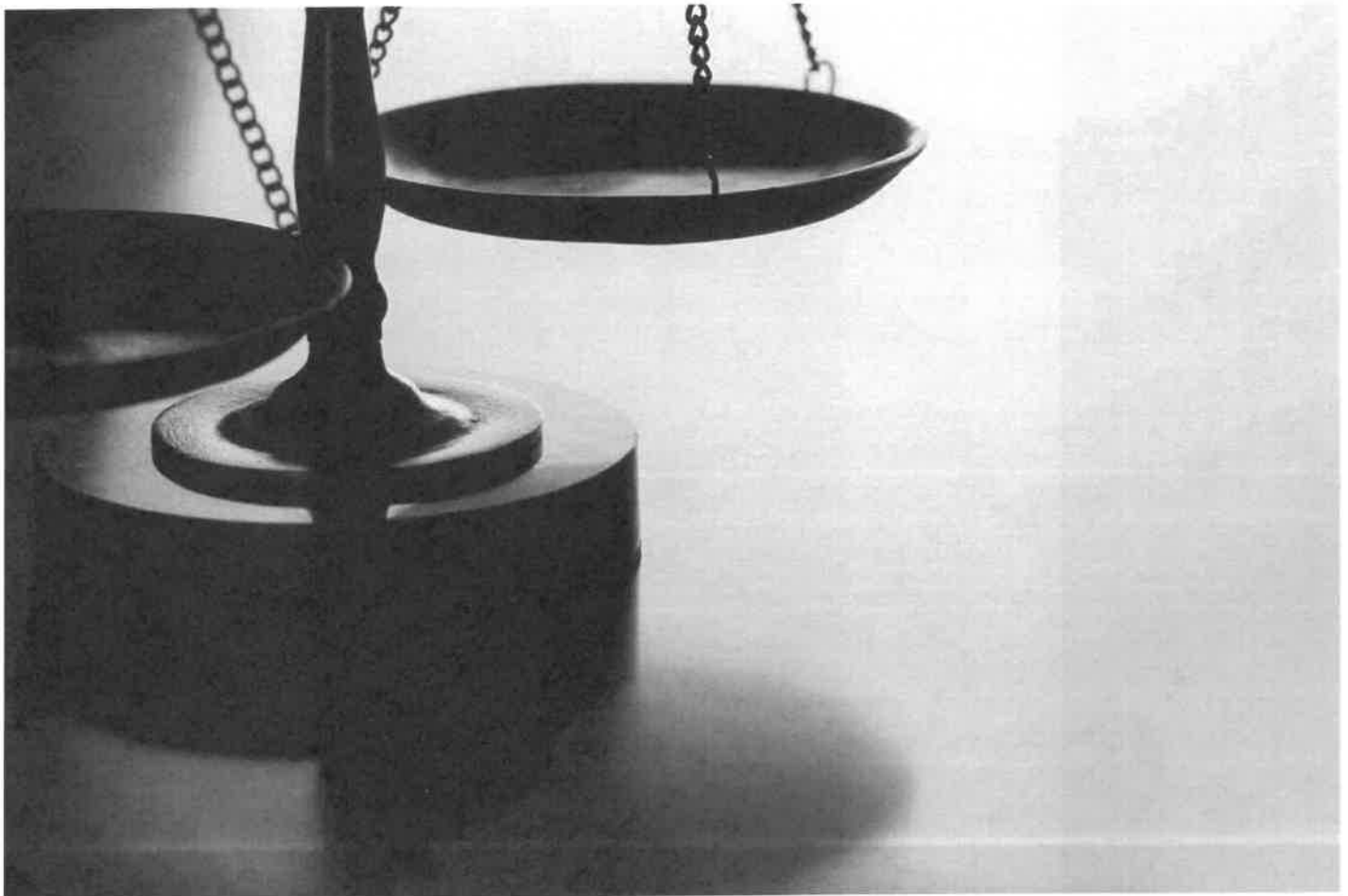


COMMENTARY JUSTICE

Opinion: Felony murder should be removed from Maryland criminal law

By Guest Commentary

January 31, 2023



Getty Images.

By Margaret Martin Barry

The writer is a member of the Montgomery County Women's Democratic Club. She is the founder and former director of the Re-Entry Clinic at American University Washington College of Law.

