

IN THE DISTRICT COURT OF THURSTON COUNTY, NEBRASKA

STATE OF NEBRASKA,)	CASE NO. CR 23-13
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JASON KARIMI,)	
)	
Defendant,)	

This matter came before the Court on April 8, 2026, for an evidentiary hearing on Defendant's Pro Se Motion to Modify Probation Condition filed January 26, 2026. The State of Nebraska appeared through counsel, Bradley Easland, Deputy Thurston County Attorney. Defendant appeared as a self-represented litigant.

Evidence was adduced. Arguments heard. The Court took the matter under advisement. The Court, now being fully advised of the premises, finds as follows:

BACKGROUND

Defendant was sentenced on October 2, 2024, to a two-year term of probation for the offense of Attempted Possession of a Deadly Weapon by a Prohibited Person, a Class IV Felony. An Order of Traditional Probation was entered the same day, which included various terms and conditions of Defendant's term of probation. Included within the Probation Order is term #11, which states that Defendant,

Shall not use, consume or have in his/her personal possession any alcoholic beverages or controlled substances. Exceptions

may be made for controlled substances prescribed by a duly licensed physician or dentist but Defendant shall immediately notify the probation officer of the prescribed controlled substances, and also provide him/her with a copy of the prescription. When consulting with the physician or dentist, Defendant shall notify the physician or dentist: (i) that he/she is on probation, the terms of which subject him/her to random drug tests; and, (ii) that if medically possible and the health of the Defendant would allow, no controlled substance shall be prescribed which is of a kind of nature that would cause the Defendant's body fluids to test positive for: Opiates, Oxycodone, Benzodiazepines, Methamphetamines, Amphetamines, Marijuana, Cocaine, or PCP.

On January 26, 2026, Defendant filed Defendant's Pro Se Motion to Modify Probation Conditions. Defendant sought to modify term #11 of his Probation Order to allow Defendant to utilize THC under the following conditions:

1. Solely for bona fide religious purposes;
2. Only within a private residence;
3. No use within 24 hours of operating a vehicle;
4. No use prior to probation meetings;
5. Subject to random testing;
6. No possession outside permitted locations.

On April 8, 2026, an evidentiary hearing was held. Defendant offered evidence in the form of Exhibit 2, a Certificate of Ministry issued by Universal Life Church Ministries, as well as a testimony from Reverend Brandon Baker.

ANALYSIS

The Court retains the authority to modify a probationer's conditions of probation during the term of probation. Pursuant to Neb. Rev. Stat. § 29-2263(3), "During the term of probation, the court on application of a probation officer or of the probationer, or its own motion, may modify or eliminate any of the conditions imposed on the probationer or add further conditions authorized by section 29-2262."

Defendant sought to modify the terms of his probation order to allow him to consume THC pursuant to his religious practice of Rastafari. Defendant sought narrowly tailored exemptions for his probation order and contended that the blanket prohibition of products containing THC in Defendant's probation order is not narrowly tailored and violates his right to practice his religion.

Reverend Brandon Baker testified regarding some basic information about the Rastafari faith. This included the consumption of cannabis in a prayer session is akin to communion, baptism, and confession in other biblical religions. He testified that being prevented from consuming cannabis would place a substantial burden on an individual as cannabis is the only one and true sacrament in the Rastafari faith. No evidence was adduced from the State that disputed the Rastafari faith as a religion.

Defendant cited the First Freedom Act, Neb. Rev. Stat. §§ 20-701 to 20-705, which became law on July 19, 2024. Under Neb. Rev. Stat. § 20-703, state action shall not, "(1) Substantially burden a person's right to the exercise of religion unless it is demonstrated that applying the burden to that person's exercise of religion in this particular instance is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest". Pursuant to Neb. Rev. Stat. § 20-702(1), "Exercise of religion means the practice or

observance of religion and includes any action that is motivated by a sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief”.

The First Freedom Act is relatively new, with no cases citing its provisions. Defendant referred to caselaw from other jurisdictions including Minnesota. While Courts in other jurisdictions have found that sincerely held belief prong is not a substantial burden for the person seeking the exemption, it is a burden nonetheless.

The issue with Defendant’s argument is that it presupposes Defendant’s “sincerely held religious belief”. There was no direct evidence of Defendant’s sincerely held religious belief. Defendant did not testify. He was not subject to cross examination. The only evidence presented on this topic was from Defendant’s sole witness, Mr. Baker. Mr. Baker testified that in his opinion, Defendant holds a bona fide, sincere religious belief in the Rastafari faith, based on his experience with Defendant. The testimony was far from clear as to the extent of Mr. Baker’s knowledge regarding the Defendant or Defendant’s involvement in Mr. Baker’s church, other than semi-regular participation in person or zoom.

An individual’s sincerely held religious belief is by its nature, personal. The Court is unable to determine if Defendant’s belief is sincerely held, as Defendant did not testify or provide any other submissions that were received as evidence to verify his claim. A third party’s testimony regarding Defendant’s belief is corroborative, but not on point. It is important to note that the Court was left without any information as to why consumption of cannabis is an important tenet for Defendant himself, as the Court had no information about Defendant’s personal belief within the Rastafari faith.

The Court finds that Defendant has not met his burden of proof in establishing that he maintains a “sincerely held religious belief” in his

Rastafari faith. As such, no further analysis is necessary as the provisions of the First Freedom Act were not implicated on this evidentiary record.

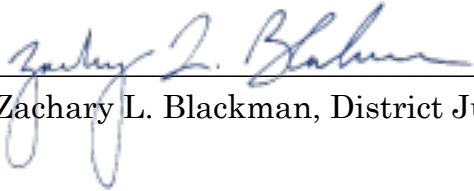
CONCLUSION

For the reasons outlined above, the Court finds that Defendant's Pro Se Motion to Modify Probation Condition filed January 26, 2026, is DENIED.

IT IS SO ORDERED.

Signed and dated this 1st day of July, 2026.

BY THE COURT:



Zachary L. Blackman, District Judge