

The Washington Post

WEDNESDAY, DECEMBER 15, 1999
METRO, B.07

Probation, Fines for Takoma Couple

BY FERN SHEN

The Takoma Park couple arrested after their daughter turned them in for growing marijuana were in court in Rockville yesterday, where each was sentenced to six months' probation, a \$150 fine and 10 days in jail, suspended.

During the brief hearing before Montgomery County Circuit Court Judge DeLawrence Beard, attorneys for Katherine Marie "Kitty" Tucker and Robert Jason Alvarez also asked for a sentence of "probation before judgment," meaning that the couple would wind up with no criminal record if they live up to the terms of their probation.

Beard denied the request, but he told attorneys for the couple that they could ask for a reconsideration and that he would review it. Both attorneys said they would do so. The sentence he did impose resulted from a plea deal worked out between defense attorneys and prosecutors last month.

Tucker pleaded guilty to attempted propagation of marijuana, and Alvarez pleaded guilty to marijuana possession, both misdemeanors. The couple originally had faced felony charges of manufacturing and conspiring to manufacture marijuana.

Tucker and Alvarez spoke briefly in court yesterday, Tucker apologizing but attributing her marijuana use to her medical condition, which includes severe migraines and muscle pain. Neither made reference to the most unusual aspect of their Aug. 30 arrest-- the fact that they had been turned in by their 16-year-old daughter, Kerry Tucker, who went to police with photographs of the basement marijuana crop.

Some explanation for the teenager's motivations has surfaced, however, in a memorandum written by Tucker's defense attorneys and placed into court records yesterday.

"A family disagreement as to whether or not Kerry Tucker would be permitted to drop out of

school" prompted the girl to go to police, the memorandum said. Those and previous defense documents describe Kerry Tucker as learning-disabled and emotionally troubled.

But the child's mother yesterday took responsibility for what happened, saying in the court filings that she now recognizes "the folly of self-medication with . . . an illegal substance."

Katherine Tucker "was driven by her pain and suffering to bend the law. That attitude, driven by her ailments, has now caused extreme upheaval in her own family," the document said.

Police officers found 69 marijuana plants in varying stages of growth, along with basement grow lights, marijuana stored in containers in the master bedroom and rolling papers and other paraphernalia in the house.

Alvarez, 54, a senior policy adviser at the Department of Energy, was fired as a result of the arrest. Alvarez, like Tucker, has a long history of involvement in pushing for greater scrutiny of government and private nuclear facilities, first as an activist, then as a congressional staffer and most recently at the Energy Department. Tucker, 55, is a lawyer who was involved in publicizing the case of nuclear power whistle-blower Karen Silkwood.

The couple was initially ordered by a judge to have no contact with the girl, who stayed for a time with family friends. Yesterday's sentencing brought an end to the special conditions under which Kerry Tucker was eventually allowed by a judge to live at home with her parents: that no one in the household discuss the marijuana-growing or arrest.

Steven D. Kupferberg, Tucker's attorney, said yesterday that he worked out an agreement for the return of two computers confiscated by the FBI.

"They will be returned within 10 to 30 days," Kupferberg said. "Because of [Alvarez's] high-security clearance, they wanted to see if there was any evidence of some threat to national security." ■

THE LAW OFFICES OF STEVEN D. KUPFERBERG

Criminal Defense, Personal Injury Attorneys | Licensed in Maryland and Washington D.C.
5904 Hubbard Drive, Rockville, Maryland 20852 | [Phone](tel:3012319480) (301) 231-9480 | [Fax](tel:3018819465) (301) 881 9465
<http://kupferberglaw.com>