

REPORT TO CITY COUNCIL

DATE: AUGUST 27, 2008

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER *LC*

SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING TITLE X (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN ALL ZONES

In 1996, California voters approved Proposition 215 – Compassionate Use Act of 1996, which decriminalized the use of marijuana for medical purposes. In 2004 the State legislature passed SB 420 to clarify the act, however in 2008, the constitutionality of SB 420 was called into question by the California Court of Appeals in *People vs. Kelly*, -- Cal Rptr. 3rd – (2nd Dist. 2008). Additional litigation is now pending.

In July of 2006, the City began to receive inquiries on the permissibility of medicinal marijuana dispensaries within the City limits. At that time, dispensaries were not permitted under the Municipal Code. Additionally, during this time, a suspected dispensary attempted to establish itself without a business registration permit and under the guise of different establishment in an attempt to conceal the true nature of its business. Shortly thereafter, the business was evicted by the property owner for misrepresentative statements on the lease. In September 2006, the City Council adopted a temporary moratorium on the establishment of dispensaries, and later extended the moratorium for a period up to two years while the issue was researched and reviewed by staff. The current moratorium is scheduled to conclude on September 26, 2008.

Since the establishment of the moratorium, many cities have adopted moratoriums to also address this issue, and, as time has progressed, are moving toward permanently prohibiting them within their limits. The elements supporting the basis for prohibiting dispensaries, as identified in studies from the California Police Chiefs Association and other reports, are the concerns for public health, safety and welfare, as law enforcement agencies have experienced increases in crime (i.e., burglaries, robberies, illegal drug sales, etc.) in the areas surrounding established dispensaries. Reports have also demonstrated that, over time, large scale drug trafficking has been connected with dispensaries attempting to pose as “caregivers” in order to obtain and sell marijuana. Additional basis for supporting the prohibition is the current conflict between State and Federal law that provide uncertain consequences and potential liability issues for those cities that permit dispensaries within their limits. While the State law allows for limited possession for

personal use for medicinal purposes as detailed under Proposition 215, Federal law prohibits possession and, more relevant here, distribution of marijuana as a controlled substance. 2007 enforcement raids by the Federal Drug Enforcement Agency (DEA) on various northern and southern California dispensaries, advisory notices sent to property owners by the DEA advising of possible property seizures by the Federal government, in addition to subsequent State Supreme Court decisions demonstrate the Federal government's position on dispensaries and medicinal marijuana.

It should be noted that during the existence of the City's current moratorium, staff, along with representatives from the Los Angeles County Sheriff's Department and the City Prosecutor's office participated in and have concluded a recent investigation of a suspected dispensary operating under the guise of a holistic medical office within the City limits. Extensive staff time was devoted to this challenging investigation that has concluded with the suspected business, illegal under the Municipal Code, being evicted by the property owner.

On July 17, 2008, the Planning Commission held a public hearing on a recommendation to amend the zoning ordinance to prohibit medicinal marijuana dispensaries in all zoning districts of the City. The Commission voted 5-0 to pass Resolution 940 and approve a recommendation to the City Council to adopt the ordinance to prohibit medicinal marijuana dispensaries. The proposed ordinance would prohibit medical marijuana dispensaries in all zones of the City and clarify that it would be "unlawful for any person or entity to own, manage, establish, conduct, operate, or permit to be established, conducted, operated, owned or managed as landlord, property owner, any medical marijuana dispensary, or to participate in as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in medical marijuana dispensary in the City". Additionally, the ordinance prohibits and voids the issuance of a business license or any other City permit to any business that violates federal law. Although the ordinance prohibits dispensaries, it should be noted that it does not limit qualified individual's rights to process, use or cultivate for their own medical purposes as is presently authorized by the laws of the State of California.

During staff's review and analysis of this issue, there is a prevalent theme that encompasses the discussion of dispensaries and medicinal marijuana. The first, as mentioned previously, is the discussion of general public health, safety and welfare. Although there may exist dispensaries that operate within the true intent of the Proposition 215, there are many that do not, and there is the underlying issue of public safety with respect to the communities they reside in as well as those individuals who operate and are employed by the dispensaries. As outlined by the reports from the California Chief of Police Association, many communities experience increases in crime, as well as secondary effects identified in the Planning Commission staff report (i.e., street level dealers try to sell patrons going into dispensaries, burglary attempts into the dispensary building, neighboring businesses negatively affected because of the concentration of criminals sometimes associated with dispensaries, etc.). Recent news articles continue to demonstrate that dispensaries are targets for robberies, shootings, and violent and major property crimes for those looking for drugs and large amounts of cash that tend to be present within dispensaries. Additionally, proprietors of dispensaries continue to be arrested or under investigation in connection with large scale drug trafficking and money laundering. The second is the ongoing

conflict between State and Federal law on this issue, which is yet to be resolved, on the legality of possession and distribution of medicinal marijuana and the unknown liability posed for those cities that permit them.

After careful examination of this complex issue, staff concludes permitting dispensaries within the City could result in increase criminal activity (our current law enforcement agency concurs with this finding), and subject the City to a potential liability for permitting what the Federal government clearly identifies as a “control substance”. Until the conflict is resolved and/or clarified, violation of Federal law is not in the best interest of the City. Finally, the non-permitting of medicinal marijuana dispensaries within the City will not have a negative effect on those that require access to them for relief of ailments associated with HIV, cancer and other seriously debilitating diseases, as, currently, access to dispensaries can be obtained in the neighboring San Fernando Valley communities (Encino, Granada Hills, etc.) and most recently, the neighboring City of Malibu.

RECOMMENDATION

Staff respectfully recommends the City Council introduce, read by title only, and waive further reading of Ordinance No. 2008-355 of the City Council of the City of Agoura Hills, California, Amending Title X (zoning) of the Agoura Hills Municipal Code prohibiting medical marijuana dispensaries in all zones

Attachment: Ordinance No. 2008-355

Medical Marijuana: Federal Raids, Robberies, and Challenges Associated with Dispensaries
Marijuana Information and Related Health Studies:

Report - Medical Marijuana Dispensaries and Associated Issues California Chiefs of Police
Association

Planning Commission Resolution No 940

Planning Commission Staff Report – July 17, 2008

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ORDINANCE 08-355

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING TITLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN ALL ZONES

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA does ordain as follows:

SECTION 1. Findings.

The City Council of the City of Agoura Hills, as the legislative body of the City, makes the following findings in support of this zoning ordinance regulating land use within the City of Agoura Hills.

A. In 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.5, et seq., and entitled the Compassionate Use Act of 1996 ("the Act"). The Act decriminalized the use of marijuana for medical purposes.

B. On January 1, 2004, SB 420 went into effect. SB 420 was enacted by the Legislature to clarify the scope of the Act. On May 22, 2008, the constitutionality of SB 420 was called into question by the California Court of Appeal in *People v. Kelly*, -- Cal. Rptr. 3d -- (2 Dist. 2008).

C. Notwithstanding the status of SB 240, neither the Act nor its implementing legislation authorizes medical marijuana dispensaries nor requires the City to provide for medical marijuana dispensaries.

D. On September 27, 2006, the City Council adopted a forty-five (45) day interim zoning ordinance prohibiting the establishment of medical marijuana dispensaries in any zoning district within the city.

E. On November 27, 2006, the City Council adopted a second and final interim zoning ordinance, extending the moratorium on medical marijuana dispensaries in the City for an additional 22 months and 15 days.

F. Some California cities that have permitted the establishment of medical marijuana dispensaries have witnessed an increase in crime, such as burglaries, robberies, and sales of illegal drugs in the areas immediately surrounding such dispensaries, as shown in the studies and reports from the California Chiefs of Police Association, the Riverside County District Attorney's Office, the City of Rocklin, and reports of various news agencies. Furthermore, the United States Department of Justice's California Medical Marijuana Information report has advised that large-scale drug traffickers have been posing as "caregivers" to obtain and sell marijuana. A medical marijuana dispensary opened briefly in the City after providing false information regarding the nature of the use to the City in a business license application and to its landlord in an application to rent business space. If any of these circumstances were

repeated in Agoura Hills, it could increase the likelihood that parties would traffic in illegal drugs in the City, thereby endangering the public health, safety and welfare.

G. In May 2001, the United States Supreme Court issued its decision in *United States v. Oakland Buyers' Cooperative*, 532 U.S. 483 (2001), holding that distribution of medical marijuana is illegal under the Federal Controlled Substances Act and that there is no medical necessity defense allowed under federal law. On June 6, 2005, the United States Supreme Court issued its decision in *Gonzales v. Raich*, 545 U.S. 1 (2005), which held that Congress, under the Commerce Clause of the United States Constitution, has the authority and, under the Federal Controlled Substances Act, 21 USC Section 841, the power to prohibit local cultivation and use of marijuana even though it would be in compliance with California law. Further, the federal Drug Enforcement Agency has continued to enforce federal law by raiding and prosecuting medical marijuana dispensaries in other California cities. In light of these decisions and actions, it would be inconsistent and contrary to the public health, safety, and general welfare to permit the establishment of medical marijuana dispensaries, as defined herein, within the City insofar as such activities would constitute illegal activity under federal law.

H. This Ordinance is necessary to preserve the public health, safety and general welfare of the City and is not in conflict with the general laws.

I. This Ordinance is consistent with the City's General Plan and each element thereof.

J. California Environmental Quality Act (CEQA). It can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council's action of adopting this ordinance and the effects derivative from that adoption are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Title 14 CCR. 15061.(b)(3).) This finding is premised on the fact that the adoption of this ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

K. On July 17, 2008, the Planning Commission of the City of Agoura Hills held a duly noticed public hearing to consider Ordinance 2008-355. Following the close of the public hearing, the Planning Commission adopted Resolution No. 940 recommending approval of Ordinance 2008-355.

L. On August 27, 2008, the City Council held a duly noticed public hearing on Ordinance 2008-355.

Title IX, Chapter 6, Part 2, Division 10, Section 9660, of the Agoura Hills Municipal Code is hereby adopted to read as follows:

DIVISION 10 MEDICAL MARIJUANA DISPENSARIES PROHIBITED.

9660

(A) Purpose and Findings.

The City Council finds that Federal and State laws prohibiting the possession, sale and distribution of marijuana would preclude the lawful opening and operation of Medical Marijuana Dispensaries sanctioned by the City, and in order to serve public health, safety, and welfare of the residents and businesses within the City, the declared purpose of this chapter is to prohibit the operation or establishment of Medical Marijuana Dispensaries within the City, as provided in this section.

(B) Definitions.

For purposes of this section, the following term is defined:

(1) **Medical Marijuana Dispensary:** is any location, structure, facility, vehicle, store, co-op, residence, or similar facility used, in full or part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, placed, or cultivated, including any of the foregoing if used in connection with the delivery of marijuana.

(C) Medical Marijuana Dispensaries Prohibited.

A Medical Marijuana Dispensary is not a permitted use anywhere in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct, or operate, or permit to be established, conducted, operated, owned or managed as a landlord or property owner, any Medical Marijuana Dispensary, or to participate as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in any Medical Marijuana Dispensary, in the City. The issuance of business license or other City permit to any business prohibited by federal law is prohibited and void.

(D) Use or Activity Prohibited by State or Federal Law.

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any State or Federal law."

SECTION 2. Existing Nonconforming Uses. Any Medical Marijuana Dispensary, or Marijuana Dispensary, Store, or Co-Op, existing within the City on the effective date of this ordinance shall cease operations immediately.

SECTION 3. No Conflict With Existing Law. This zoning ordinance shall in no way limit qualified individuals' right to possess, use or cultivate marijuana for their own medicinal purposes as is presently authorized by the laws of the State of California as set forth in the applicable provisions of the Health and Safety Code. Any court called upon to

construe this ordinance shall do so in a way that does not conflict with state law while preserving the intent of the City Council in enacting this ordinance.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the this ordinance. The City Council hereby declares it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Savings Clause. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the Agoura Hills Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

INTRODUCED this 27th day of August, 2008.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

BY:

Kimberly Rodrigues, CMC, City Clerk
City of Agoura Hills

John M. Edelston, Mayor
City of Agoura Hills

APPROVED AS TO FORM:

CRAIG A. STEELE, City Attorney
City of Agoura Hills

**MEDICAL MARIJUANA: FEDERAL RAIDS, ROBBERIES &
CHALLENGES ASSOCIATED WITH DISPENSARIES**

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Shakedown From Feds Imperils Medicinal Marijuana

DEA Allegedly Tells Landlords to Evict Pot Club Tenants — Or Else

Tuesday, August 12, 2008

By [Ethan Stewart \(Contact\)](#)

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Not too long ago, critics were likening the medical marijuana movement in Santa Barbara to the cannabis culture equivalent of the Wild West: more dispensaries than Starbucks, no city oversight, and law enforcement without a clear mandate. Things have changed quickly, however, with the city stepping in earlier this spring to craft an ordinance outlining the dos and don'ts of dispensary operation. Now, just last week, the federal government's Drug Enforcement Agency (DEA) and Department of Justice (DOJ) paid a visit to Santa Barbara and threatened the people who rent their properties to California-approved cannabis clubs with hefty fines, property seizure, and criminal charges for violation of federal law.

According to local attorney Joe Allen, who sat in on at least one of the several meetings between federal officials and landowners on August 5 and 6 at the Santa Barbara District Attorney's office, "In very clear terms, they said this is the last warning: The government is going to shut all of these clubs down and the government is going to prosecute anyone involved."

The visits, which Santa Barbara District Attorney Christie Stanley coyly refused to confirm or deny, leave in their wake a questionable future for the eight or so medical marijuana shops that operate in Santa Barbara and the thousands of patients who visit them each week to seek relief from a wide variety of conditions. In the opinion of Allen, who is considered a go-to guy within the state for the hazy landscape of medical marijuana law, the heat turned up by the DEA this week has worked so well that he suspects "virtually every cannabis operator" will receive or has already received an eviction letter from his or her landlord.

Adding to the fallout is the city's aforementioned cannabis ordinance, which essentially voids business permits for any clubs that suspend operations for 30 days. It is feasible that most operators will not be able to reopen even if they succeed in the uphill battle of finding a landlord willing to rent to them.

One of those who has already received his eviction order is Josh Braun. His dispensary, the third locally when it opened in 2005, had been operating on the 3500 block of State Street, nestled among restaurants, a coffee shop, and a gardening store. But after his landlord's lawyers met with federal authorities last week, his days of operating Hortipharm Caregivers are numbered. His doors will close by September. "I've got 20 employees with salary and health benefits—most of them with families—who are going to be out of work in a crappy economy," explained

Braun recently before adding with marked frustration, "And for what? Because the feds don't want to respect the people of California?"

Braun's landlord, John Friese, said the eviction didn't result from bad behavior on Hortipharm's part but from the threat of property seizure and thousands in fines. "I was basically being told by the DOJ ... that I better get them out and get them out in a hurry or else."

Adding insult to injury, Santa Barbara Bank & Trust called Braun the day after the meeting last week to inform him that his accounts with the bank, or at least those associated with Hortipharm, would have to be terminated because of his line of work. "For years, it wasn't a problem but now, all of a sudden, the same day the feds come to talk to my landlord, it is," scoffed Braun. According to him, at least one other dispensary in town received similar word from Bank of America last week.

The United States Attorney General's office did not return calls for this story. The DEA office referred calls to the Attorney General.

Story Help (Click-ability)

Double-clicking on **any word or phrase** in this story will open a reference window with definitions and links to other reference material.

Comments

Discussion Guidelines

No criminal prosecutions are planned for former Justice Department officials accused of allowing politics to influence the hiring of prosecutors, but "The government is going to shut all of these clubs down and the government is going to prosecute anyone involved."

Go figure.

Nitz (anonymous profile)

August 13, 2008 at 1:44 a.m. ([Suggest removal](#))

Ethan,

Why don't you call Diane Feinstein, Barbara Boxer, and Lois Capps and find out where they stand on this issue?

Seriously, these are the sort of issues that voters have a right to know about when they go to the polls.

We know what the Republican Gestapo (AKA US Attorney General) thinks. Shouldn't we expect our US Representatives to stand up for the people of California?

Think of all the tax revenue we could gather if pot was simply legalized for sale...

sa1 (anonymous profile)

August 13, 2008 at 2:36 a.m. ([Suggest removal](#))

I blame the doctors that recommend the marijuana. Had they been vigilant to only recommend to people that truly need it, the feds would not have gotten involved. I think we all know people who have a recommendation that don't need it. Once the feds perceived the law as being abused they jumped in. I feel bad for all the people that are going to lose their medicine from this but I think there is plenty of blame to go around for why the feds are getting

The Mercury News

MercuryNews.com

Deputies bust three Bonny Doon pot grows

By Jennifer Squires - Sentinel staff writer

Article Launched: 08/09/2008 09:27:40 AM PDT
 Sheriff's deputies found nearly 1,200 pot plants and arrested two men suspected of cultivating and selling marijuana Thursday at three indoor grows discovered in June during the Martin Fire.

The simultaneous busts netted marijuana worth about more than \$1 million on the street, according to Sgt. Steve Carney, who heads the Sheriff's Office narcotics enforcement team.

"That's a significant number of plants for three houses," Carney said.

Deputies were tipped off to the alleged grow houses during the Martin Fire, which erupted in the Bonny Doon Ecological Preserve on June 11 and burned 520 acres. Carney said there was a suspicion house, on the 600 block of Ice Cream Grade Road "right across the street from where the fire started," was being used just to grow pot and not as a residence.

The investigation allegedly revealed that Brett Packer, 47, of Santa Cruz, owns the Ice Cream Grade house and several other homes in the Bonny Doon area, including two properties also raided by deputies Thursday. Carney said he thought Packer purchased some of the properties with proceeds from the pot sales.

Deputies reported finding 221 plants and 2 pounds of processed marijuana in the Ice Cream Grade house, which Carney said was used exclusively to grow and dry marijuana. They stored tools in the garage, he said.

On Atherly Lane, deputies allegedly found a "sophisticated commercial indoor marijuana cultivation in the basement," Carney said. There were 433 plants and several thousand dollars worth of grow equipment there, he said.

At the house on Conifer Lane, they found indoor pot grows along with drug ledgers, packaging materials and scales, according to sheriff's deputies.

Packer was arrested there on suspicion of commercial marijuana cultivation and possessing marijuana for sale. He was booked into County Jail and later released on bail.

William Kelly, 44, a transient, was arrested at the Ice Cream Grade house on the same charges, booked into jail and also released. Carney said he thought Kelly was working with or for Packer.

Packer told deputies he had a medical recommendation for one of the grows, but couldn't find the paperwork. Kelly did not claim to have a medical approval.

Also, Carney said he was initially worried that the grow on Ice Cream Grade could have sparked the Martin Fire because indoor gardens require a lot of electricity to feed and the use sometimes blows power transmitters.

The wildfire was human-caused and ignited deep in the ecological preserve near the foot of the Moon Rocks, according to Cal Fire. The person who started the fire has not been located.

Contact Jennifer Squires at 429-2449 or jsquires@santacruzsentinel.com.

Indoor pot grows found in Bonny Doon
 * 433 plants on the 200 block of Atherly Lane.

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* 221 plants on the 600 block of Ice Cream Grade Road.

* 516 plants on the 300 block of Conifer Lane.

