

BERKELEY

2 enter not-guilty pleas in pot-cookie case Third suspect is freed, not charged after co-op party

Henry K. Lee, Chronicle Staff Writer
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A UC Berkeley astrophysics student and her boyfriend pleaded not guilty Friday to numerous misdemeanor drug charges for allegedly baking marijuana cookies that sickened 16 students at a residential co-op this week.

Carmen Anderson, 21, and recent UC Berkeley graduate Christopher Portka, 23, smiled at about a dozen well-wishers in the gallery of an Oakland courtroom.

Alameda County Superior Court Commissioner Willie Lott allowed the couple to be released on their own recognizance and ordered them to return to court Nov. 2 for a pretrial hearing. Portka, a former computer science teaching assistant, waved as he was led out.

Both were charged with 12 counts of furnishing marijuana, possession of more than 28.5 grams of marijuana and possession of psilocybin, all misdemeanors, according to the criminal complaint filed by Assistant District Attorney Martin Brown.

On Thursday, UC Berkeley police arrested the couple on multiple felony counts at the Cloyne Court co-op at 2600 Ridge Road, where Anderson lives.

A third suspect, UC Berkeley computer science student Michael Tobias, 24, who once lived at the co-op, was released without being charged. Police had arrested him Thursday on suspicion of furnishing marijuana, possession of marijuana for sale and possession of someone else's identity.

About 8 p.m. Wednesday, about 16 people, ages 18 to 25, at the co-op experienced adverse reactions after eating marijuana cookies or cookie dough and called for help, authorities said. Twelve were hospitalized but were expected to recover.

UC Berkeley police said Anderson and Portka made the cookies and Tobias supplied the marijuana for an annual event commemorating the assigning of rooms at the co-op, which has had a reputation for partying.

In court Friday, Portka's attorney, William Linehan, sought to downplay the incident, telling the commissioner that those who ate the cookies "were not sick. They were wasted."

In seeking the couple's release, Linehan told Lott, "Our clients are not deemed as suppliers -- they're bakers." That comment elicited laughter from the courtroom gallery and a smile from the commissioner.

Linehan and Anderson's attorney, Stephen Naratil, told the court that their clients had no previous criminal history. Anderson has an "excellent grade-point average," Naratil said.

Portka is "as pure as driven snow," Linehan said in an interview, adding he had no idea why students fell ill in a "joint reaction -- joint not being a pun."

"I think the police overreacted," Linehan said, adding the students who fell ill "became hysterical upon the police suggestion that there might be something wrong with the cookies, and it kind of snowballed."

Linehan also decried that as a result of the initial felony counts, bail for both Anderson and Portka had been more than \$200,000, "all because they were having a cookie party." Linehan said of the campus police, "They should be more sophisticated than that."

UC Berkeley police Detective Wade MacAdam, the lead investigator, declined to address the attorney's allegations Friday.

Deputy District Attorney Teresa Ortega didn't oppose the couple's release outright Friday but told the commissioner that more than a dozen students required hospitalization. "So it's a little more involved than distributing pot cookies at a party," Ortega said.

Several students who attended the hearing Friday said the couple had baked the cookies as a generous gesture for co-op residents.

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