Though the felony murder doctrine inherently raises constitutional concerns, its application as to children is even more indefensible. As with David, a child can be charged with first-degree murder when his or her co-defendant committed the murder. The law is in opposition to the U.S. Supreme Court's precedent regarding child offenders. Relying on the Eighth Amendment's prohibition of cruel and unusual punishment, in Roper v. Simmons, Graham v. Florida, and Miller v. Alabama, the Court determined that youth must be considered when sentencing child offenders.

The premise of these decisions is that youth are less blameworthy than adults because of where they are in the process of their brain development. Indeed, in the Graham case, Justice Kennedy stated that in the case of felony murder, children are twice removed from culpability because it is even more unlikely that they will contemplate the dangers that could accompany their actions than adults. Notably, while the Court did not decide these cases for other than those defined as juvenile offenders, the science they relied upon spoke of the diminished developmental capacity to project consequences evidenced through the age of 25.

The United States remains virtually the only western country that still recognizes a legal principle that makes it possible "that the most serious sanctions known to law might be imposed for *accidental* homicide." England abolished felony murder in 1957, and the doctrine never existed in France or Germany.

Maryland's use of felony murder, either as a tool for prosecutors to pressure people into pleas or to gain first-degree murder convictions because causation and intent are not required, is particularly insidious as applied to Black people who enter the system. Maryland has the distinction of being among the worst states when it comes to incarceration of Black people, at more than double the national average. Felony murder fuels the worst tendencies, allowing incarceration for life or life without parole despite lacking the level of culpability we think of in relation to such harsh penalties.

For criminal laws to be respected, they must be considered fair and in proportion to the crime. Felony murder fails that standard because it punishes for an act that was either not done at all or not intended by the defendant. It is "justified" by argument that those engaged in the enumerated felonies should know that death is a possibility and further that the extreme penalties will deter engagement in such felonies. The latter disregards the harsh penalties for the underlying felonies which, if considered, would deter in their own right. The former premise of foreseeing the possible consequences has not been substantiated.

With the General Assembly early in its 2023 session, there is again the opportunity to do away with this unjust provision in our laws. Felony murder should be removed from

One spring evening in Prince George's County, a friend called David saying she needed help in going after some friends who had hurt her. He declined. She then called David's friend Keith for help; he agreed and said he would meet her.

Keith called David and talked him into going with him. When they met her, she was drunk and waving a gun. They tried to talk her down, and David got her to call her mother. But she was loud and still waving the gun when she made the call, and the next thing David knew Keith shot her, almost hitting him in the act. Keith then told David to take her gun.

Scared of what Keith was demonstrably capable of doing, David took the gun and ran. David was 16 years old at the time; Keith was 18. Both boys were tried and convicted of felony murder and use of a handgun in commission of a felony. Both boys got the same sentence of life plus 20 years, the sentences to run consecutively.

To prove premeditated first-degree murder, the most extreme form of murder, the state must prove that the defendant intended to kill, was conscious of that intent, and had time to think about that intent.

Except when the state doesn't have to prove intent — at all.

Indeed, many people sit in Maryland prisons for decades or for their entire lives who never intended to kill. They serve sentences for first-degree murder because the law tells prosecutors not to worry about proving intent to kill; if the defendant was involved in one of a certain list of felonies, it doesn't matter whether the killing was planned or the defendant did or even knew of the killing at all.

Despite our very stringent penalties for the felonies that trigger felony murder, the theory goes that if a person dies during commission of, for example, a robbery, burglary or arson, *all* involved in that crime should know death could happen. Premeditation and intent go out the window. An accident, a reaction, another member of a group's intent to kill sweep all into the worst punishment our laws dole out.

Consider, that someone who brutally attacks another person, or who acts on impulse to kill another, or who recklessly disregards the likelihood of death occurring does not face the same punishment. They are charged with assault, second degree murder or manslaughter.

Women and girls coerced into participating in crimes by abusive partners fall prey to felony murder charges as well. A 2018 California survey of 82 women serving a life sentence for felony murder in California found that 72% were not the actual perpetrators of the homicide.

Maryland law by deleting subsection (a)(4) of MD Crim. Law §2-201, and by providing for resentencing based on the underlying felony alone for those convicted of felony murder in the past. Doing so would remove from our laws this fictional intent to kill and the unfair sentencing it fosters. Any legislation that moves in this direction should be supported.



Guest Commentary

Maryland Matters welcomes guest commentary submissions at editor@marylandmatters.org. We suggest a 750-word limit and reserve the right to edit or reject submissions. We do not accept columns that are endorsements of candidates or submissions from political candidates. Views of writers are their own.

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