SOURCE: Santa Cruz County Sheriff's Office.

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Many, Many Pot Growers Reside in CV

By : Robert Souza : 7/29/08

Font size :

The Alameda County Sheriff's Office expressed frustration over the continuing problems of medical marijuana clubs Monday night in a lengthy presentation to the Castro Valley Municipal Advisory Council.

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Deputy Paul Liskey told the meeting that burglaries are prevalent near dispensaries along with such violations as on-site pot smoking, gambling, and clubs keeping more than the permitted 20 pounds of marijuana in stock.

Two dispensaries operate in the unincorporated areas of Hayward near the Castro Valley border and in San Lorenzo. A third, the Compassionate Collective on Mission Blvd., was shut down last year by DEA agents for suspected money-laundering.

Proposition 215, approved by California voters in 2006, allows patients with valid doctors' recommendations to possess and cultivate marijuana for personal medical use if they have a government- issued medical marijuana card.

In response to this "Compassionate Use Act," the county and sheriff's office crafted an ordinance limiting the number of dispensaries to three and setting down rules for their operation.

"Proposition 215 means well, but it dealt law enforcement a bad hand, so we had no choice but to come up with a plan to regulate and monitor the dispensaries in a hurry," said Deputy Liskey, who maintains that the sheriff's office in no way wants to encourage or enhance the illegal use of marijuana.

"The sheriff's department does not support this (ordinance) and wants to see it approached as any other controlled substance," he told the council.

"The problem is there's no way to track the amount of marijuana sold at these shops," said Dean Nielsen of the MAC. "And I know it is getting to our high school kids."

"It seems the ordinance was poorly written," said MAC Co- Chair, Cheryl Miraglia, who suggested the sheriff's office issue a written recommendation to the board of supervisors to change the ordinance or—if they disapprove of it strongly—eliminate it all together.

County officials present said Supervisor Nate Miley's office has been working on tightening up parts of the ordinance, to make it more workable including a recent amendment that prohibits dispensaries from carrying pot-laced edibles.

On the issue of cultivation of marijuana, Liskey said the sheriff's office spent \$45,000 to eradicate outdoor and indoor illegal pot cultivation that, he said, caused theft of electricity and serious negative impacts to the environment.

"There are many, many growers in Castro Valley and the Hayward area, and we're literally lining them up to take them out," Liskey said.

A pot garden bust covered by The Forum in the Palomares area last month, resulted in the confiscation of 400 plants by Sgt. Shawn Peterson and his Special Investigations Unit.

That raid occurred just weeks after a sweep brought in \$2.4- million worth of pot from the same general area.

"It's all tough to track, and eight of ten who are in possession of marijuana don't go to jail because they have a (medical marijuana) card," Liskey said. "We don't know what the district attorney can or will charge because of this card."

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4 arrested in raid of medical pot dispensary in Orange

DEA says its agents seized about eight pounds of marijuana and \$10,000 in cash from the Nature's Wellness Collective.

By Stuart Pfeifer, Los Angeles Times Staff Writer
3:31 PM PDT, July 30, 2008

Drug Enforcement Administration agents arrested four people at a medical marijuana dispensary in Orange on Tuesday and seized about eight pounds of marijuana and \$10,000 in cash, a DEA spokeswoman said today.

The agents raided Nature's Wellness Collective on Lincoln Avenue as part of an investigation into marijuana trafficking, DEA Agent Sarah Pullen said.

Arrested in the raid were: Eric Voudrie, Scott Taylor, Karris Day and Robert Adams. All four were released, pending possible prosecution by the U.S. attorney's office, Pullen said.

California voters approved an initiative in 1996 that made it lawful for individuals with prescriptions to use marijuana for medical purposes. Marijuana possession and sales are still unlawful under federal law, Pullen said.

stuart.pfeifer@latimes.com

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It's easy to succumb to the tiny island's magic — carriages, picturesque Victorians, the world's longest porch. And did we mention fudge? Photos



No baking? So cool

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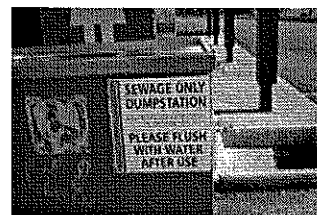
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Feds raid Peninsula's only marijuana club

MAY 29, 2008 3:00 AM (33 DAYS AGO) BY TAMARA BARAK APARTON, THE EXAMINER

Article History There are updates to this article.

7,804 of 8,608 Filed under: SAN MATEO, Tamara Barak Aparton, Medicinal Marijuana



Juan Carlos Poinetta Betancourt/Special to The Examiner
Medical marijuana patients arrived at Holistic Solutions to find doors shuttered.

SAN MATEO (Map, News) - Federal agents smashed the front door to the Peninsula's only cannabis club Wednesday morning, seizing marijuana and shutting down the downtown dispensary.

Commander Mark Wyss of the San Mateo County Narcotics Task Force confirmed that his agency assisted in the 6 a.m. raid at Holistic Solutions at 216 Second St.

Federal Drug Enforcement Agency Special Agent Casey McEnry said searches were conducted at several locations in the Bay Area and Northern California, but refused to divulge details, saying that the documents relating to the raid were under court seal.

No arrests have been made, but drugs and paperwork were confiscated, she said.

And while law enforcement officials remained tight-lipped Wednesday, medical marijuana advocates said the operation was part of a trio of early morning raids of Holistic Solutions dispensaries in San Mateo, Clearlake and Richmond, according to Rebecca Saltzman, chief of staff for Americans for Safe Access.

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Saltzman, who said her organization sent volunteers to observe each of the raids, disputed the DEA's assertion that nobody was arrested.

"We do know some employees were arrested, at least at some locations," she said. "They may have been released later."

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Kevin Reed, owner of San Francisco medical cannabis collective The Green Cross, said Holistic Solutions owner Ken Estes runs about six medical marijuana facilities in California.

"I think the DEA has always targeted the larger operations," Reed said. "I think the small collectives operating under the sanctuary of state law, at the end of the day, will be OK."

After the raid on Wednesday afternoon, a steady stream of medical marijuana patients found plywood over the locked front door of Holistic Solutions in downtown San Mateo. A sign read, "Got busted today. Sorry!"

Kindred McCune, 33, described Estes as a wheelchair user who kept the facility spotless and safe.

"This place was really good because it was affordable," McCune said. "I have to go all the way to San Francisco now, with the price of gas the way it is."

Saltzman said the patients in San Mateo would be particularly hard hit by the raid.

"You can imagine if the only pharmacy in your town shut down," she said. "It would be very difficult for sick patients to drive 50 miles."

The raids highlight the legal limbo many pot clubs face. Proposition 215, also known as the Compassionate Use Act of 1996, allows those with a doctor's recommendation to possess and cultivate marijuana for personal use in California. However, pot is still illegal under federal law and the legality of cannabis dispensaries is subject to varied interpretation by different municipalities.

In August, a federal raid shut down three medical marijuana dispensaries in downtown San Mateo.

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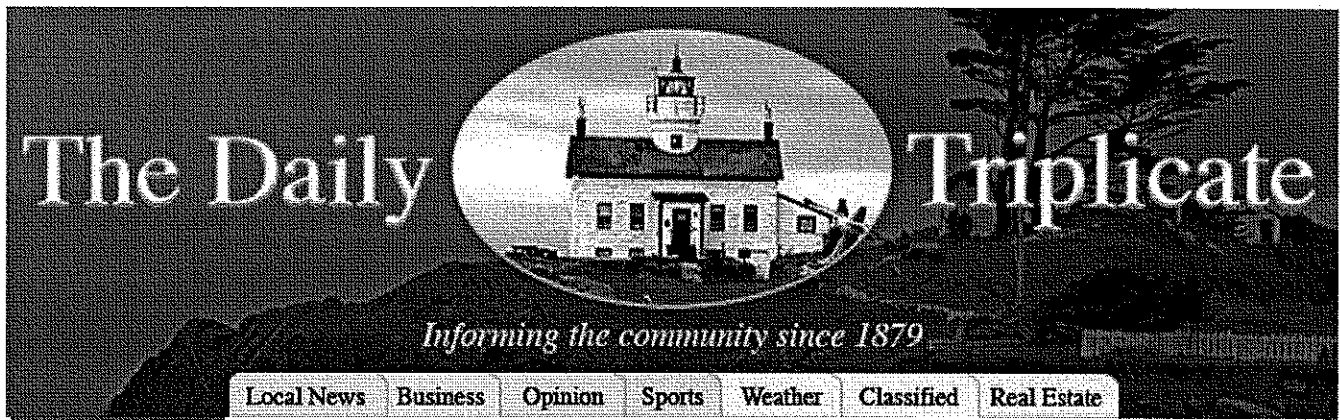
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Armed burglars likely after marijuana

• News

Published: June 21, 2008

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By Nicholas Grube

Triplicate staff writer

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Two armed men broke into a Klamath home early Thursday morning in what is thought to be an attempt to rob a medical marijuana garden.

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Both suspects are still at-large and the Del Norte County Sheriff's Office is investigating the incident.

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"We presume the purpose was to come in and steal medical marijuana plants that belonged to the victim," Detective Sgt. Steve Morris said. "It appears that they took what they could carry, three or four plants, and took off."

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Morris said the two men, one carrying a handgun and the other with "some sort of stick" broke into 37-year-old Kyle Layton's home on Redwood Street around 5 a.m.

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Layton was at home with three other people, Renee Griffith, 26, and two adolescents when the suspects entered the home, Morris said. The burglars came through the backyard, and when Layton went to check on the noises, the two men barged into his home and one of the men pointed a gun at him and told him to get on the ground.

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"As he turned and was walking away he was struck on the head, presumably by the firearm," Morris said.

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The blow did not knock out Layton, and he tried to run out of the house, Morris said. The two suspects continued to hit Layton as he escaped into his backyard, jumped over the fence and went to a neighbor's house to call law enforcement.

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The burglars are suspected of taking some of Layton's medical marijuana plants before he saw them running from his house, Morris said. When deputies arrived, he said an ambulance was called to take Layton to Sutter

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Coast Hospital to receive treatment for his injuries.

Both Layton and Griffith are medical marijuana patients, Morris said, and law enforcement estimated they had 50-100 plants in their home.

The Sheriff's Office does not have any suspects. The two men were described as Hispanic or American Indian males, both weighing 150 to 160 pounds. One was about 5 feet 6 inches tall and the other 5 feet 10 inches. Both were wearing dark-colored clothing.

In the past year, there have been about six incidents in which medical marijuana gardens have been robbed in Del Norte County, Morris said.

"It's becoming more and more common," he said. "This is the first one that I know of that was associated with violence."

Other counties in Northern California have experienced similar situations, Morris added, saying that it's a risk that anyone who grows medical marijuana faces.

"The home invasion robberies and burglaries are a by-product of growing medical marijuana," Morris said. "(Patients) are being victimized and that that's because the price of marijuana is not going down. It's staying very high."

Reach Nicholas Grube at ngrube@triplicate.com.





Jaime Green, right, holds a sign protesting Drug Enforcement Agency raids on medical marijuana clinics at a MedXnow office in Los Angeles Tuesday, May 27, 2008. Federal agents arrested the owners of six Southern California medical marijuana dispensaries Tuesday after an investigation launched when one of their customers killed a motorist and paralyzed a California Highway Patrol officer in a traffic accident while high, said prosecutors. (AP Photo/Nick Ut)



Feds bust owners of Calif. medical marijuana shops

37 minutes ago

LOS ANGELES (AP) — The owner of six Southern California medical marijuana dispensaries, including one store linked to an accident that killed a motorist and paralyzed an officer, are facing federal drug and money laundering charges.

Virgil Grant III, 41, and his wife, Psytra Grant, 33, were arrested Tuesday and appeared in court but neither entered pleas, said Thom Mrozek, a spokesman for the U.S. Attorney's office.

Authorities are still searching for employee Stanley Jerome Cole, accused of selling a pound of marijuana to undercover agents for \$5,700, said Mrozek.

Cole also allegedly sold marijuana products to Jeremy White, who is charged with gross vehicular manslaughter in connection with a December accident. White's truck hit a car parked on a highway shoulder, killing the driver and seriously injuring a California Highway Patrol officer.

According to court documents, White admitted he was under the influence at the time and investigators found marijuana and edible marijuana products in his car.

Investigators say White purchased the marijuana from The Holistic Caregivers in Compton, one of Grant's medical marijuana dispensaries.

Federal law does not recognize the medical marijuana laws in California and 11 other states.

The Grants, of Carson, also face money laundering charges. They and Cole were named in a 41-count indictment, Mrozek said. Their arraignments were set for Monday.

Psytra Grant was freed on \$50,000 bail but Virgil Grant remained in custody in lieu of \$250,000 bail, said Mrozek.

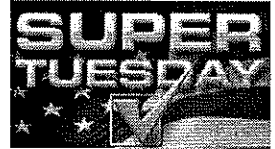
There was no immediate response to calls seeking comment from the Grants' attorneys.

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News

2 Plead Guilty In Medical Marijuana Store Scandal

POSTED: 4:25 pm PST February 4, 2008
UPDATED: 5:32 pm PST February 4, 2008

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LOS ANGELES -- Two men pleaded guilty Monday to federal charges stemming from a West Hollywood medical marijuana dispensary that sold millions of dollars worth of marijuana and THC products.

James Carberry, who managed a medical marijuana store known as the "Yellow House" in a bungalow on North La Brea Avenue, and James Lawrence Ealy pleaded guilty Monday afternoon in a hearing before U.S. District Judge Manuel Real.

Both men were scheduled to begin trial on Tuesday, Feb. 5, but instead negotiated plea agreements with federal prosecutors.

Carberry pleaded guilty to a felony charge of maintaining drug-involved premises and faces up to 20 years in federal prison.

Ealy, 41, of Tujunga, faces up to one year in prison and \$1,000 in fines after pleading guilty to a misdemeanor marijuana possession charge.

Each man is free on bond and scheduled to be sentenced on April 21 along with Larry Roger Kristich, the 65-year-old owner of the Oakland-based Compassionate Caregivers chain of seven California marijuana dispensaries.

Carberry, Ealy and Kristich were named by a federal grand jury last July in an indictment alleging drug and money laundering crimes.

Today, Carberry admitted to managing the Yellow House, which prosecutors said sold more than \$1.7 million in marijuana and THC products in March 2005 alone.

Ealy, a business associate of Kristich's, had been charged with seven money-laundering counts.

Kristich pleaded guilty last week to federal charges in connection with his role in the marijuana dispensaries. He admitted in his plea agreement that he was responsible for distributing more than 15,000 pounds of marijuana.

Kristich owned and operated Compassionate Caregivers stores in West Hollywood, San Francisco, Oakland, San Diego, San Leandro, Bakersfield and Ukiah from 2002 to 2005.

Kristich's admitted crimes include maintaining drug-involved premises and money laundering.

He faces up to 40 years in prison plus \$95 million in fines, stemming from the total sales of marijuana and THC products at his stores.

Those products included Kief Kat candy bars, Toke sodas and Trippy peanut butter, prosecutors said. Marijuana and marijuana plants also were sold to minors at the stores, prosecutors said.

Kristich, who is currently jailed at the Metropolitan Detention Center in downtown Los Angeles, also agreed to forfeit more than \$1.2 million in profits generated by his stores.

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Photo Gallery

dailynews.com

4 arrested in medical pot heist

By Jason Kandel, Staff Writer

Article Last Updated: 01/07/2008 09:23:47 PM PST

GRANADA HILLS - Four people were arrested over the weekend in connection with the robbery of a San Fernando Valley medical-marijuana dispensary, sparking renewed concern about the safety of the facilities and forcing the owner to shut down out of fear.

The takeover-style robbery at the Golden State Collective, 10369 Balboa Blvd. in Granada Hills, occurred about 8:30 p.m. Thursday, the same day another dispensary was robbed in North Hollywood, police said.

The holdups marked at least the 12th and 13th robberies of Valley medical-marijuana dispensaries in the last two years, according to Los Angeles Police Department statistics.

The outlets have become so prevalent - there are now at least 232 citywide, 110 in the Valley - that late last year the LAPD put together a database of crimes that occur at or near them.

Besides the 13 robberies, there have been at least 63 violent or major property crimes committed at these facilities in the last two

years.

"There's a lot of crime associated with these places," said Los Angeles police Lt. Tom Murrell of the Devonshire Division, which investigated the Granada Hills incident. "It's becoming more and more prominent."

During the Granada Hills heist, one shot was fired, ricocheting off the floor and breaking a window. The robbers pistol-whipped a security guard and took \$10,000 in cash and up to four pounds of pot.

On Sunday, police arrested Jose Carlos Meza, 20, and Carlos Rodriguez, 21, both of Arleta, Stephanie Avila, 19, of Panorama City and Lisa Annette Gutierrez, 22, of Mission Hills.

The collective's owner, Jimmy Silva, said Monday that he fired Meza from his job there two weeks ago and that Gutierrez is his cousin. Because he had been robbed before but never reported it, this group figured it could get away with it, Silva said.

He said he watched the whole thing unfold from a back room, then called police. While the other robberies were nonviolent, the aggressive nature of this one has forced him to shut down, he said.

"The money and everything is not worth it," he said. "We're not planning to reopen."

In August, the Los Angeles City Council moved to limit new medical-marijuana dispensaries, regulate existing ones and urge a moratorium on

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clinic raids by federal agents.

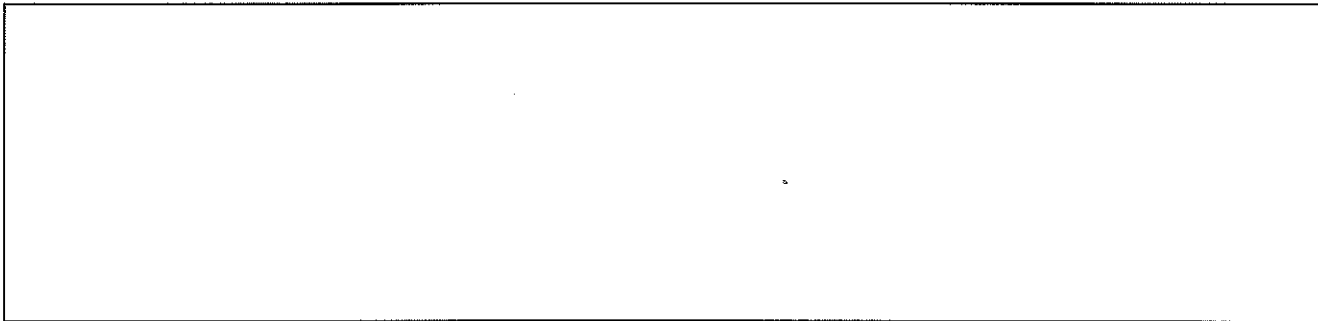
Statewide, there are at least 400 known dispensaries, and likely hundreds more that are unpublicized.

California voters passed Proposition 215 in 1996, allowing the use of medical marijuana. More than 11 years later, hundreds of cities throughout California have no regulations on the places that sell the product.

Law enforcement agencies are concerned about the dispensaries, with their stashes of marijuana and cash attracting crime to neighborhoods. But medical-marijuana advocates dispute those claims.

A report last year by the Reason Foundation found that marijuana-related crimes have decreased since voters passed Proposition 215.

