STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

 SUPERIOR COURT DIVISON

COUNTY OF xxxxxxx xxxxxxxxxxxx

STATE OF NORTH CAROLINA )

 )

v. )

 ) **AFFIDAVIT OF**

 , ) **FREDERIC W. WHITEHURST**

 Defendant. )

 )

 )

Frederic W Whitehurst, J.D., Ph.D., being first duly sworn, deposes and says as follows:

1. I am above the age of eighteen (18) years and otherwise competent to testify to the facts set forth in this Affidavit based on my personal knowledge.
2. I have training and experience with cannabis sativa in many varieties with many different chemical profiles, to wit: As an FBI agent in from 1982 until 1986, I regularly was involved in narcotics investigations many of which involved cannabis sativa being at crime scenes being investigated. From 1986 until 1998, I was assigned to the FBI laboratory in Washington, DC where evidence containing cannabis sativa was on occasion sent into the laboratory for analysis. Since I retired from the FBI in 1998, I have conducted extensive study of the scientific literature and authored one paper on cannabis sativa analysis as well as coauthored another paper on cannabis sativa. I have also conducted experimentation on different varieties of industrial hemp in the fields where it grows as well as from the store fronts that presently sell it. One of the issues that I address is odor of the plants comparing odors from industrial hemp and recreational/adult use cannabis sativa. Another issue is comparison of appearance of the different varieties of cannabis sativa.
3. I am familiar with the legal definitions of “marijuana” and “industrial hemp” in North Carolina. Cannabis sativa that contains over 0.3% delta 9-tetrahydrocannabinol (THC) is known as “marijuana”, while cannabis sativa that has less than or equal to 0.3% delta-9 THC is by statutory definition not marijuana and is referred to as "industrial hemp".
4. A person cannot determine the difference between marijuana and industrial hemp by olfactory or visual sensing. In order to determine whether a cannabis sativa sample is marijuana or industrial hemp a quantitative chemical analysis must be conducted to determine the content of delta 9-THC.

This \_\_\_ day of \_\_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Frederic W Whitehurst, J.D., Ph.D

SWORN to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

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Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_