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Citizens Not Allowed to Rob Medical Marijuana

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Just because the federal government can legally rob a medical marijuana dispensary in Los Angeles, it doesn't mean you can too. On Friday, in two separate incidents in the Valley, a dispensary on Cahuenga Boulevard in North Hollywood and Golden State Collective, 10369 Balboa Blvd., in Granada Hills, both got robbed in takeovers. On Sunday, the Granada Hills robbers were caught, according to the *Daily News*:

During the heist, one shot was fired, ricocheting off the floor and breaking a window. No one was injured.

The robbers took some \$10,000 in cash and up to four pounds of marijuana before taking off in a 4-door SUV, police said.

During the investigation police recovered a sawed off double-barrel 12- gauge shotgun from the scene.

Arrested Sunday on Roxford Street were Jose Carlos Meza, 20, from Arleta; Carlos Rodriguez, a 21-year-old tattoo artist from Arleta; Stephanie Avila, 19, unemployed from Panorama City; and Lisa Annette Gutierrez a 22-year-old office manager from Mission Hills. The women were being held on

charges of transporting cocaine for sale. The men were being held on attempted murder charges because they threatened their victim, said Los Angeles Police Lt. Tom Murrell.

The LAPD say they have seen crime spike around dispensaries. "There's a lot of crime associated with these places," Lt. Tom Murrell told the *Daily News*. "It's becoming more and more prominent."

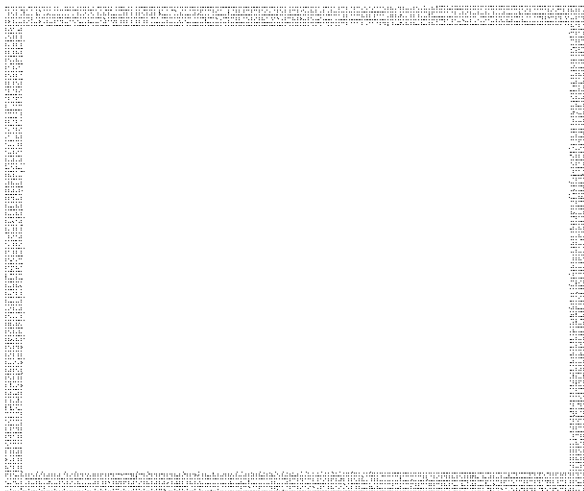
Photo of a Studio City Dispensary by javocado via Flickr

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"before taking off in a 4-door SUV, police said."

What SUV doesn't have 4 doors?

PARADISE POST.com

Guilty plea in marijuana case

Nebraska traffic stop leads to Ridge man's arrest, plea in marijuana case

By Elizabeth Stevens

Article Launched: 01/26/2008 01:00:00 AM PST

A Paradise man who claimed to be growing marijuana for medical purposes for himself and eight others pleaded no contest yesterday to felony charges of cultivation and possession for sale of marijuana. According to a press release from the Butte County District Attorney's Office, Gabriel Jensen, 29, entered the no contest pleas as a result of an investigation that began in December with a traffic stop in Nebraska.

The Nebraska State Police reportedly stopped a car in Lancaster County near Lincoln, Neb. for having no front license plate. The car was searched and more than 68 pounds of processed and packed marijuana were found. A passenger in the car admitted to the officers that he had been working for a month making trips between Chicago and Butte County. He told police that he would pick up large sums of money in Chicago and take it to Salt Lake City, deliver the money to a man there and then drive on to meet the same man at the Paradise airport.

He said he would then go with this "money man" to meet with a man named Gabe, who would provide the marijuana which he would drive back

to Chicago. The Nebraska State Police then downloaded the man's GPS device to determine the marijuana pickup point and "Gabe's" address. They found an address in the Yankee Hill area of Butte County.

The information was forwarded to the Butte County Sheriff's Office and investigation revealed the address belonged to Jensen. They also learned that Jensen had recently changed his address to a Sky Oaks Drive location in Paradise. Sheriff's deputies obtained a search warrant for both location and found Jensen had medical marijuana recommendations for himself and eight others, he called "patients."

Deputies also found more than nine pounds of marijuana in various stages of processing, more than \$39,000 in a shoe box and loaded shotgun. Jensen reportedly stated he had recently made a \$20,000 cash deposit to purchase a home. The money was seized under drug forfeiture laws and is pending forfeiture. Jensen's sentencing is pending March 19. He faces more than four years in state prison.

"This is the reason the District Attorney's Office prosecutes individuals whom we believe are abusing the Proposition 215 (medical marijuana) regulation," Butte County District Attorney Mike Ramsey said in the press release.

"Drug dealers from large metropolitan areas in the Midwest and East have identified Northern California as a potential source of production for their operations. So called medical marijuana cooperatives or collectives, which can "



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legally' grow large numbers of plants, are their source as illegal commercial growers use Proposition 215 as a cover."

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6 Suspects Sought In Marijuana Clinic Heist

GRANADA HILLS, Calif. (CBS) — Police searched for six men who took roughly \$10,000 in cash and thousands of dollars worth of marijuana during a takeover robbery at a Granada Hills medical marijuana clinic.

The robbery occurred about 8:30 p.m. Thursday in the 10300 block of Balboa Boulevard, said Los Angeles police Sgt. Jace Kessler of the Devonshire Station.

One shot was fired during the heist, ricocheting off the floor and breaking a window, he said, adding that no one was injured.

The six robbers took some \$10,000 in cash and up to four pounds of marijuana before fleeing in a four-door sport utility vehicle, possibly a Mercedes, Kessler said.

Police recovered a sawed off double-barrel 12-gauge shotgun from the scene, he said, adding that police did not immediately disclose the identity of the weapon's owner.

Anyone with information about the robbery was asked to call detectives at (818) 756-8283.

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Six suspects robbed a Granada Hills medical marijuana clinic Thursday evening. (File) CBS

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Feds raid pot clinic in Long Beach

DEA agents serve warrant at dispensary, seize cannabis, arrest one in first action vs. L. B. clinic.

By Tracy Manzer, Staff Writer

Article Launched: 11/21/2007 09:41:07 PM PST

LONG BEACH - Federal agents served a search warrant at a local medical marijuana dispensary on Tuesday, seizing cannabis and money and arresting one individual, authorities said Wednesday.

Tuesday's raid was the first of its kind in Long Beach since the 1996 passage of state Prop. 215, the Compassionate Use Act that legalized marijuana for patients with certain medical conditions.

Although state laws authorize the distribution of medical marijuana in certain circumstances, federal law still prohibits distribution of the drug for any purpose, Special Agent Jose Martinez, a spokesman for the U.S. Drug Enforcement Administration's Los Angeles Field Division, said Wednesday.

Tuesday's warrant was served by DEA agents at about 11 a.m. at Long Beach Compassionate Caregivers, located at 342 E. Fourth St., authorities said.

No one at Long Beach Compassionate Caregivers could be reached for comment on Wednesday. There was no reply to knocks at the dispensary's door and a sign posted out front read "closed indefinitely."

Agents seized an undetermined amount of marijuana and cash from the dispensary and one person was arrested in connection with federal drug charges, Martinez said.

That person's name was not available Wednesday, he said.

Formal federal charges have not been filed and the investigation is ongoing, Martinez said.

Control of the dispensary was returned to the proprietor once the search warrant was served, he said.

"A federal search warrant was served on the basis of probable cause," Martinez explained Wednesday. "We believe they are in violation of federal law."

Based on their investigation, the DEA may refer the case to the U.S. Attorney's office, which would then decide whether the case qualifies for federal prosecution, Martinez explained.

Under federal law, conviction for conspiracy to distribute marijuana carries a sentence of up to 40 years in prison, according to the U.S. Attorney's office.

Federal authorities have carried out a series of

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search warrants in California cities this year, but Tuesday's warrant marked a first for Long Beach, authorities said.

So far, owners and operators of four marijuana dispensaries across the state - Morro Bay, Corona and two in West Hollywood - have been indicted on federal criminal charges alleging they conspired to distribute and sell large quantities of marijuana for large profits, according to the U. S. Attorney's office and the DEA.

In one indictment, two men - Larry R. Kristich, 64, who is believed to be in Costa Rica, and James Carberry, 51, who is believed to be in Arizona - were charged with operating a chain of marijuana dispensaries in seven different cities in California, all of which operate under the name "Compassionate Caregivers."

The indictment against Kristich and Carberry alleged sales of marijuana and THC-laced products that totaled more than \$95 million over a four-year period and that Kristich used profits from marijuana sales to purchase expensive automobiles and real estate in Costa Rica.

The indictment further charged that Kristich, with business associate James L. Ealy, 40, of Tujunga, set up non-drug-related businesses to launder those profits.

In another indictment, Charles C. Lynch, 45, of Arroyo Grande, was accused of selling more than \$2.1 million in marijuana in just one year at the Central Coast Compassionate Caregivers dispensary in Morro Bay.

Lynch and his employees were charged with selling marijuana to 281 minors during that year. Also charged in the indictment was Dr. Armand T. Tollette Jr., 45, of Culver City, who is accused of writing marijuana recommendations for payment, including recommendations for minors with no medical examination.

Martinez said Wednesday it was not known if Long Beach Compassionate Caregivers is connected to any of the dispensaries included in the two indictments.

"It's still under investigation," Martinez added. "Our guys are looking into it."

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Medical Marijuana Dispensary Raided By DEA

River City Patient Center Had Been Open About Three Years

POSTED: 5:25 pm PDT September 26, 2007
UPDATED: 6:37 pm PDT September 26, 2007

SACRAMENTO, Calif. -- A medical marijuana dispensary was raided Wednesday by officials from the U.S. Drug Enforcement Agency.

The raid took place at the River City Patient Center marijuana dispensary on El Camino Avenue near the Capital City freeway.

The business had been opened for about three years.

Kim Stabnau, a dispensary worker, said a lot of the younger patients frequent the dispensary for anxiety and mental issues.

Bill Pierce, the dispensary owner, said he's not sure if or when he will reopen the business.

Nobody has been charged as of yet in connection with the raid.

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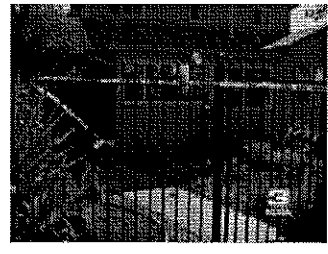
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The DEA said it also searched a nearby storage facility, as well as a home in Acampo belonging to the dispensary's owner, and an apparent growing location in Wilseyville.

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DEA Raids LA Medical Marijuana Clinics

Wednesday, July 25, 2007

By ANDREW GLAZER, Associated Press Writer

LOS ANGELES —

Federal agents raided 10 marijuana clinics Wednesday, the same day city leaders introduced a measure calling for an end to the crackdown on the dispensaries allowed under state law.

The bust netted five arrests, large quantities of marijuana and cash, and was the U.S. Drug Enforcement Administration's second-largest since California voters approved medical marijuana sales in 1996. The drug remains illegal under federal law.

DEA spokeswoman Sarah Pullen refused to give details of the raids, but said the timing of the bust and the city's action was "purely coincidental."

The agency has maintained the clinics are distribution points for illegal drugs and earn their owners big profits.

Councilman Dennis Zine, who earlier in the day wrote a letter to DEA Administrator Karen Tandy asking the agency to stop the raids, called the federal agents "bullies."

"Instead of using resources to go after drug dealers ruining neighborhoods and poisoning school kids, they're going after individuals dying of cancer and suffering from AIDS who need cannabis to have any type of appetite," Zine said.

The clinics are largely unregulated, which Zine and others said invites illegal pot use and sales.

He said he and the council support a congressional bill that would prohibit new clinics from opening until the city finds a way to better regulate its more than 100 dispensaries. It also calls for withholding funding for DEA raids on medical marijuana clinics.

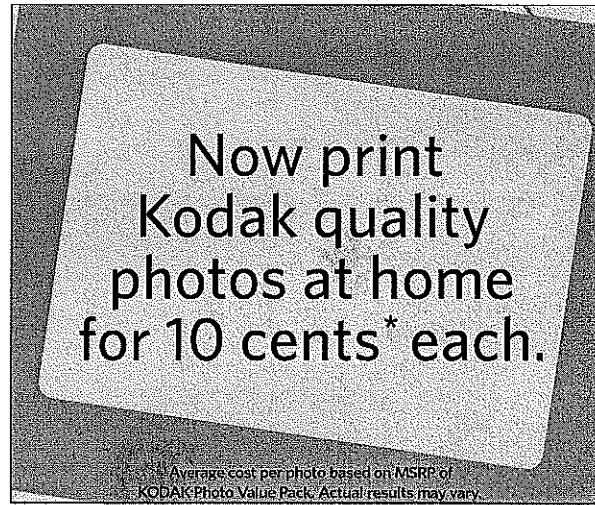
The council proposed Wednesday requiring existing dispensaries to obtain a city tax registration certificate, a seller's permit, a property lease, business insurance, proof of dispensary membership and a county health permit within 60 days.

Federal officials raided 11 Los Angeles-area dispensaries in one day in January, the largest-ever such crackdown by the agency.

Earlier this month, the DEA sent letters to at least 30 landlords of marijuana dispensaries in Los Angeles County warning their property and assets could be seized. Agency officials said at the time the letters were not a threat.

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Inland News

Federal authorities raid Perris marijuana dispensary

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07:59 AM PDT on Friday, July 20, 2007

By **LEEZEL TANGLAO**
The Press-Enterprise

PERRIS - Federal agents seized several pounds of marijuana and "marijuana edibles" from a dispensary operated by a Corona man during a search Wednesday night. (7/18/07)

Authorities raided the Tree of Life Collective in a shopping center in the 100 block of West Nuevo Road in Perris, which was operated by Corona resident Ronald Naulls, said Sarah Pullen, spokeswoman with the Drug Enforcement Administration.

Naulls, along with several other operators of dispensaries, was arrested during a series of raids in Southern California earlier this week.

Naulls also ran the Healing Nations Collective in Corona, which federal agents raided Tuesday, Pullen said.

Documents, cars and \$75,000 in cash were seized at Naulls' home. Fifteen pounds of marijuana and a large amount of edibles also were taken from the Corona location and a storage unit.

During the investigation of the Corona dispensary, agents discovered that Naulls opened the facility in Perris just a few weeks ago, Pullen said.

Sandwiched between a nail salon and a store that sells drinking water, Tree of Life dispensed marijuana to people who displayed valid medical identification cards.

No one was at the Perris building at the time of the search, Pullen said.

The site has not been officially shut down, she said, but all the marijuana was confiscated.

Naulls made his first court appearance Thursday afternoon at the U.S. District Court, Central District of California, in Los Angeles, on federal indictment charges of conspiracy to possess with intent to distribute marijuana and causing others to illegally sell marijuana. The judge agreed to release Naulls today on \$350,000 bail.

A post-indictment arraignment is scheduled for Wednesday in Riverside.

If convicted, Naulls could face up to 40 years in prison.

His attorney, James Crawford, said Naulls "was acting in full accord with the law." He said the federal government showed disregard for the people of California, who voted to make marijuana legal for medicinal purposes.

Doors were locked Thursday at Tree of Life and a recorded message on an answering machine said only its office hours. All the windows were covered in black. A small sign hung above the door handle inside, indicating only the collective's name.

A dispensary client, Leo Gradillas, of Glen Avon, visited the Perris site Thursday morning, hoping to ease the pain of an undisclosed medical problem, he said. However, he was surprised to see the place closed.

"The people need it," he said. "I'd rather go to this property than buy it on the streets. I know it's out there but I want to buy it legit."

Summer Glenney, Inland Empire coordinator for the Patient Advocacy Network, said she's been getting many calls from patients who have wondered how to fulfill their needs since the recent raids.

"They don't know where to go or what to do," she said. "Do we have to go to the streets?"

The patients will have to make the trek to the desert or Los Angeles, Glenney said.

In 1996, California voters approved Prop. 215, which decriminalized the use of marijuana for medicinal purposes. The sales and use of marijuana remain illegal under federal law.

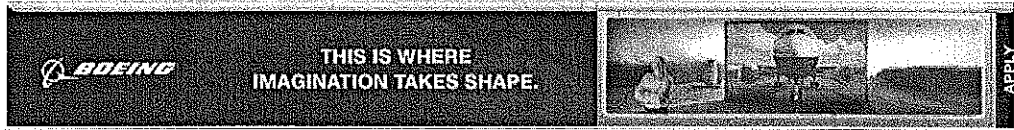
Glenney said patients and medical marijuana advocates want to work with local governments and officials to create a set of laws that would allow the people who need marijuana to have access to it.

"Marijuana is not going away. Patients agree there needs to be regulations," Glenney said. "We want regulations."

Lulu Jones, a worker at Agua Pura, the water store next to Tree of Life, said she doesn't mind having the dispensary next door if it's helping patients.

"If they have a license and people need it, then it's fine," she said.

Reach Leezel Tanglao at 951-375-3728 or ltanglao@PE.com



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DEA targets landlords of pot outlets

About 150 L.A. owners are told they could face jail and lose properties rented to dispensaries.

By Eric Bailey, Times Staff Writer
July 17, 2007

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Raising the stakes in the federal government's war against medical marijuana, the U.S. Drug Enforcement Administration has warned more than 150 Los Angeles landlords that they risk arrest and the loss of their properties if they continue renting to cannabis dispensaries.

The two-page letter sent last week by Timothy J. Landrum, DEA special agent in charge of the Los Angeles office, has whipped up worries among landlords and dispensary operators in a region that has seen a proliferation of the businesses in the last two years.

"I'm devastated," said Lisa Sawoya, who left her lucrative job selling high-tech hospital equipment to open a dispensary 18 months ago in Hollywood. "My landlord believes in cannabis as medicine. But they're taking the letter very seriously. So I'll be closing my doors at the end of this month."

Sarah Pullen, a DEA spokeswoman in Los Angeles, said the purpose of the letters was to "educate" property owners at risk because they were housing marijuana dispensaries.

"By renting their property to individuals violating fed drug laws, they are in and of themselves violating federal law," Pullen said. "These are definitely meant to serve as a notice. What might happen as to the continuing investigations, we'll just have to see."

The DEA move has focused entirely on Los Angeles. Activists suspect that the logistics and timing — more than a decade after state voters legalized medical marijuana with the passage of Proposition 215 — is intended to thin the ranks of Los Angeles dispensaries on the eve of new city regulations. A proposed city ordinance would cap and regulate the number of outlets, which now number more than 400.

Medical marijuana activists say most of the landlords take the threat seriously and have asked the dispensaries to move out.

"Raiding dispensaries and arresting patients hasn't worked to end medical marijuana, so the DEA is trying a new tactic and claiming a new victim in this war," said Steph Sherer of Americans for Safe Access, a group that supports medical marijuana.

Dale Gieringer of the National Organization for Reform of Marijuana Laws said the DEA crackdown won't stop patients' marijuana use. Instead, he said, they could be driven to find drugs in the illegal market, potentially putting themselves at risk.

In recent years, courts have upheld the federal government's ability to seize assets. After the DEA raided the Los Angeles Cannabis Resource Center in 2001, the federal government seized more than \$300,000 that West Hollywood had loaned the center to purchase its building.

Gieringer said the most likely outcome of Landrum's letter would be numerous evictions and shutdowns followed by a few select forfeiture prosecutions "to scare remaining landlords."

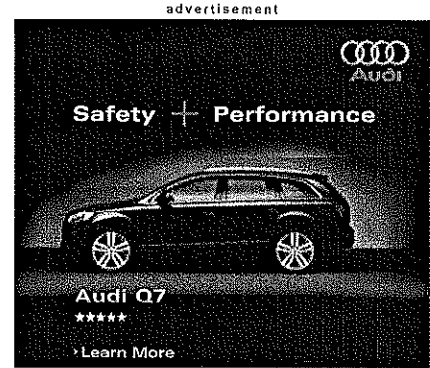
Hap Kent, who runs Therapeutic Medicinal Health Resources in Sherman Oaks, said he hoped that the DEA would consider letting dispensaries operate for another six months, so patients weren't immediately pushed out on the streets.

"I don't want to put my landlord in jeopardy. I refuse to do that," said Kent, whose dispensary serves patients with AIDS, multiple sclerosis, spinal cord injuries and other serious afflictions. "All we want is an amicable amount of time."

Though the possibility of eviction looms for many of the dispensaries, Kent sees a possible silver lining — a political outcry that could get the state to finally respond to voters' wishes and take on the role of directly supplying medical marijuana.

"That's the way it should have been from the beginning," he said.

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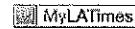
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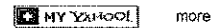
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Indoor pot farm allure is growing

High profits, low risk spur home operations

By Frank C. Girardot Staff Writer
San Gabriel Valley Tribune

A crackdown on meth, tighter border controls, no-money-down mortgages and the lure of large profits are behind the rise of indoor pot farms in the San Gabriel Valley and elsewhere, according to authorities.

Since March, police have raided almost two dozen homes and businesses converted to large-scale marijuana farming operations.

Officials believe many of the farms, which employ an assembly line-style operation and can generate up to six harvests a year, are funded by entrepreneurial gangsters looking for easy money during hard times.

"My spin on it is Asian \ and Caucasian biker gangs have developed a form of marijuana that is double the potency of Mexican marijuana," said Los Angeles County Sheriff's Capt. Dennis Werner. "The more expensive the product, the more money they can get out of it."

Narcotics officers from Los Angeles, San Bernardino and Riverside counties as well as agents from the federal Drug Enforcement Agency and detectives from the Pomona and Azusa Police Departments participated in the seizures.

In all, the 23 houses and one business accounted for a street value of more than

\$50 million worth of pot.

As with any good business model, pot growers need an outlet. Economic forces create a market.

Crackdowns on methamphetamine labs provide a knowledgeable work force; easy-to-obtain mortgages furnish the land; medical marijuana dispensaries and a re-emergence of the '60s pot culture supplies the customers, said Gerald Caiden, a USC professor of economics and political science who specializes in political corruption and organized crime.

Beyond that, "It's not too difficult to come up with a little capital and use a little entrepreneurship," said Lt. James Whitten of the Los Angeles County Sheriff's Department.

The history of one house, at 1512 Eldertree Drive in Diamond Bar, that was raided on March 21 is typical of the grow homes, Whitten said.

The house sold for \$823,000 in January, according to records from the Los Angeles County Assessor's Office. The buyer, who has not been identified by authorities, apparently put together a purchase loan with little money down and made no payments for insurance or taxes.

Inside the home, detectives found marijuana valued at \$12.5million and an elaborate system of lighting and irrigation rigged to bypass municipal utility service.

The unidentified buyer also owns a home at 7715 Emerson Place in Rosemead that deputies raided two days later and seized less than \$1 million worth of drugs, Whitten said.

A similar setup was employed there, officials said.

Again, the home was purchased with very little money down and retained little or no equity.

"We think the facts resemble a series of cases in Northern California," Werner said, "where grow homes were bought with 100 percent financing."

The typical arrangement consists of the buyer obtaining a mortgage for 80 percent of the purchase price and then a silent second for the remaining 20 percent, Werner said.

Kiet Chung, 40, of San Francisco was arrested in the Eldertree Drive house and charged with cultivation of marijuana for sale. He is being held at the Pitchess Detention Center without bail. The unidentified homeowner has been in contact with detectives

through an attorney, Werner said.

Although many of the houses display similar links and purchase patterns, detectives have been unable to nail down any threads tying them all together.

While Asian gangs, known as drug trafficking organizations or DTOs, seem to control much of the San Gabriel Valley trade, Werner said biker gangs and other criminal organizations are also involved.

A recent series of six busts in Palmdale involved African-American suspected gang members. Four were taken into custody and 690 plants were seized, Werner said.

The varying ethnicity of suspects all the more proves the profitability of such ventures, Caiden said.

"This is a terrific business and marijuana is a great cash crop," Caiden said "The profits are enormous. If it wasn't so profitable, it wouldn't be worth the risk."

Links to the San Gabriel Valley crop up in many other busts. Last Monday, San Bernardino County deputies uncovered a grow home in Yucaipa. They arrested Hualwen Zhu, 24, of Rosemead and Minghua Liang, 29, of Rowland Heights.

A check of public records indicates Liang is connected to the now defunct Ever-Union Trading & Investment Inc. The company, which authorities claim swindled investors in Taiwan, was busted in October by Taiwanese officials and detectives from the Sheriff's Fraud Bureau. Liang had been missing ever since, authorities said.

Police said the men arrested in many of these cases refuse to talk. Most of the homeowners they interview claim to have little knowledge of the activity.

"Several of the owners are elderly, in their 60s or 70s," Werner said. "Who knows? They may be straw buyers. In a couple of cases, \ said they had posted \ at a laundry. Somebody moved in and they get cash every month. Each case is different."

Similar to meth labs, grow homes present a variety of poisonous perils from the merely mild to considerably lethal.

"These houses become toxic waste dumps," Werner said. "Mold permeates the walls. ... They dump gallons of liquid fertilizer. It's a horrible health hazard to the community regardless of how you stand on marijuana."

There is also a criminal element the farms seem to attract. An indoor farm in Azusa began to draw the attention of authorities because of the people it attracted.

"I noticed different people, weirdo-druggies walking down the alleyway," said Sherri Wells of Glendora, who works in a bakery supply company in the same complex. "After the fact though I realized how crazy it is that you don't notice something like that until after it happens."

Authorities said some of the product might find its way to medical marijuana dispensaries, like one busted by authorities in West Covina on Monday.

"They have to get their product somewhere," Whitten said. "It would be a good venue for them to sell. Right now though we have no actual information leading us to any one of those places."

If dispensaries are the ultimate destination for the tons of marijuana produced at area grow homes, police might be overstepping their bounds, according to Bruce Margolin, head of the Los Angeles chapter of the National Organization for the Reform of Marijuana Laws (NORML).

Margolin said the law protects pot grown for purely medicinal purposes.

"But, the law is only as good as those who interpret it,"

Margolin said. "Sometimes you have rogue cops. They want to go out and kick in the door and seize the product. Very few, if any, \ have been prosecuted."

But grow farm operators are choosing houses in the outlying suburbs because it suits their immediate needs.

"Working out of a house cuts down the risks," Caiden said. "When you cut down the transportation costs and any exposure to antiterrorist measures, you increase profits."

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BUSTED: Medical marijuana site closed by police

Chief says seizure is largest within city

By Alison Hewitt Staff Writer
San Gabriel Valley Tribune

- Photo Gallery: [Pot bust](#)
- Video: [Pot bust in West Covina](#)

WEST COVINA - Police busted an unlicensed medical marijuana dispensary last week, confiscating "Reefer's" peanut butter cups, pot brownies and marijuana-tinged barbecue sauce.

West Covina police estimated that they confiscated more than 150 pounds of marijuana and more than \$10,000 when they closed the dispensary on Friday.

The dispensary was run by the same people who ran a similar facility in Hacienda Heights that was recently closed by the Los Angeles County, according to a medical marijuana advocacy group.

Police Chief Frank Wills on Monday called it "the largest seizure I've ever seen" in West Covina.

On Friday - less than a week after the Hacienda Heights collective reopened in West Covina - police arrested David Ki Nam, who they identified as the owner. Nam, 26, of Rowland Heights, was released on \$50,000 bail.

Although medical marijuana dispensaries are allowed in some cities and in Los Angeles County because of state laws legalizing the facilities, they continue to be illegal under federal law. Many cities, including West Covina, ban the dispensaries.

"This legislation was meant \ a person dying of cancer," Wills said. "But to have a dozen 18-19 year olds when we went in there, all in perfect health, complaining of migraines - any reasonable person should have foreseen what this legislation would do."

Workers in an office near the dispensary complained that they had been overpowered by the smell of marijuana and that aggressive marijuana patients wandered through their offices. They declined to give their names because of safety concerns.

The city overreacted to what was essentially a zoning violation, said Chris Fusco, the Los Angeles County field coordinator for Americans for Safe Access, a medical marijuana advocacy group which has supported the Hacienda Heights/West Covina cooperative. The facility simply lacked a business license, Fusco said.

"Usually when there's a zoning infraction, they send in a zoning inspector," he said. "The city should be more willing to work with collectives and show them how they can operate in the city, instead of sending in the police."

Fusco said the dispensary was opened in West Covina because it was important to open in underserved areas.

"Patients having to take public transportation or sit in long traffic rides from San Gabriel Valley to Los Angeles is not acceptable," he said. "Opening in an area where there are already too many collectives doesn't serve anybody, and going to the areas where there aren't any is both brave and important."

Police on Monday displayed the confiscated marijuana out on folding tables, from small vials of hashish and large bags of marijuana to pre-rolled "bubba bomb" cigarettes.

The pungent smell of crushed plants permeated the room - strong enough to give some officers headaches, the chief said.

The tables were also covered in a wide variety of pot-laced food, such as lollipops, brownies with multi-colored sprinkles, beribboned bon bons, peanut butter, jelly, sodas, hot sauce, chocolate syrup, peppermint patties and bottles of "Mother's Finest Medicinal Cannabis" and "That Time of the Month Potion." Mint patties, lollipops and "Reefer's" peanut butter cups appeared to be the cheapest items at \$10 each, while some of the larger bags of marijuana were priced at \$540.

A sign stated "happy hour; daily 2 p.m.; until all of the supplies are gone."

"All this has been set up to focus on young kids," said Detective Travis Tibbetts. "This dispensary was operating way outside the

scope of state legislation."

A hand-written sign on the door of the dispensary Monday read "Closed for Good." A 20-year-old who said he had a prescription for arthritis stood at the door after reading the sign. He had followed the collective from Hacienda Heights.

"Are you sure they're closed?" he asked. "Do you know where I can find another one?"

Fusco said he couldn't say for sure if the group would re-open.

"If I know these guys, they'll be open somewhere soon," he said. "They're a very determined group of individuals who want to see medicine get to their patients."

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L.A.'s marijuana stores take root

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By William M. Welch, USA TODAY



Enlarge By Dan MacMedan for USA TODAY

Stores selling medical marijuana are popping up all over Los Angeles. Police say the number of "dispensaries" rose to 98 in 2006.



Enlarge By Dan MacMedan for USA TODAY

The Pharmacy, located on Santa Monica Blvd. in West Hollywood, Calif., promotes itself as a legitimate business and even invites law enforcement to monitor the facility in an effort to give aid to fully prescribed patients who need medical marijuana. Jo Anna La Force, a partner in the business, is a registered pharmacist and herbologist.

WEST HOLLYWOOD, Calif. — A decade ago, the Rev. Scott Imler co-wrote and organized the ballot initiative that made California the first state to legalize marijuana for medical use.

Now Imler shakes his head with dismay over what his law has wrought: scores of storefront marijuana shops across Southern California with menus of pot varieties for sale to anyone with a doctor's note.

"What we set out to do was put something in the statutes that said medicine was a defense in case they got arrested using marijuana for medical reasons," Imler says. "What we got was a whole different thing, a big new industry."

'Dispensaries' boom

Los Angeles has become a boomtown for pot stores. The number of "dispensaries" as they are known has gone from four in late 2005 to 98 one year later, according to the Los Angeles Police Department.

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It all started in 1996 when California voters passed Proposition 215, which legalized the growing and possession of marijuana for medical use. Supporters such as the marijuana-legalization group NORML pushed for the law, saying smoking pot lessens pain and alleviates nausea of serious illnesses.

Cooperatives sprung up, permitted under the law to receive "reasonable compensation" for the distribution of their product. Then stores opened, which in Los Angeles can sell up to a half-pound of pot to an individual.

None of this is legal under federal law, and the Drug Enforcement Administration (DEA) recently raided several stores in January in West Hollywood, hauling away thousands of pounds of pot and hundreds of plants.

"It's really become a way of skirting the law for the recreational use of marijuana," Los Angeles police Lt. Paul Vernon says.

Stores that sell marijuana are touted in Los Angeles' alternative newspapers and on the Internet. Ads also offer doctors who will write a legal "recommendation" that a patient needs pot for ailments as common as headaches and depression. In online reviews, users discuss the merits of varieties with names such as "Mountain High," "Purple Haze," and "Gold Kush," at prices of up to \$80 for one-eighth ounce.

The stores are accused of selling to people who don't have health issues or doctors' notes and of raking in huge profits. In essence, some drug dealers may have gone legit, police say.

Los Angeles Police Chief William Bratton says it's time to crack down. He has asked the City Council to impose a moratorium on new pot stores and to impose restrictions on hours, location and how they operate.

In a report to the Board of Police Commissioners late last year, Bratton said "the spirit and intent of this act has been exploited and abused for both profit and recreational drug abuse by many of the medical marijuana dispensaries." He said crime and complaints have surrounded some of the stores, including open smoking of marijuana on nearby streets and targeting school students with store advertising fliers.

In an effort to beat an anticipated crackdown, more stores have sprung up. Four dozen opened in the past few months, Vernon estimates. He says L.A. now has 140 pot stores, some close to schools.

'More about intimidation'

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In Los Angeles County there are around 200 stores, DEA special agent Sarah Pullen estimates, far more than in the San Francisco area to the north. She says all of them are breaking federal law.

After the DEA raid in January, some of the targeted stores have reopened. The raids have prompted protests.

"This is more about intimidation on the part of DEA than actually enforcing laws," says Steph Sherer, executive director of Americans for Safe Access.

"Even if there are abuses, what happens if you are told you have cancer and have to start chemotherapy next week? Do you know where to find marijuana?" she says.

Ten other states allow medical marijuana, but none is as permissive as California's law, Sherer says. The intent, Imler says, was to provide a risk-free, no-hassle way for people with real medical needs for marijuana to grow or obtain it without fear of arrest.

In West Hollywood, one of the most liberal communities in the state, cops take a hands-off policy "unless there are people around there complaining," says Deputy John Klaus of the Los Angeles County Sheriff's Department's West Hollywood division.

Now pastor at Crescent Heights United Methodist Church in West Hollywood, Imler, 49, moved here from Northern California in 1995 to help organize the medical-marijuana-ballot movement. He says he used marijuana first to counter severe seizures from a head injury, and later when he developed cancer.

He organized a marijuana collective that was shut down by federal agents in 2001. He was arrested and received one year probation. Cancer-free, he says he stopped using marijuana. But he worries that the state will pull back from its commitment to medical marijuana if people abuse the law.

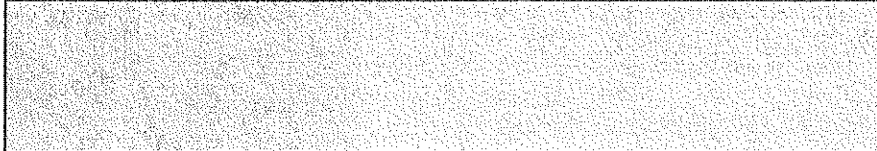
"I was pretty naive," he says. "I thought people would act in good faith."

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justiz wrote: 4h 56m ago

Forgot to say that hemp produces 10 times the quantity of methanol (fuel) than corn for the same area.

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justiz wrote: 4h 58m ago

It's sad for dealers that hemp is becoming legal, this is damaging the illegal trade in hard drugs and that culture, I mean, if you can get hash legally, how are you going to get into contact with the illegal drug dealers? How is the DEA going to justify its existence because it seems their primary function is to fine and criminalize people who use pot.

In Holland they have set up injection sites, mobile and fixed. Onsite medics and facilities. The perception of injectors is changing from 'hip' to 'sick' in the drug scene. There are already far fewer syringes in public areas. Expect to see Holland's injecting population drop dramatically in coming years. The US is dead against this and their EU acolytes have it as illegal in line with the Bush warped thinking.

When the US gets its collective head out of its collective butt and legalizes all drug use, then we will see a real change in society where drug use will still be seen as something not socially acceptable and the problem will gradually disappear. Alternatively, why not make trans illegal using the Bush logic?

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michiplatzer2 wrote: 5h 44m ago

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NE1CAN wrote: 5h 56m ago

Its all the advertising that they have - it is targeted towards "stoners" not people with medical conditions. If they wouldn't be so blatant about it, maybe it would have taken another ten years to get to this point - if ever. Look at the Pot Leaf and the "Got KUSH?" phone number! That is a slap in the

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Study: Marijuana Appears to Slow Cancer Growth in Laboratory Setting

Thursday, December 27, 2007

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Certain marijuana components may suppress the tumors of highly invasive cancers, a new study finds.

In laboratory tests, cannabinoids, the active components in marijuana, were found to slow the spread of lung and cervical cancer tumors, according to researchers Robert Ramer and Burkhard Hinz of the University of Rostock in Germany.

Proponents of medical marijuana believe that cannabinoids reduce the side effects of cancer treatment, such as pain, weight loss and vomiting.

The study, published in the Jan. 2 issue of the Journal of the National Cancer Institute, finds that the compounds may also have an anticancer effect; however, more research is needed to determine whether the laboratory results will hold true in humans, the authors wrote.

Click here for the study. **(STUDY ATTACHED)**

In addition to suppressing tumor cell invasion, cannabinoids also stimulated the expression of TIMP-1, an inhibitor of a group of enzymes involved in tumor cell invasion.

"To our knowledge, this is the first report of TIMP-1-dependent anti-invasive effects of cannabinoids," the authors wrote. "This signaling pathway may play an important role in the antimetastatic action of cannabinoids, whose potential therapeutic benefit in the treatment of highly invasive cancers should be addressed in clinical trials."

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ARTICLES

Inhibition of Cancer Cell Invasion by Cannabinoids via Increased Expression of Tissue Inhibitor of Matrix Metalloproteinases-1

Robert Ramer, Burkhard Hinz

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Correspondence to: Burkhard Hinz, PhD, Institute of Toxicology and Pharmacology, University of Rostock, Schillingallee 70, Rostock D-18057, Germany (e-mail: burkhard.hinz@med.uni-rostock.de).

Background: Cannabinoids, in addition to having palliative benefits in cancer therapy, have been associated with anticarcinogenic effects. Although the antiproliferative activities of cannabinoids have been intensively investigated, little is known about their effects on tumor invasion.

Methods: Matrigel-coated and uncoated Boyden chambers were used to quantify invasiveness and migration, respectively, of human cervical cancer (HeLa) cells that had been treated with cannabinoids (the stable anandamide analog R(+)-methanandamide [MA] and the phytocannabinoid Δ^9 -tetrahydrocannabinol [THC]) in the presence or absence of antagonists of the CB₁ or CB₂ cannabinoid receptors or of transient receptor potential vanilloid 1

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(TRPV1) or inhibitors of p38 or p42/44 mitogen-activated protein kinase (MAPK) pathways. Reverse transcriptase-polymerase chain reaction (RT-PCR) and immunoblotting were used to assess the influence of cannabinoids on the expression of matrix metalloproteinases (MMPs) and endogenous tissue inhibitors of MMPs (TIMPs). The role of TIMP-1 in the anti-invasive action of cannabinoids was analyzed by transfecting HeLa, human cervical carcinoma (C33A), or human lung carcinoma cells (A549) cells with siRNA targeting TIMP-1. All statistical tests were two-sided.

Results: Without modifying migration, MA and THC caused a time- and concentration-dependent suppression of HeLa cell invasion through Matrigel that was accompanied by increased expression of TIMP-1. At the lowest concentrations tested, MA (0.1 μ M) and THC (0.01 μ M) led to a decrease in invasion (normalized to that observed with vehicle-treated cells) of 61.5% (95% CI = 38.7% to 84.3%, $P < .001$) and 68.1% (95% CI = 31.5% to 104.8%, $P = .0039$), respectively. The stimulation of TIMP-1 expression and suppression of cell invasion were reversed by pretreatment of cells with antagonists to CB₁ or CB₂ receptors, with inhibitors of MAPKs, or, in the case of MA, with an antagonist to TRPV1. Knockdown of cannabinoid-induced TIMP-1 expression by siRNA led to a reversal of the cannabinoid-elicited decrease in tumor cell invasiveness in HeLa, A549, and C33A cells.

Conclusion: Increased expression of TIMP-1 mediates an anti-invasive effect of cannabinoids. Cannabinoids may therefore offer a therapeutic option in the treatment of highly invasive cancers.

CONTEXT AND CAVEATS

Prior knowledge

Treatment with cannabinoids had been shown to reduce the invasiveness of cancer cells, but the cellular mechanisms underlying this effect were unclear.

Study design

Cancer cells treated with combinations of cannabinoids, antagonists of cannabinoid receptors, and siRNA to tissue inhibitor of matrix metalloproteinases-1 (TIMP-1) were assessed for invasiveness, protein expression, and activation of signal transduction pathways.

Contribution

The expression of TIMP-1 was shown to be stimulated by cannabinoid receptor activation and to mediate the anti-invasive effect of cannabinoids.

Implications

Clarification of the mechanism of cannabinoid action may help investigators to explore their

therapeutic benefit.

Limitations

The relevance of the findings to the behavior of tumor cells in vivo remains to be determined.

Manuscript received April 24, 2007; revised September 24, 2007; accepted November 16, 2007.

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HIV & AIDS Health Center

Marijuana Eases Nerve Pain Due to HIV

Study Shows Smoking Pot Provides Pain Relief From HIV-Related Neuropathy

By Kelli Miller Stacy
WebMD Health News

Reviewed by Louise Chang, MD

Aug. 6, 2008 -- Smoking pot may help relieve pain in patients with HIV-related neuropathy, a form of nerve damage that leads to burning and tingling sensations, which can be hard to treat with traditional medications.

"Neuropathy is a chronic and significant problem in HIV patients as there are few existing treatments that offer adequate pain management," researcher Ronald J. Ellis, MD, PhD, associate professor of neurosciences at the University of California, San Diego School of Medicine, says in a news release.

Ellis and colleagues compared medical marijuana to a placebo (fake drug) in 28 patients with HIV-related neuropathic pain that was not adequately controlled by pain medications, including opioids.

The team randomly assigned each participant to smoke either medical marijuana (cannabis) or a cigarette that resembled marijuana but did not contain the drug's active chemical, THC. The National Institute on Drug Abuse supplied both products.

The participants smoked the material four times a day for five straight days, then abstained for two weeks, and then followed the same experiment again. Each person also continued to take prescribed painkillers during the trial.

Smoking the pot provided much greater pain relief than smoking the placebo. Forty-six percent of participants had clinically meaningful pain relief with pot compared to 18% with placebo. Pain relief varied from "strong" to "mild to moderate."

The researchers say that medical marijuana significantly reduces HIV-related neuropathic pain when added to the patient's already-prescribed pain management regimen and may be an "effective option for pain relief" in those whose pain is not controlled with current medications.

The findings, which appear online in the journal *Neuropsychopharmacology*, add to a growing body of evidence that shows that medical marijuana can be a potent painkiller for patients with neuropathy. However, the substance can have a negative impact on certain mental skills.

Ellis' team also warns that long-term smoking of cannabis can cause lung problems. Alternative delivery methods are approved in Great Britain and Canada and are being considered by the U.S., according to background information in the journal article.

View Article Sources

SOURCES:

News release, University of California, San Diego.
Ellis, R.J. *Neuropsychopharmacology*, Aug. 6, 2008.
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Pot May Ease Nerve Pain, Study Shows

Patients Report Less Neuropathic Pain After Smoking Marijuana Cigarettes

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(WebMD) New research on "medical marijuana" shows that smoking pot may ease nerve pain at the expense of certain mental skills.

Researchers at the University of California, Davis report that news in the June edition of *The Journal of Pain*.

They studied 38 adults with nerve pain (neuropathic pain) who had smoked pot in the past but abstained from smoking marijuana for 30 days before the study.

Participants visited the researchers' lab three times, where they smoked a marijuana cigarette made for research purposes, under the National Institute of Drug Abuse's supervision.

During the sessions, which were held at least three days apart, participants either smoked a pot cigarette containing a high dose of THC (marijuana's active ingredient), a lower dose of THC, or no THC.

Participants got specific instructions about when to light up, inhale, and exhale. They were supervised as they smoked and for two hours after that, and then taken home.

Before and after smoking their assigned cigarette, participants rated their pain. Their pain ratings dropped more after smoking the THC cigarettes than the placebo cigarette lacking THC. The higher dose and lower THC doses had comparable effects, which began to wear off an hour or two after they stopped smoking.

But participants had no change in their pain sensitivity to light touch or heat after smoking any of the cigarettes, the study shows.

Participants also took tests of mental skills including memory and coordination before and after each smoking session. Their scores, many of which were low to begin with, showed the steepest decline after smoking the high-dose THC cigarette, followed by the low-dose THC cigarette.

Researcher Barth Wilsey, MD, and colleagues aren't recommending medical marijuana for everyone with nerve pain.

They urge "caution in the prescribing of medical marijuana for neuropathic pain," especially in light of the mental impact, and also in young patients, as pot use in adolescence "increases the risk of later schizophrenia-like psychoses, especially in genetically susceptible individuals."

"Medical marijuana" may ease nerve pain while also impairing mental skills, according to a small study of patients at the University of Calif. at Davis. (CBS/AP)

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Marijuana

Marijuana is the most commonly abused illicit drug in the United States. It is a dry, shredded green and brown mix of flowers, stems, seeds, and leaves derived from the hemp plant *Cannabis sativa*. The main active chemical in marijuana is delta-9-tetrahydrocannabinol; THC for short.

How is Marijuana Abused?

Marijuana is usually smoked as a cigarette (joint) or in a pipe. It is also smoked in blunts, which are cigars that have been emptied of tobacco and refilled with marijuana. Since the blunt retains the tobacco leaf used to wrap the cigar, this mode of delivery combines marijuana's active ingredients with nicotine and other harmful chemicals. Marijuana can also be mixed in food or brewed as a tea. As a more concentrated, resinous form it is called hashish, and as a sticky black liquid, hash oil.[†] Marijuana smoke has a pungent and distinctive, usually sweet-and-sour odor.

How Does Marijuana Affect the Brain?

Scientists have learned a great deal about how THC acts in the brain to produce its many effects. When someone smokes marijuana, THC rapidly passes

from the lungs into the bloodstream, which carries the chemical to the brain and other organs throughout the body.

THC acts upon specific sites in the brain, called cannabinoid receptors, kicking off a series of cellular reactions that ultimately lead to the "high" that users experience when they smoke marijuana. Some brain areas have many cannabinoid receptors; others have few or none. The highest density of cannabinoid receptors are found in parts of the brain that influence pleasure, memory, thoughts, concentration, sensory and time perception, and coordinated movement.¹

Not surprisingly, marijuana intoxication can cause distorted perceptions, impaired coordination, difficulty in thinking and problem solving, and problems with learning and memory. Research has shown that marijuana's adverse impact on learning and memory can last for days or weeks after the acute effects of the drug wear off.² As a result, someone who smokes marijuana every day may be functioning at a suboptimal intellectual level all of the time.

Research on the long-term effects of marijuana abuse indicates some changes in the brain similar to those seen after long-term abuse of other major drugs. For example, cannabinoid withdrawal in

chronically exposed animals leads to an increase in the activation of the stress-response system³ and changes in the activity of nerve cells containing dopamine.⁴ Dopamine neurons are involved in the regulation of motivation and reward, and are directly or indirectly affected by all drugs of abuse.

Addictive Potential

Long-term marijuana abuse can lead to addiction; that is, compulsive drug seeking and abuse despite its known harmful effects upon social functioning in the context of family, school, work, and recreational activities. Long-term marijuana abusers trying to quit report irritability, sleeplessness, decreased appetite, anxiety, and drug craving, all of which make it difficult to quit. These withdrawal symptoms begin within about 1 day following abstinence, peak at 2–3 days, and subside within 1 or 2 weeks following drug cessation.⁵

Marijuana and Mental Health

A number of studies have shown an association between chronic marijuana use and increased rates of anxiety, depression, suicidal ideation, and schizophrenia. Some of these studies have shown age at first use to be a factor, where early use is a marker of vulnerability to later problems. However, at this time, it not clear whether marijuana use causes mental problems, exacerbates them, or is used in attempt to self-medicate symptoms already in existence.

Chronic marijuana use, especially in a very young person, may also be a marker of risk for mental illnesses, including addiction, stemming from genetic or environmental vulnerabilities, such as early exposure to stress or violence. At the present time, the strongest evidence links marijuana use and schizophrenia and/or related disorders.⁶ High doses of marijuana can produce an acute psychotic reaction, and research suggests that in vulnerable individuals, marijuana use may be a factor that increases risk for the disease.

What Other Adverse Effect Does Marijuana Have on Health?

Effects on the Heart

One study found that an abuser's risk of heart attack more than quadruples in the first hour after smoking marijuana.⁷ The researchers suggest that such an outcome might occur from marijuana's effects on blood pressure and heart rate (it increases both) and reduced oxygen-carrying capacity of blood.

Effects on the Lungs

Numerous studies have shown marijuana smoke to contain carcinogens and to be an irritant to the lungs. In fact, marijuana smoke contains 50 to 70 percent more carcinogenic hydrocarbons than tobacco smoke. Marijuana users usually inhale more deeply and hold their breath longer than tobacco smokers do,

which further increases the lungs' exposure to carcinogenic smoke. Marijuana smokers show dysregulated growth of epithelial cells in their lung tissue, which could lead to cancer;⁸ however, a recent case-controlled study found no positive associations between marijuana use and lung, upper respiratory, or upper digestive tract cancers.⁹ Thus, the link between marijuana smoking and these cancers remains unsubstantiated at this time.

Nonetheless, marijuana smokers can have many of the same respiratory problems as tobacco smokers, such as daily cough and phlegm production, more frequent acute chest illness, a heightened risk of lung infections, and a greater tendency toward obstructed airways. A study of 450 individuals found that people who smoke marijuana frequently but do not smoke tobacco have more health problems and miss more days of work than nonsmokers.¹⁰ Many of the extra sick days among the marijuana smokers in the study were for respiratory illnesses.

Effects on Daily Life

Research clearly demonstrates that marijuana has the potential to cause problems in daily life or make a person's existing problems worse. In one study, heavy marijuana abusers reported that the drug impaired several important measures of life achievement including physical and mental health, cognitive abilities, social life, and career status.¹¹

Several studies associate workers' marijuana smoking with increased absences, tardiness, accidents, workers' compensation claims, and job turnover.

What Treatment Options Exist?

Behavioral interventions, including cognitive behavioral therapy and motivational incentives (i.e., providing vouchers for goods or services to patients who remain abstinent) have shown efficacy in treating marijuana dependence. Although no medications are currently available, recent discoveries about the workings of the cannabinoid system offer promise for the development of medications to ease withdrawal, block the intoxicating effects of marijuana, and prevent relapse.

The latest treatment data indicate that in 2006 marijuana was the most common illicit drug of abuse and was responsible for about 16 percent (289,988) of all admissions to treatment facilities in the United States. Marijuana admissions were primarily male (73.8 percent), White (51.5 percent), and young (36.1 percent were in the 15–19 age range). Those in treatment for primary marijuana abuse had begun use at an early age: 56.2 percent had abused it by age 14 and 92.5 percent had abused it by age 18.¹¹

How Widespread is Marijuana Abuse?

According to the National Survey on Drug Use and Health, in 2006, 14.8 million Americans age 12 or older used marijuana at least once in the month prior to being surveyed, which is similar to the 2005 rate. About 6,000 people a day in 2006 used marijuana for the first time—2.2 million Americans. Of these, 63.3 percent were under age 18.^{†††}

Monitoring the Future Survey

According to the 2007 Monitoring the Future survey—a national survey of 8th, 10th, and 12th graders, marijuana use has been declining since the late 1990s. Between 2000 and 2007, past-year use decreased more than 20 percent in all three grades combined. Nevertheless, marijuana use remains at unacceptably high levels, with more than 40 percent of high school seniors reporting use at least once in their lifetimes.^{††††}

Percentage of 8th Graders Who Have Used Marijuana

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Lifetime	22.6	22.2	22.0	20.3	20.4	19.2	17.5	16.3	16.5	15.7	14.2
Past year	17.7	16.9	16.5	15.6	15.4	14.6	12.8	11.8	12.2	11.7	10.3
Past month	10.2	9.7	9.7	9.1	9.2	8.3	7.5	6.4	6.6	6.5	5.7
Daily	1.1	1.1	1.4	1.3	1.3	1.2	1.0	0.8	1.0	1.0	0.8

Percentage of 10th Graders Who Have Used Marijuana

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Lifetime	42.3	39.6	40.9	40.3	40.1	38.7	36.4	35.1	34.1	31.8	31.0
Past year	34.8	31.1	32.1	32.2	32.7	30.3	28.2	27.5	26.6	25.2	24.6
Past month	20.5	18.7	19.4	19.7	19.8	17.8	17.0	15.9	15.2	14.2	14.2
Daily	3.7	3.6	3.8	3.8	4.5	3.9	3.6	3.2	3.1	2.8	2.8

Percentage of 12th Graders Who Have Used Marijuana

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Lifetime	49.6	49.1	49.7	48.8	49.0	47.8	46.1	45.7	44.8	42.3	41.8
Past year	38.5	37.5	37.8	36.5	37.0	36.2	34.9	34.3	33.6	31.5	31.7
Past month	23.7	22.8	23.1	21.6	22.4	21.5	21.2	19.9	19.8	18.3	18.8
Daily	5.8	5.6	6.0	6.0	5.8	6.0	6.0	5.6	5.0	5.0	5.1

“Lifetime” refers to use at least once during a respondent’s lifetime. “Past year” refers to use at least once during the year preceding an individual’s response to the survey. “Past month” refers to use at least once during the 30 days preceding an individual’s response to the survey.

Data Sources

[†] For street terms searchable by drug name, street term, cost and quantities, drug trade, and drug use, visit: <http://www.whitehousedrugpolicy.gov/streetterms/default.asp>.

^{††} These data are from the *Treatment Episode Data Set (TEDS) Highlights – 2006: National Admissions to Substance Abuse Treatment Services* (Office of Applied Studies, DASIS Series: S-40, DHHS Publication No. SMA 08-4313, Rockville, MD, 2008), funded by the Substance Abuse and Mental Health Services Administration. The latest data are available at 800-729-6686 or online at www.samhsa.gov.

^{†††} *Results from the 2006 National Survey on Drug Use and Health: National Findings* (Office of Applied Studies, NSDUH Series H-32, DHHS Publication No. SMA 07-4293 Rockville, MD, 2007). NSDUH is an annual survey conducted by the Substance Abuse and Mental Health Services Administration. Copies of the latest survey are available from the National Clearinghouse for Alcohol and Drug Information at 800-729-6686.

^{††††} These data are from the 2007 Monitoring the Future survey, funded by the National Institute on Drug Abuse, National Institutes of Health, DHHS, and conducted annually by the University of Michigan's Institute for Social Research. The survey has tracked 12th graders' illicit drug use and related attitudes since 1975; in 1991, 8th and 10th graders were added to the study. The latest data are online at www.drugabuse.gov.

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Smoking One Joint is Equivalent to 20 Cigarettes, Study Says

Tuesday, January 29, 2008
FOX NEWS

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Smoking marijuana is far more dangerous than smoking cigarettes, according to a group of scientists in New Zealand.

The researchers found that smoking one joint is equivalent to 20 cigarettes in terms of lung cancer.

While studies in the past have shown that marijuana can cause cancer, few have actually established a strong link between marijuana use and the actual incidence of lung cancer.

For the study, researchers interviewed 79 lung cancer patients in an effort to identify the main risk factors for the disease, such as smoking, family history and occupation. The patients were questioned about alcohol and marijuana consumption.

In the high-exposure group, lung cancer risk rose by 5.7 times for patients who smoked more than a joint a day for 10 years, or two joints a day for 5 years, after adjusting for other variables, including cigarette smoking.

"Cannabis smokers end up with five times more carbon monoxide in their bloodstream (than tobacco smokers)," team leader Richard Beasley, at the Medical Research Institute of New Zealand, said in a news release.

The scientists also noted that marijuana could be expected to harm the airways more than tobacco since its smoke contained twice the level of carcinogens, such as polyaromatic hydrocarbons, compared with tobacco cigarettes.

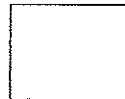
"There are higher concentrations of carcinogens in cannabis smoke...what is intriguing to us is there is so little work done on cannabis when there is so much done on tobacco," said Beasley.

"In the near future we may see an 'epidemic' of lung cancers connected with this new carcinogen. And the future risk probably applies to many other countries, where increasing use of cannabis among young adults and adolescents is becoming a major public health problem," he added.

Study results appear in the In the European Respiratory Journal.

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Salem-News.com (Jan-11-2008 11:47)

Breakthrough Discovered in Medical Marijuana Cancer Treatment

Tim King Salem-News.com

Researchers learned that cannabinoids have been associated with anti-carcinogenic effects, which are responsible in preventing or delaying the development of cancer.

Salem-News.com

(SALEM, Ore.) - A new study reveals that Medical Marijuana can be an effective treatment for cancer, that is the word announced by doctors in Germany who concluded that this clarification of the mechanism of cannabinoid action may help investigators to further explore their therapeutic benefit.

The medical article was originally published in the Journal of the National Cancer Institute Advance Access and online on December 25th 2007.

Cancer cells that were treated with combinations of cannabinoids, antagonists of cannabinoid receptors, and small interfering ribo nucleic acid or 'siRNA' to tissue inhibitor of matrix metalloproteinases-1 (TIMP-1) were assessed for invasiveness, protein expression, and activation of signal transduction pathways.

The biggest contribution of this breakthrough discovery, is that the expression of TIMP-1 was shown to be stimulated by cannabinoid receptor activation and to mediate the anti-invasive effect of cannabinoids.

In other words, they learned that treatment with cannabinoids, one of the active ingredients of the medicinal side of marijuana, has been shown to reduce the invasiveness of cancer cells. Prior to now the cellular mechanisms underlying this effect were unclear and the relevance of the findings to the behavior of tumor cells in vivo remains to be determined.

It is already known that marijuana can stimulate the appetite of patients, but



researchers have learned that cannabinoids, in addition to having palliative benefits in cancer therapy, have been associated with anti-carcinogenic effects, which are responsible in preventing or delaying the development of cancer.

"Although the anti-proliferative activities of cannabinoids have been intensively investigated, little is known about their effects on tumor invasion," the article stated.

Method

In this now completed round of research, Matrigel-coated and uncoated Boyden chambers were used to quantify invasiveness and migration, respectively, of human cervical cancer 'HeLa' cells that had been treated with cannabinoids.

The stable anandamide analog R(+)-methanandamide 'MA' and the phytocannabinoid 9-tetrahydrocannabinol 'THC' in the presence or absence of antagonists of the CB1 or CB2 cannabinoid receptors or of transient receptor potential vanilloid 1 (TRPV1) or inhibitors of p38 or p42/44 mitogen-activated protein kinase (MAPK) pathways.

A method known as 'reverse transcriptase-polymerase chain reaction' and immunoblotting were used to assess the influence of cannabinoids on the expression of matrix metalloproteinases and endogenous tissue inhibitors. The role of TIMP-1 in the anti-invasive action of cannabinoids was analyzed by transfecting HeLa, human cervical carcinoma, or human lung carcinoma cells with siRNA targeting TIMP-1.

They say all statistical tests were two-sided.

Results

Without modifying migration, MA and THC caused a time and concentration-dependent suppression of HeLa cell invasion through Matrigel that was accompanied by increased expression of TIMP-1.

At the lowest concentrations tested, MA and THC led to a decrease in cell invasion.

"The stimulation of TIMP-1 expression and suppression of cell invasion were reversed by pretreatment of cells with antagonists to CB1 or CB2 receptors, with inhibitors of MAPKs, or, in the case of MA, with an antagonist to TRPV1. Knockdown of cannabinoid-induced TIMP-1 expression by siRNA led to a reversal of the cannabinoid-elicited decrease in tumor cell invasiveness in HeLa, A549, and C33A cells."

The researchers concluded that increased expression of TIMP-1 mediates an anti-invasive effect of cannabinoids. That means that in our future, cannabinoids may offer a therapeutic option in the treatment of highly invasive cancers.

Special thanks to the JNCI Journal of the National Cancer Institute, and to Burkhard Hinz, PhD, Institute of Toxicology and Pharmacology, University of Rostock and the affiliation of authors: Institute of Toxicology and Pharmacology, University of Rostock in Rostock, Germany.

The original report published by Oxford University Press was titled, "Inhibition of Cancer Cell Invasion by Cannabinoids via Increased Expression of Tissue Inhibitor of Matrix Metalloproteinases-1 Robert Ramer, Burkhard Hinz."

Breakthrough Discovered in Medical Marijuana Cancer Treatment

Salem-News.com

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Medical Marijuana Dispensaries and Associated Issues

California Chiefs of Police Association

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Medical Marijuana Dispensaries and Associated Issues
Presented to the California Chiefs of Police Association
July to September 2007

This report represents a collection of articles and other publications available to the public on the internet. As you will see, crime and health related issues continue to surface in relation to the distribution of marijuana pursuant to Proposition 215 and Senate Bill 420. This report includes information related to crimes associated with “medical” marijuana, marijuana grows, medical concerns, juvenile involvement and related news from other states as well as few opinion pieces on the state of medical marijuana in California today. Excerpts were used in this report for brevity, the full text of articles and other publications used for this report are available on request.

The below listed article excerpts document crimes associated with the distribution of marijuana. We can see that murder, robbery, burglary follow the cultivation and dispensing of marijuana. Enforcement activities involving the dispensaries continue to demonstrate the fraud, greed and money laundering that appears to be rampant in this industry. The word industry is used purposely as there is every appearance that many “entrepreneurs” from doctors, suppliers to dispensary owners are using “medical” marijuana to realize huge profits. Advocates have asserted that legalization will remove the criminal component from drug usage. With the distribution of marijuana for medical purposes we have a partial legalization and it is quite obvious that the associated criminal activity continues and most likely increases. One could assert that legalization partial or otherwise only creates more victims.

Fugitive arrested in Oroville shoot out over medical marijuana

OROVILLE – “The deal went awry, investigators say, when one of the buyers came out of the bathroom, fired a shot into the ceiling and told the sellers to drop to the floor. A seller shot back, and the two men fired 17 bullets. Two of the three buyers were killed in the shootout, along with one of the sellers.”

Source: <http://www.signonsandiego.com/news/state/20070809-1123-ca-brf-norcal-triplehomicide.html>

Gas station shooting victim killed for his medical marijuana

Henry K. Lee, Chronicle Staff Writer / Tuesday, July 3, 2007

SAN LEANDRO – “A San Leandro man shot and killed while pumping gas in unincorporated Alameda County had been followed from a medical marijuana club by two men who stole drugs from him before the slaying, authorities said today.”

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/07/03/BAGTQQONAV5.DTL>

Burned Bodies Found Near Calif. Pot Raid

Associated Press 07.25.07, 3:50 AM ET

INDEPENDENCE, CALIF. – “The burned bodies of two people were found near a marijuana plantation where police discovered 50,000 plants and arrested five people this month, authorities said.”

Source: <http://www.forbes.com/feeds/ap/2007/07/25/ap3948831.html>

Man Regrets Planting Medical Marijuana Patch

Sacramento Police Say Woman Shot Man for Stealing Medical Marijuana
September 28, 2007

SACRAMENTO COUNTY, Calif. -- Police say a woman was trying to protect medical marijuana plants when she shot a 17-year-old trying to steal them.The man who owns the plants, William DiDomozio, said she fired a warning shot that hit a 17-year-old male. DiDomozio said he would have never grown the pot if he had known it would lead to a shooting. Police said they have seen an increase in the number of crimes associated with both legal and illegal marijuana.

Source: <http://www.my58.com/news/14226017/detail.html>

Arrests Made In Slain PC World Editor Case

PITTSBURG, Calif. -- "Authorities believed that the incident was a targeted attack possibly linked to illegal narcotics. The three men may not have known the family members, but somehow knew there was a substantial amount of marijuana in the home, Addington said. Police found 100 pounds of pot growing in the home, and more than 3 pounds of cultivated marijuana after the robbery.The couple's son, Sterling Farrance, who did not live with his parents at the time of the attack, said the marijuana was grown for medical purposes."

Source: <http://www.nbc11.com/news/14205105/detail.html>

Intruder at West Oakland marijuana farm killed

By Harry Harris and William Brand, Staff Writers

OAKLAND -- "An Oakland man who apparently was trying to break into a marijuana-growing facility was shot and killed late Monday by a resident of the facility...police arrested the shooter, a 33-year-old San Pablo resident, on suspicion of murder, being an ex-felon in possession of a handgun and cultivation of marijuana

Source: http://origin.insidebayarea.com/localnews/ci_6678411

Man Found Dead Near Indoor Marijuana Farm

EL CAJON, Calif. -- "The younger Fletcher was already dead, from at least one gunshot wound, said Brugos. Firefighters who were originally called to the scene brought in homicide investigators when they found the body and an indoor marijuana-growing operation

Source: <http://www.10news.com/news/14032120/detail.html>

Robbers roll medical marijuana joint

Daily News

Article Last Updated: 08/23/2007 06:08:25 AM PDT

TARZANA -- "Armed robbers made off with an unspecified amount of marijuana tonight after hitting a medical marijuana dispensary, police said."

Source: http://www.dailynews.com/ci_6693059?source=most_viewed

Man who held gun on teens won't be charged

TERRY VAU DELL - Staff Writer / Article Launched: 07/12/2007

OROVILLE – “After further investigation: authorities said Wednesday that no criminal charges will be filed against a Helltown Road man who held a gun on two teenagers he suspected of trying to steal his medical marijuana.”

Source: http://www.chicoer.com/news/ci_6355273

SJ: OFFICER ASSAULTED FOLLOWING MARIJUANA GARDEN DISCOVERY

07/05/07 11:20 PDT / SAN JOSE (BCN)

“A man is in jail today after he allegedly attacked a police officer following the discovery of 33 marijuana plants in a San Jose apartment.”

Source: http://cbs5.com/localwire/localfsnews/bcn/2007/07/05/n/HeadlineNews/POT-BUST/resources_bcn.html

Four Men Arrested For Hiding Marijuana from Crime Scene

MARTINEZ, Calif. Aug. 8, 2007 (BCN) – “Four Martinez men were arrested after they attempted to remove marijuana from the scene of a home invasion robbery in an effort to hide their marijuana growing operation”

Source: <http://abclocal.go.com/kgo/story?section=local&id=5550636>

Explosion, home fire lead police to crude drug lab

CONTRA COSTA TIMES / By Scott Marshall / Article Launched: 08/09/2007

Martinez police arrested a man after a weekend explosion and a small fire led them to a crude drug lab.....The concussion from the explosion was so powerful that nearby residents thought they had felt an earthquake,.....The three said they were making honey oil for a Richmond marijuana dispensary.”

Source: ContraCostaTimes.com: Explosion, home fire lead police to crude drug lab

Marijuana Dealer Reports Stolen Stash

SANTA CRUZ, Calif. (AP) - A marijuana dealer telephoned Santa Cruz police after armed thieves stole his quarter-pound stash of pot. The man told police two men robbed him at gunpoint downtown as he sat in his car Tuesday night....The dealer turned over the marijuana and the robbers fled. He then called police and showed arriving officers a medical marijuana card and explained he was simply holding the pot in his lap. But he got confused about his story. He first told officers he bought it at a medicinal marijuana dispensary, then that he got it from a friend. He finally recanted the story and said he had arranged to sell the marijuana to the men who stole it from him.....

Source: <http://www.kcbs.com/pages/913484.php?contentType=4&contentId=888825>

Medicinal Pot Theft Suspects Caught

“Three men were arrested after they allegedly tried to steal the plants over the weekend of September 8-9. Police said five men with a gun got into the backyard of a home on Oregon Street and began stealing the marijuana plants. The owner confronted one of the men, who threatened to kill him.”

Source: <http://www.turnto23.com/news/14082484/detail.html>

Santa Cruz man busted with 100 pounds of pot and \$500,000 cash pleads no contest, still claims medical use

By JENNIFER SQUIRES / Sentinel Staff Writer / September 14, 2007

SANTA CRUZ — "A Westside man arrested after deputies found 100 pounds of pot in his house and \$500,000 cash in a storage locker pleaded no contest Thursday to charges he possessed and sold the drug, but he remained adamant that most of the marijuana was destined for medicinal users" "Sheriff's deputies confiscated almost \$900,000 from Hoey, as well as a wine collection valued at least \$250,000 and Oriental rugs worth \$165,000. Hoey, a medicinal user himself, said Thursday the money he was holding included his own compensation for providing pot to the dispensary, payments for growers and cash he'd set aside to pay taxes."

Source:

<http://www.santacruzsentinel.com/archive/2007/September/14/local/stories/02local.htm>

Bakersfield residents arrested in drug ring

"The charges included conspiracy to distribute meth, cocaine and marijuana. Several agencies were involved including the Drug Enforcement Administration in town and it targeted two drug trafficking organizations and a violent gang within the state prison system. As we showed you yesterday, Connelly runs Seven Seas a medical marijuana dispensary and feels he's being unfairly targeted because he was trying to see his store and somehow got tied up in this drug raid."

Source: <http://www.eyeforyou.com/news/local/8444487.html>

POT DISPENSARY RAIDED AGAIN

by Jason Kotowski, Californian staff writer, 16 Jul 2007

"Federal drug agents busted an Oildale marijuana dispensary for the second time in three months, seizing more than 87 pounds of processed marijuana and arresting five people. The business had done \$9.6 million in sales in nine months. ...Records indicate 1,500 pounds of marijuana were purchased by the dispensary between December 2005 and April 2006, the news release said." "Taylor said it's been his experience that owners of marijuana dispensaries, or "pot clubs," as he calls them, are solely interested in making money. "(Dispensary owners) will contend that they're only interested in helping the sick and terminally ill," Taylor said. "For the most part, we're finding the contrary."

Source: <http://mapinc.org/norml/v07/n856/a02.html>

Medical marijuana outlets raided

Critic decries cooperation of local law enforcement with federal agents

By Michael Manekin / MediaNews / Thursday Aug 30

"The Drug Enforcement Administration, accompanied by members of the San Mateo County Narcotics Task Force and the San Mateo Police Department, seized 50 pounds of processed marijuana, hashish, cannabis-laced edibles and approximately \$30,000 in cash"

Source: <http://www.theburlingamedailynews.com/article/2007-8-30-smc-drugs>

More restrictions considered for medical marijuana dispensaries by the City of Santa Barbara

Monday, September 10, 2007 / Reported by: Leana Orsua

SANTA BARBARA: An increase in crime may lead to stricter regulations on how medical marijuana dispensaries do business in Santa Barbara.....There is enough to make us concerned, and that is that there have been some thefts, and some burglaries, and we've had some nuisance complaints, and more calls for service from the Police department. You can imagine that would be cause for concern from the neighbors.

Source: <http://www.ksby.com/Global/story.asp?S=7054409>

Medical pot dispensary raided by DEA agents

By Niesha Lofing - Bee Staff Writer / September 27, 2007

"Search warrants also were served at a storage facility near the dispensary, a home in Wilseyville and a home in Acampo, he said. DEA agents seized a total of several pounds of processed marijuana, 45 marijuana plants, an undetermined amount of cash, \$32,000 from four bank accounts, marijuana-laced food, computer information, documents and indoor marijuana-growing equipment",

Source: <http://www.sacbee.com/101/story/401653.html>

Oakland Company raided for allegedly selling pot-laced foods

By Leslie Griffy / Mercury News 09/27/2007

"Federal drug agents busted an Oakland company that allegedly distributed pot-laced treats to medical marijuana clubs across the state, officials said today. Tainted Inc. made candy bars, energy drinks, barbecue sauce, peanut butter and brownies laced with marijuana for sale at establishments as far away as Amsterdam",

Source: http://origin.mercurynews.com/crime/ci_7016623?nclick_check=1

Assets of Berkeley medical marijuana club frozen

Associated Press - August 1, 2007 2:34 PM ET

BERKELEY, Calif. (AP) - Officials with a medical marijuana dispensary in Berkeley that has had its assets frozen say they want their money back. The freeze appears to be connected to a raid of Los Angeles-based dispensaries conducted by the Drug Enforcement Administration last week. The operation Police Department, targeted about ten dispensaries in Los Angeles, including one that was a sister organization to the Berkeley Patient Group. The Berkeley group learned Monday of the action, which is preventing access to cash saved to pay state taxes.

Source: <http://www.ksq.com/Global/story.asp?S=6871916&nav=9qrx>

Out of town doctors reportedly recommending marijuana without exams

"A new report by the County Counsel on medical marijuana dispensaries says it has information doctors are selling recommendations allowing use of marijuana for medical purposes, without examining patients. "It raises suspicions about what's really going on," said Deputy County Counsel John Irby. The report says doctors travel up and down the state renting motel rooms from which medical recommendations are issued. Doctors contact local marijuana dispensaries and request patient referrals."

Source: <http://www.eyeforyou.com/news/local/9206477.html>

Doctor Convicted on Marijuana Charges

Written by C. Johnson, Internet News Producer

"An El Dorado County doctor and her husband were found guilty in a Sacramento federal courtroom Thursday of conspiracy to grow and distribute marijuana"....."Fry told News10 at the time the charges wouldn't stop her from writing marijuana prescriptions for patients. **"I intend to generate money and I intend to protect my family and although those things are done for my business, which is the business of medical marijuana,"**

Source: http://www.news10.net/display_story.aspx?storyid=31681

The proliferation of dispensaries over the past few years, from approximately 100 a couple of years ago to four to six hundred today, has been followed by a proportional increase in the number of in-door and out-door grows. There is increasing evidence that both grow styles are connected to organized crime. While no statistical data or confirmed public intelligence exists to confirm that the growth in the number of grows is directly connected to the sharp increase in the number of dispensaries, the corollary is intuitive. Each style of growing operation has its own associated perils. Out door grows, some of which are organized and run by Mexican drug cartels, typically take place on public lands. These grows are being protected by means of booby traps and armed guards. There have been incidents of citizens and law enforcement being shot and shot at when these grows are encountered. There are also environmental concerns such as the poaching of animals, littering as well as diverting and polluting water. It is estimated that clean-up efforts cost approximately \$11,000.00 per acre used for growing operations. Indoor grows present another set of dangers. They represent increased fire hazards, electricity theft, and destruction of usable housing as well as providing a scene for potential crimes such as murder, robbery and burglary. With the huge profit potential and little threat of punishment for growing marijuana, it is no surprise that both indoor and outdoor grows are proliferating. The man arrested for one of the listed indoor grows where the potential profit is estimated to be near \$1 million dollars, (Min ¼ lb per plant , \$4,000 per lb = \$900,000.00) was sentenced to four months incarceration and three years probation. Canadian Justice Joseph Kenkel, while imposing sentence for a first time cultivator elaborated by stating, "The potential financial rewards were so great that hundreds of persons in this area with no prior criminal history were becoming involved in this activity,"

Santa Ynez Valley rancher foils marijuana growing operation

The Associated Press / Article Launched: 07/12/2007 06:18:34 AM PDT

SANTA YNEZ, Calif.—A rancher hunting for coyotes on his property confronted eight men carrying duffel bags stuffed with marijuana. The rifle-toting rancher, whose name was withheld, ordered the group of Hispanic men to stop, but they dropped the bags and ran, said Sgt. Erik Raney of the Santa Barbara County Sheriff's Department. "The suspects were wearing camouflage clothing and carrying military style duffel bags,"

Source: http://www.mercurynews.com/breakingnews/ci_6357224

Shots warned of pot garden

By Record Searchlight staff / Saturday, September 1, 2007

YREKA — A Yreka man told Siskiyou County sheriff's deputies that he and his hunting partner heard gunshots Thursday morning while looking at a suspected marijuana plant in the Lumgreys Creek area off Highway 96 northwest of Yreka. The men were looking at a dark green plant through their binoculars when someone shot two bullets about 30 to 40 feet above their heads, deputies said. As the hunters drove away, they heard another shot.They seized 20 large marijuana plants growing in the area as well as a shotgun and rifle. The case will be submitted to the district attorney's office for evaluation of charges against Rathmanner and several other unidentified persons, deputies said.

Source: <http://www.redding.com/news/2007/sep/01/shots-warned-pot-garden/>

Mendocino forest visitors warned about marijuana gardens

By E-R Staff / Article Launched: 07/04/2007 12:00:00 AM PDT

WILLOWS -- Illegal gardens on public land is an increasing problem and presents a safety hazard to forest visitors and employees. Most illegal gardens are in very remote locations. Plants are typically sown in May and June, and harvested from late September through November. If something suspicious is seen, visitors are urged not to enter the area, but to leave and notify local law enforcement authorities immediately.

Source: http://www.chicoer.com/ci_6294376?IADID=Search-www.chicoer.com-www.chicoer.com

High times ahead? Marijuana number one illegal crop in Merced County

ypatton@mercedsun-star.com jbland@mercedsun-star.com / August 11, 2007

In 2006, Merced County law enforcement disposed of up to \$87 million worth of Cannabis sativa, about 29,000 plants. This year, law enforcement officials say they have already surpassed that number, destroying 36,420 plants with a combined street value of up to \$109 million." It was only a few years ago that meth dominated the county's drug culture.....However, pot growers are now producing more potent forms of marijuana.... Most marijuana plants are valued at \$1,000 to \$3,000 per plant, based on the measurement that an average plant will yield one pound of finished product per season, with the newer varieties' higher THC content it's not uncommon to find a single plant priced up to \$5,000Indoor hydroponic marijuana operations are spreading in the U.S. as criminal groups try to reduce their risk of detection, according to the federal report. Marijuana grown indoors is also said to be of a higher potency and is more expensive on the streets.....While Mexican cartels are said to be behind many of the illegal marijuana grows, Compston said a wide range of gangs and criminal syndicates with members from nearly every nationality and ethnic background are also involved. White criminal groups are the main indoor producers of marijuana in the U.S., while domestic marijuana cultivation by Asian growers at indoor locations is also increasing,....

Source: Mercedsun-star

Lompoc marijuana bust biggest in Santa Barbara County history

Reported by: Wendy Thies / Sep 28, 2007

CENTRAL COAST: 92,000 mature marijuana plants were discovered on the San Julian Ranch off Highway 1 and eradicated in the last couple days. The property owner was not aware that Mexican nationals were using his land to grow pot. The Sheriff's Department said the illegal crop had a street value of \$288 million.

Source: <http://www.ksby.com/Global/story.asp?S=7144785>

Authorities begin sweep of Shasta County marijuana plots

The Associated Press / 07/09/2007

REDDING: Searchers expect to uproot more than double the 237,311 marijuana plants they found last year, said Shasta County Sheriff Tom Bosenko. Authorities blamed Mexico-based drug cartels for the sharp increase in the size and number of outdoor gardens since 2001, when 73,000 plants were found in the Northern California County.....In the past, authorities destroyed the marijuana plants, but didn't have enough money to remove the propane tanks, irrigation pipes, gardening tools and camping gear used by the growers.....This time, the county has received money to remove the growing equipment and restore the damaged forest. Bosenko said it costs about \$11,000 to restore one acre of land.'

Source: http://www.mercurynews.com/news/ci_6333477

\$600K In Marijuana Plants Seized In Aliso Viejo

(CBS) ALISO VIEJO, Calif. About 6,000 marijuana plants, with a street value of about \$600,000, were removed today from a canyon adjacent to an upscale Alison Viejo neighborhood. The plants, cut down from the north and south sides of Wood Canyon, were watered by a system of hoses that tapped into lines of a homeowner association that feeds a tract of homes in the area of Peppertree and Sprucewood....

Source: http://cbs2.com/local/local_story_193220618.html

Large-Scale Marijuana Garden Found In South Valley

The Tulare County Sheriff's Department is investigating a large-scale marijuana garden found in the Blue Ridge Mountains. "They say that the campsites were littered with trash, insecticides, and fertilizers along with a shotgun and assault rifle. Deputies say that a total of 30,890 marijuana plants, with a street value of \$123.5 million were eradicated."

Source: <http://www.kmph.com/news/local/8602062.html>

Officers seize more than 19,000 marijuana plants

July 23, 2007

PLANADA – "After counting up their haul, law enforcement officers seized more than 19,000 mature marijuana plants in eastern Merced County.....The marijuana had a street value of \$76 million. Concealed in a 100-acre cornfield near Planada, the marijuana had been planted in April. It was the largest seizure of the year. "

Source: <http://www.mercedsunstar.com/local/story/13817181p-14393550c.html>

3,000 Marijuana Plants Eradicated In Calaveras County

Wednesday, August 01, 2007 / Bill Johnson

San Andreas: 3,000 marijuana plants were eradicated by a combination of narcotics deputies, the Calaveras County and Tuolumne County S.W.A.T. teams and C.A.M.P. (Campaign Against Marijuana Planting) team members Tuesday." "So far this year Calaveras County has eradicated more than 26,000 plants. According to C.A.M.P. personnel, a pound of buds can be harvested from a mature plant. If there is an excellent T.C.P. level, the street value would be approximately \$4,000."

Source: <http://www.mymotherlode.com/News/article/kvml/1185988304>

Two Men Arrested For Reedley Marijuana Bust

"Deputies found 5,604 marijuana plants in the area of Goodfellow and Buttonwillow. Officials say that the marijuana had an estimated street value of \$22,416,000.00. Mims says that both men were arrested on cultivation charges, after they were found by deputies entering the marijuana grow with the purpose to water it."

Source: <http://www.kmph.com/news/local/8882512.html>

4,500 Marijuana Plants Eradicated Off Italian Bar Rd.

Thursday, July 26, 2007 BJ Hansen MML News Reporter

Sonora, Ca -- 4,515 marijuana plants were eradicated yesterday in the Rose Creek area off of Italian Bar Rd. The Tuolumne County Sheriff's Department reports that the plants averaged approximately 12 inches in height, and had not yet started to bud. If allowed to mature, the plants would have had a street value of approximately \$1.8 million. No suspects were located. The Department believes that it is the work of a drug trafficking organization.

Source: <http://www.mymotherlode.com/News/article/kvml/1185476165>

Over 10,000 Marijuana Plants Found Near Moccasin

Thursday, August 02, 2007 / BJ Hansen MML News Reporter

Moccasin, Ca - "The Tuolumne Narcotics Team continues to stay busy, as yesterday a marijuana garden was eradicated four miles south of Moccasin. Seven different plots were located, and 10,373 plants eradicated." "Based on evidence at the scene, the Sheriff's Department believes it is the work of a drug trafficking organization. The marijuana was flown out by helicopter and destroyed. Had the plants been harvested, the street value would be approximately \$20 million. So far this year, 47,508 plants have been eradicated in Tuolumne County.

Source: <http://www.mymotherlode.com/News/article/kvml/1186084979>

Marijuana plants valued at \$1.1 million seized in Sonoma

The Associated Press / 08/03/2007

SANTA ROSA, Calif.—"Sonoma County authorities seized 63,000 marijuana plants valued at \$1.1 million during a weeklong eradication operation, officials said Friday." "At one site, they seized 20 pounds of harvested marijuana that was being dried. "It was good to get a lot of plants out of there early in the season," Bertoli said. The task force has seized 100,000 plants so far this year."

Source: http://www.mercurynews.com/breakingnews/ci_6536640

Marijuana raid on Hidden Villa land nets \$128 million in illegal plants

by Becky Trout / Palo Alto Online Staff

State and local law enforcement officers raided Thursday an illegal marijuana garden estimated at 32,000 plants -- worth \$128 million -- on Hidden Villa land, although the non-profit camp and nature center in Los Altos Hills was not aware of them, said Santa Clara County Sgt. Ed Wise.

Source: http://www.almanacnews.com/news/show_story.php?id=949

Pot bust at Yuba: 3rd cartel-linked raid this year; about \$1,000 per plant, officer says

By Robyn Moormeister, / 12:01 a.m. PT Aug 7, 2007

"Local, state and federal law enforcement agents raided three large marijuana plantations Monday on federal and state land near the South Fork Yuba River - encampments most likely operated by a Mexican drug cartel, officials said." "The entire canyon is littered with gardens," Evans said. The first two plantations together yielded 9,201 plants, he said, watered by an elaborate irrigation system. When the pilot spotted the third garden, officers were called back in and flown to the spot, where they used chain saws to cut away brush for a landing zone. There, officers found another 2,428 bushes, Evans said. "That's 11,629 plants today,"

Source: <http://www.theunion.com/article/20070807/NEWS/108070107>

Terrorists teaming with drug cartels

By Sara A. Carter

August 8, 2007

"Islamic extremists embedded in the United States — posing as Hispanic nationals — are partnering with violent Mexican drug gangs to finance terror networks in the Middle East, according to a Drug Enforcement Administration report. "Since drug traffickers and terrorists operate in a clandestine environment, both groups utilize similar methodologies to function all lend themselves to facilitation and are among the essential elements that may contribute to the successful conclusion of a catastrophic event by terrorists," said the confidential report, a copy of which was obtained by The Washington Times. The 2005 report outlines an ongoing scheme in which multiple Middle Eastern drug-trafficking and terrorist cells operating in the U.S. fund terror networks overseas, aided by established Mexican cartels with highly sophisticated trafficking routes."

Source:

<http://www.washingtontimes.com/apps/pbcs.dll/article?AID=/20070808/NATION/108080088/1002>

Marijuana Plants Found In Angeles National Forest

(CBS) ANGELES NATIONAL FOREST, "Calif. Investigators involved in a "marijuana abatement" operation found up to 10,000 pot plants growing in the Angeles National Forest and were removing them Friday, officials said." "It was unclear who was growing the plants in the remote area, but large operations such as this one could be operated by illegal immigrants on behalf of Mexican drug cartels, Nunez said."

Source: http://cbs2.com/topstories/local_story_222151030.html

Massive marijuana garden discovered in Humboldt County

Friday, August 10, 2007

DINSMORE, Calif. (AP) – “In the biggest pot bust in Humboldt County history, authorities seized more than 134,000 marijuana plants worth an estimated \$469 million, law enforcement officials said””No arrests were made during the raid, but investigators believe a Mexican drug cartel was behind the massive growing operation.”

Source: <http://www.sfgate.com/cgi-bin/article.cgi?file=/n/a/2007/08/10/state/n160119D36.DTL&type=printable>

Marijuana Gardens Raided in Yosemite National Park

On Monday, August 13, 2007, Yosemite National Park Rangers located and seized 7,428 mature marijuana plants from three gardens in the park related to the same growing operation. The value of the marijuana plants is estimated at about \$22 million.....The illegal cultivation sites bore the characteristics of a Mexican drug trafficking enterprise, including a sophisticated watering system, use of fertilizers, pesticides, and herbicides. The growing operation resulted in considerable natural resource destruction....."For years we've been seeing these people make millions of dollars in profit, while they devastate the environment on private property and California's majestic public lands. They destroy habitat, pollute streams with poisons and nitrogen fertilizers, kill wildlife, and pose a fire threat. The only thing missing is public outrage," concluded Shackelton

Source: http://yubanet.com/artman/publish/article_63419.shtml

Glendale police seize pot plants worth millions

By Andrew Blankstein and Tiffany Hsu, Los Angeles Times Staff Writers

August 17, 2007

Glendale police confiscated \$10 million worth of marijuana from a sophisticated outdoor growing operation in the Verdugo Mountains that tapped into a city water tank designated for emergency use during brush fires.....The growers watered their crops by illegally hooking a drip-irrigation system into a 10,000-gallon cistern in the mountains, which are prone to summer and fall brush fires. Glendale fire officials said half of the water tank had been drained.The use of water that was reserved for firefighters outraged both Glendale officials and residents, who said they were thankful that the chopper pilot found the farm before the tank had been emptied.

Source: <http://www.latimes.com/news/local/la-me-pot17aug17,0,803583.story?coll=la-home-local>

Narcotics Investigators Seize 2781 Marijuana Plants near Mountain Ranch

Posted by: Kim Hamilton on 08/24/2007

Mountain Ranch, CA...Narcotics Investigators from the Calaveras County Sheriffs Office seized 2781 marijuana plants in an early morning raid near Mountain Ranch.This latest seizure brings the total number of marijuana plants for the record setting season to 30,857

Source:

http://thepinetree.net/index.php?module=announce&ANN_user_op=view&ANN_id=3523

Illegal marijuana plants confiscated in Concow

Staff Report / 08/25/2007 12:00:00 AM PDT

Butte County Sheriff's Marijuana Suppression Unit (MSU) raided two separate illegal marijuana grows. MSU raided a marijuana garden in the Concow area and located 1,210 marijuana plants.....The estimated value of this garden at full maturity would be \$4,840,000.00. On Thursday, the MSU raided another marijuana garden in the Concow area.....Investigators located and eradicated 2,389 marijuana plants in three plots that were also being watered by nearby creeks,The estimated value of the plants at full maturity would be \$9,556,000.00.

Source: http://www OrovilleMr.com/news/ci_6715856

Marijuana drive in California forests

August 31, 2007 - 9:54AM

The Bush administration has launched a campaign to eradicate thousands of acres of illegal marijuana plants from California's national forests, the US Forest Service says. Officials complain that crime rings have planted around 2,400 hectares of secret marijuana plantations in federal forests and often send armed squatters to set up camp and tend the lucrative crop. In one recent three-week period, officials pulled up more than 280,000 marijuana plants, worth about \$US1.8 billion (\$A2.2 billion), largely in California's Shasta-Trinity National Forest. Sixteen people were arrested and 10 weapons were seized in those operations.

Source: <http://www.theage.com.au/news/World/Marijuana-drive-in-California-forests/2007/08/31/1188067316958.html>

Pot Plants Worth \$56 Million Found In Cupertino

Members of the Special Operations Division Marijuana Enforcement Team found 14,000 marijuana plants growing on a parcel of land adjacent to mid-peninsula property....the plants are worth \$56 million. Officers told Trujillo each plant is worth \$4,000.....The environment also pays a price for these gardens as growers use pesticides, poison and fertilizer. Many of the gardens are on public land and growers use natural creeks and pools to irrigate the gardens, according to California Department of Fish and Game patrol Lt. John Nores. Nores said illegal poaching of deer and other animals and the poisoning of fish and other wildlife are common at these sites.

Source: <http://www.nbc11.com/news/14004688/detail.html>

12,500 marijuana plants uprooted in Los Padres forest garden

The Associated Press / Article Launched: 09/05/2007

SANTA BARBARA, Calif.—Firefighters battling the two-month Zaca wildfire stumbled onto an illegal 12,500-plant marijuana garden in a remote area of the Los Padres National Forest. Sheriff's Sgt. Erik Raney said the marijuana, which was uprooted in a raid Tuesday, was "one of several discovered by pilots flying fire missions for the Zaca Fire." It's been a record year for marijuana eradication in Santa Barbara County with nearly 96,000 pot plants uprooted, Raney said.

Source: http://www.mercurynews.com/breakingnews/ci_6806161

Lake County leads California in pot growing

By Elizabeth Wilson -- Staff Reporter / Record Bee

LAKE COUNTY -- Narcotic officers stormed a 15-acre marijuana garden in Lakeport as part of a three-day sweep in the county that resulted in the eradication of more than 35,000 plants. Lake County is the number one pot-growing county in the state for the second year running, authorities say. More than 320,260 plants have been seized so far this growing season in Lake County, which begins in mid-April and ends in September or early October. "These plants sell for \$4,000 per pound," said Ryan Pontecorvo,....The sheriff's department can't do this all on their own. They find the sites and mark them with GPS and then call us in. We bring in the money it takes it costs \$11,000 per acre to clean out," said Pontecorvo.

Source: http://www.record-bee.com/local/ci_6804383

U.S. Forest Service to Focus on Illegal Marijuana Grows

Bill Johnson / MML News Director September 06, 2007

Vallejo, CA -- According to Special Agent in charge of the Pacific Southwest Region of the U.S. Forest Service (Region #5) Ron Pugh, by next spring the number of law enforcement officers will be more than doubled the current number. Pugh says 75 officers are currently involved in dealing with the increasing number of marijuana grows throughout the state. Next spring a minimum of 160 officers will be involved. Pugh adds that eliminating the grows and prosecuting the three Mexican families, who law enforcement agencies believe are responsible for the California marijuana gardens, has become the top priority of the U.S. Forest Service.

Source: <http://www.mymotherlode.com/News/article/kvml/1189116941>

Authorities seize more than 7,000 pot plants

By: Penne Usher, Journal Staff Writer / September 5, 2007

More than \$25 million worth of marijuana will not hit the streets after area law enforcement officials seized more than 7,000 plants in five separate raids. Officials said the illegal growing of marijuana continues to be a serious public safety issues on public lands. "Growers are often armed with weapons to protect their crops and have used violence in the past against citizens and law enforcement," Ausnow said. "In these recent raids, several loaded firearms were also seized."

Source:

http://www.auburnjournal.com/articles/2007/09/06/news/top_stories/01potplants6.txt

Authorities Clear Thousands of Marijuana Plants in Local Field

Santa Barbara's Sheriff's officials conducted a day-long marijuana sweep operation on Monday. A total of 6,345 plants were seized yesterday, bringing the total number of plants seized in Santa Barbara County this season to 102,218. The value of the plants seized this year in Santa Barbara County alone is estimated at over \$327,000,000..... Marijuana plantations are very often the work of dangerous drug cartels, and visitors who happen to spot them may be assaulted, according to the Sheriff's Department. Anyone with information leading to the illegal growth of marijuana should call Santa Barbara's Sheriff Department.

Source: <http://www.keyt.com/home/ticker/9714557.html>

Monterey County marijuana gardens uprooted, crop worth \$75 mil

The Associated Press / 09/14/2007

CARMEL, Calif.—More than 15,000 marijuana plants were uprooted in two Carmel Valley pot gardens after they were discovered by a California Highway Patrol pilot. Monterey County sheriff's deputies raided the two massive marijuana plots Thursday after the CHP reported the pot patches near Robinson Canyon Road. Deputies said they found at least 15,000 marijuana plants, some as tall as 12 feet. The marijuana could have fetched \$75 million on the street, deputies said.

Source: http://www.mercurynews.com/news/ci_6892627

Authorities uncover marijuana garden in Point Reyes National Seashore

Associated Press - September 19, 2007 8:34 AM ET

SANTA ROSA, Calif. (AP) - National Park Service rangers and Marin County sheriff's deputies seized about 3,500 plants Monday on Bolinas Ridge in the seashore. The street value of the seized marijuana plants is estimated at \$9 million. Authorities say last year more than 22,000 marijuana plants with a street value of more than \$48 million were removed from park lands in west Marin County. Because of damage caused by the marijuana growing operations officials at Point Reyes National Seashore spent more than \$100,000 last year to clean up and restore the land to its natural state.

Source: <http://www.kesq.com/Global/story.asp?S=7097158&nav=9qrx>

Marijuana Eradicated Near Jamestown

BJ Hansen / MML News Reporter / Saturday, September 22, 2007

Jamestown, Ca -- 768 marijuana plants were eradicated Friday in the Woods Creek area near Jacksonville Rd. The Tuolumne County Sheriff's Department says the patch was discovered by deer hunters last weekend. The hunters alerted the property owner, who in turn immediately contacted the Sheriff's Department. The owner was unaware of the marijuana growing on his property. The 786 plants ranged from two to six feet tall. They were heavily budded and ready for harvest. The Sheriff's Department says it appears to be a "local" operation. If harvested, the street value would have been approximately \$3.5 million.

Source: <http://www.mymotherlode.com/News/article/kvml/1190471025>

Marijuana growing expands, police say

By Chris Metinko / STAFF WRITER 09/25/2007

"We're seeing a proliferation of marijuana farming in the unincorporated areas," said Alameda County sheriff's Capt. Dale Amaral. "And this isn't just a health and safety issue, but also an environmental issue." Amaral said that in 2006 the sheriff's office destroyed more than 12,000 marijuana plants being farmed on unincorporated land....Amaral said many people don't consider the environmental impacts of such illicit agriculture. "These people use pesticides and fertilizer, and they dam up waterways," Amaral said. "They're causing irreparable harm to the environment." Amaral said a lot of cleanup is required at each site, because the cultivators usually camp out with their crop until it matures in about three to four months.

Source: http://www.contracostatimes.com/news/ci_6992825?nclick_check=1

Marijuana eradication operation nets \$15 million worth of pot

By PETER DAY / Star Editor / July 9, 2007 - 1:12PM

“A recent two-week-long marijuana cultivation crackdown operation by county law enforcement resulted in the seizure of a total of 4,416 plants with a street value of more than \$15 million, according to the San Bernardino County Sheriff's Narcotic Division/Marijuana Eradication Team. Two of the six indoor cultivations eradicated in the joint San Bernardino/Los Angeles county effort were located in golf course-area homes in Hesperia.”

Source:

http://www.hesperiarstar.com/news/county_921___article.html/marijuana_million.html

Marijuana bust in Big Bear City

The search resulted in the discovery of a highly sophisticated and elaborate marijuana grow that included approximately 350 marijuana plants, as well as grow equipment, including lights, filters, fans, dehumidifiers, and Carbon Dioxide. In addition to the marijuana cultivation, a large amount of cash, marijuana packaged individually for sale, concentrated cannabis, paraphernalia, and packaging was found.

Source: <http://www.bearvalleynews.com/bvn%208083107.htm>

Marijuana plants and packaged pot discovered

By Peter Hegarty / STAFF WRITER 09/04/2007

More than 200 marijuana plants and about three pounds of packaged marijuana -- ready to smoke -- was seized Thursday when Alameda police uncovered a pot-growing operation on Garfield Avenue. Inside the detached garage, which was behind a single-family residence, police also allegedly found a heating and watering system for the plants.....Along with marijuana, police found about \$9,000 in cash at the residence in the 3200 block of Garfield Avenue, plus a .22 caliber handgun.

Source: http://www.mercurynews.com/alamedacounty/ci_6796944?nclick_check=1

Elk Grove real estate agent linked to nearly half of 21 pot homes

The Associated Press / 09/21/2007

ELK GROVE, Calif.—“An Elk Grove real estate agent has ties to nearly half of 21 raided pot houses, according to a database of properties sold in the area”..... “a 10-month investigation. Police seized 6,855 marijuana plants, 36 pounds of processed marijuana, more than \$200,000 in cash and 10 vehicles

Source: http://www.mercurynews.com/news/ci_6961911?nclick_check=1

Man Gets 4 Months in Jail for Growing Pot At Home

(CBS) POMONA, Calif. A man, 27, was sentenced Monday to four months in jail and three years probation for growing marijuana in a Diamond Bar home. Ken Ho was arrested April 16 when officials discovered nearly 900 marijuana plants inside the home. He later pleaded no contest to a charge of cultivating marijuana. Ho had originally been charged with felony counts of cultivating marijuana, theft of utility services and maliciously taking down a utility line. A second person Chuan Zhou, 42, was arrested along with Ho, but charges against him were dismissed.

Source: http://cbs2.com/topstories/local_story_232175456.html

One of our major concerns with this issue has been the potential effect on our youth. The trend of high school age children becoming involved the use of marijuana continues.

Know the facts about teen marijuana use

By Provided by Federal DEA officer / Jul 26, 2007, 15:28

Marijuana is the most commonly used illicit drug in the United States. Among marijuana's most harmful consequences is its role in leading to the use of other illegal drugs like cocaine, heroin and methamphetamine.

Long-term studies of students who use drugs show that very few young people use other illegal drugs without first trying marijuana. The risk of using cocaine has been estimated to be more than 100 times greater for those who have tried marijuana than for those who have never tried it. The primary mind-altering chemical in marijuana is called THC (delta-9-tetrahydrocannabinol). Due to advancements in the cultivation process, the THC content in today's marijuana is much higher than in marijuana that was available 20 or 30 years ago. Due to the increased potency, it takes less marijuana to achieve a greater and longer lasting "high."

Source: http://www.thedanielislandnews.com/artman/publish/printer_2430.php

Tests show alcohol, pot used by Perris High teens killed in crash

The Associated Press / 07/26/2007 SAN DIEGO—Four Perris High School seniors killed on Interstate 15 while heading for a Mission Beach outing were under the influence of marijuana or alcohol at the time of the crash, the coroner said.Three boys were killed on impact, and a fourth died the following day at a hospital.The California Highway Patrol said the car was traveling at 90 mph or faster and possibly racing another car before the crash.CHP Officer Eric Newburg said investigators concluded speed and driving under the influence of marijuana were the primary factors in the crash

Source: http://www.mercurynews.com/news/ci_6471920?nclick_check=1

Teacher in Court for Allegedly Giving Marijuana to Students

A teacher accused of smoking marijuana with her students appeared in court. Goleta Junior High School Teacher Melissa Dunning was arraigned on three different felony counts including smoking marijuana with two fourteen year old boys and contributing to the delinquency of minors. Dunning worked at the Middle School as a temporary teacher for about since March of this year. Authorities say one of the victim's parents suspected her son had be smoking pot when she picked him up after a tutoring session.

Source: <http://www.keyt.com/news/local/8311502.html>

Two planning commissioners question mayor's motion to ban medical marijuana dispensaries, and a school board member's plea is finally heard.

By ANNIE BURRIS / The Orange County Register / Friday, July 27, 2007

Huntington Beach is the latest city to consider making medical marijuana dispensers illegal.Currently, there are no dispensaries in the city.Recently, however, the city has received requests for a dispensary from three Marina High School students.

Source: <http://www.ocregister.com/news/medical-marijuana-huntington-1788948-beach>

Medical pot cardholder tries to sell to teenager

September 01, 2007

Two California residents, one of whom carried a medical marijuana card, face felony charges after they attempted to sell the drug to a teenager Thursday in Medford, police say.....He said police seized five ounces of marijuana from the vehicle's occupants. The 17-year-old was released pending prosecutors' review of the case.

Source:

<http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20070901/NEWS/709010317>

Medical studies and opinions continue to warn us regarding increased marijuana usage and dependency issues as well as the resultant medical problems associated with the use of high potency marijuana.

Dr. Colin McMillan • Marijuana is a health problem

Published: Tuesday, July 17, 2007

The Canadian Medical Association, which represents 65,000 physicians, is very concerned about the recent reports of increased use of marijuana in Canada. The physician community is equally concerned that the government will seek to combat illegal drug use and addiction through the criminal justice system by laying more charges for simple possession which could make the problem even worse. All Canadians should be aware that marijuana is an addictive substance, harmful to health. The health risks of marijuana use range from short-term effects such as anxiety, restlessness, and impaired thinking to long-term effects such as bronchitis, emphysema and cancer. Marijuana use has also been linked to lung damage comparable to that produced by tobacco use, but the effects are more severe and sudden. The message is simple: Canadians should not use marijuana and those who are addicted should immediately seek medical assistance. Because of these potential harms, it's critical that changes to the criminal law affecting marijuana neither encourage nor promote its use. **When the Canadian Medical Association appeared before Parliament on this very same issue back in 2002, we expressed concern that even the debate over decriminalization and medical marijuana might legitimize its use for recreational purposes..** Colin McMillan is president of the Canadian Medical Association.

Source: <http://www.canada.com/ottawacitizen/news/opinion/story.html?id=ae6959f8-8336-4732-a435-62a0ad8f8866>

Study: Marijuana may increase psychosis risk

LONDON (AP) — Using marijuana seems to increase the chance of becoming psychotic, researchers report in an analysis of past research that reignites the issue of whether pot is dangerous. The new review suggests that even infrequent use could raise the small but real risk of this serious mental illness by 40%. Doctors have long suspected a connection and say the latest findings underline the need to highlight marijuana's long-term risks. The research, paid for by the British Health Department, is being published Friday in medical journal The Lancet. "The available evidence now suggests that cannabis is not as harmless as many people think," said Dr. Stanley Zammit, one of the study's authors and a lecturer in the department of psychological medicine at Cardiff University.

Source: http://www.usatoday.com/news/health/2007-07-26-marijuana-study_N.htm

Marijuana may cause rare skin cancer

Posted Aug 2nd 2007 9:00AM by [Jacki Donaldson](#)

Researchers at Harvard Medical School say the active component of marijuana may enhance the virus that causes a rare type of skin cancer called Kaposi's sarcoma. While most people are not at risk of developing this cancer, AIDS patients are transplant recipients are. It's the weakened immune system that puts some at risk for this disease. And these are the people who should discuss with their doctors the costs of using marijuana medicinally or recreationally.

It may take only small doses of tetrahydrocannabinol (THC) -- the ingredient that gives marijuana users a "high" -- to cause cells to become infected and then multiply, according to a study reported in the August 1 issue of Cancer Research. Previous studies have indicated this very same association between marijuana use and Kaposi's sarcoma. But this study shows THC itself is the driving force.

Source: <http://www.thecancerblog.com/2007/08/02/marijuana-may-cause-rare-skin-cancer/>

Experts: Marijuana More Addictive Than Ever

Experts say marijuana is now more addictive than ever before. Substance abuse counselors say marijuana growers and sellers are making the drug stronger so people will keep coming back for more. Pam Morrison sees firsthand what the increase in THC, the active ingredient in marijuana, does to users. Morrison, the Coastal Horizons program director said, "We have youth as well as adults that are seeking substance abuse treatment because their lives are completely unmanageable as a result to an addiction to marijuana alone." Morrison said marijuana users spend a lot of time trying to find the drug and even more time dealing with its effects. She said some of the effects are "hangovers, not being able to go to work or school in the morning, dropping out of school, quitting their job, getting in trouble with the law, getting involved with gangs."...Morrison said, "Marijuana is a very addictive drug, and people's lives have been destroyed because of marijuana."

Source: <http://www.wsocv.com/health/13606927/detail.html>

Marijuana: Medical Implications

American Family Physician,

Long-term use of marijuana may lead to subtle cognitive deficits. In studies using animals, chronic exposure to marijuana changed the structure and function of the hippocampus in ways similar to the effects of the aging process.²⁷ Acute exposure to marijuana leads to deficits in short-term memory, but long-term effects on cognition are not as well documented. An "amotivational syndrome" caused by marijuana use is still controversial but of concern. High school students who use marijuana often spend less time on homework, have lower grades and more delinquency.²⁸ Also, college women who use marijuana report significantly higher rates of motor vehicle crashes, smoking, use of alcohol and tranquilizers, use of sex as a coping mechanism, violent dreams, sleeplessness and psychiatric problems than do nonusers. Identifying patients with a marijuana-related disorder can be difficult, because abuse and associated problems commonly develop slowly.

Often, patients do not recognize that they have a problem or do not want to give up their drug use. In addition, they may try to hide their problem from parents, physicians and other authority figures. Unexplained deterioration in school or work performance may be a red flag for drug abuse. In addition, problems with or changes in social relationships (such as spending more time alone or with persons suspected of using drugs) and recreational activities (such as giving up activities that were once pleasurable) may indicate drug abuse. Information from concerned parents or spouses is often helpful in sorting out a differential diagnosis. Although marijuana abuse in adolescents and young adults is of particular concern, it should not be overlooked in other patient groups. For example, persons with certain psychiatric disorders (such as bipolar disorder and post-traumatic stress disorder), those who are under severe emotional distress and those who have chronic pain might be at increased risk. Ultimately, patients who need treatment will be identified through direct disclosure of marijuana-related problems by the patient, a positive urine drug screen, or identification by legal, school or employment authorities.

Source: <http://www.aafp.org/online/en/home/publications/journals/afp.html>

As we have seen in the past, trends occurring in Canada, Washington and Oregon mirror those occurring in California. However, we can also see these trends across the country as well as in other nations.

Marijuana, cash stolen in Mount Vernon "execution-style" slaying

By WILL DAVID / THE JOURNAL NEWS / (Original publication: July 3, 2007)

MOUNT VERNON - A group of masked armed gunmen who shot and killed a 52-year-old Mount Vernon man execution-style last Friday stole about a half a pound of marijuana and several hundred dollars from his apartment, police said yesterday. Mount Vernon police Commissioner David Chong said Neville Brett, of 138 W. Fourth St., was laying facedown on the floor, posing no threat to the four or five assailants, when one used a Tec-9 gun to shoot him in the back once as they were leaving with the money and marijuana. "

Source:

<http://www.lohud.com/apps/pbcs.dll/article?AID=/20070703/NEWS02/707030328/-1/rss01>

3 arrested in Wash. marijuana grow at house where 2 were slain

EVERETT, Wash. — Three people have been arrested for investigation in marijuana growing operations at two houses, including one where two people were shot to death, federal court documents show.....The houses, residents and owners came to the attention of federal drug agents about three weeks before July 2, when police found the body of Kevin Meas, 23, and 789 marijuana plants in the basement of the first house, according to court documents.....At both houses, electricity meters had been bypassed to hide excessive power use, a typical indication of large-scale marijuana production...

Source: <http://www.policeone.com/drug-interdiction-narcotics/articles/1290035/>

Shooting Leads Deputies to Marijuana Grow House

By Dana Willhoit / The Ledger / September 29, 2007

LAKELAND -- Sheriff's deputies responding to reports of a weapon blast this morning discovered an elaborate marijuana-growing operation in a suburban home in north Lakeland.....had 300 marijuana plants with an estimated street value of \$600,000 to \$1 million.....The investigation began at 9 a.m. when neighbors called to report they heard a gun. Deputies said a woman in the house had been shot in the neck by people attempting to steal the marijuana plants....."This is just another example of criminals attempting to disguise their crimes in neighborhoods.

Source: <http://www.theledger.com/article/20070929/BREAKING/70929027>

"A Very, Very Serious Problem for the State"

By Ruth Howard for The Clatskanie Chief

CLATSKANIE, Oregon (STPNS) -- Should Oregon employers be required to accommodate medical marijuana cardholders?....."I actually support the use of medical marijuana," Harmon told those in attendance, saying he voted for the passage of the Oregon Medical Marijuana Act (OMMA) in the November 1998 general election.Harmon later told attendees that the people of Oregon "were led down the path to vote for medical marijuana" as they viewed television commercials of "very seriously ill people." He believes the "wrong message" was sent by the passage of the act and proponents who seek the legalization of the drug. He also indicated he is disturbed by the fact that businesses are being told they must accommodate medical marijuana in the workplace.

Source: http://www.stpns.net/view_article.html?articleId=53649769724275994

Kevin Mannix wants to repeal the Oregon Medical Marijuana Act

...Mannix claims that these changes are necessary because of "abuse of the system currently in place" and has couched this language as just one section of an initiative that also provides tough language to fight meth, sex crimes, domestic violence, drunk drivers, and to tighten control over convicted criminals. We must work now to get this information to the people of Oregon so they are not fooled into repealing OMMA in the name of fighting crime. Tell everyone to Just Say No to the Mannix "Oregon Crime fighting Act" initiative.

<http://www.ornorml.org/main.php>

Police: Indoor marijuana nurseries appearing in northeast Ohio

Associated Press - July 23, 2007 8:45 AM ET

CLEVELAND (AP) - Police say gangs are setting up large indoor marijuana-growing operations in northeast Ohio. So far this summer, police have found three basement nurseries in Geauga, Portage and Lake Counties. And last year, police discovered a network of houses in Medina and Lorain counties. Most of the homes contained hundreds of marijuana plants. Police say the operations are typically placed in large, expensive suburban homes and are run by Vietnamese gangs who have been moving across the border from Canada to take advantage of the US market.

Source: Information from: The Plain Dealer, <http://www.cleveland.com>

Marijuana grown in suburban basements, linked to Vietnamese gangs

Noting the similarity in the arrests and structure of the grow-ops, investigators conclude that Asian organized-crime groups - particularly Vietnamese and Chinese gangs - were heavily into international marijuana trade, possibly working with other organized crime groups such as biker gangs or the Mafia. "It's quite clear we're talking about organized crime groups," Nadeau said. While outdoor marijuana growing by Mexican drug gangs has always been a concern, U.S. drug agents saw a spike in the number of indoor sites busted and plants confiscated from 2001 to 2006, according to a report released this year by the National Drug Intelligence Center. The report also notes growing activity among Asian gangs in Ontario, Quebec and New England.

Source: <http://www.knowgangs.com/news/july07/0723.php>

HPD targets 'organized crime-style' pot ring

By KEVIN MORAN

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Houston police are sweeping the city today with arrest warrants for participants in what a prosecutor calls an "organized crime-style" marijuana cultivation ring that distributes pot all over the country. Doyle and Houston police raided seven homes and seized hundreds of high-grade marijuana plants in southeast Houston Monday. The raids were the culmination of a five-month investigation into a ring that has been selling marijuana grown in the houses for about \$4,000 a pound, he said. "This is a very sophisticated criminal organization," Doyle said. "We have information that this stuff is shipped all over the country because they grow so much of it."

Source: <http://www.chron.com/dispatch/story.mpl/front/4974551.html>

Health Department Appoints Medical Marijuana Advisory Committee

(Santa Fe) – The New Mexico Department of Health has appointed eight board-certified doctors to the new Medical Advisory Committee that will advise the Department on rules governing the Medical Cannabis Program. The committee will meet at least twice a year to hold public hearings and evaluate patients' petitions to add conditions to the list of qualifying medical conditions. Qualifying conditions are: cancer, glaucoma, multiple sclerosis, damage to the nervous tissue of the spinal cord with intractable spasticity, epilepsy and HIV/AIDS. Hospice patients may also be eligible.

Source: www.nmhealth.org.

Governor demands plan for medical marijuana

SANTA FE (AP) - Governor Richardson is ordering the state Health Department to move ahead with planning of a medical marijuana program. That's despite the agency's worries about possible federal prosecution. The department announced earlier this week it would not implement provisions of the law that call for the agency to oversee the production and distribution of marijuana to eligible patients. Richardson Friday directed the agency to continue planning to fully implement the program.

Source: <http://kob.com/article/stories/S170319.shtml?cat=500>

Below are commentaries discussing the apparent "hijacking" of medical marijuana by drug dealers;

Written Statement of Joseph T. Rannazzisi
Deputy Assistant Administrator, Office of Diversion Control
Drug Enforcement Administration
United States Department of Justice
July 12, 2007

Federal Law in Light of Claims that Marijuana is "Medicine" Marijuana is a Schedule I substance under Title 21 of the United States Code. As defined by law, a Schedule I substance is one that has no currently accepted medical use in treatment in the United States, no accepted safety for use under medical supervision and a high potential for abuse..... Under the Federal Food, Drug, and Cosmetic Act (FDCA), it is unlawful to market a new drug in the United States unless FDA approves the drug as being both safe and effective for the treatment of disease or condition. To date, FDA has not found marijuana to be safe and effective for the treatment of any disease or condition.

.....DEA's efforts to enforce Federal law surrounding the possession and trafficking of marijuana have been hampered by the passage of laws in several states which inhibit State and local law enforcement from acting against individuals and organizations selling marijuana under the pretence that it has medicinal value. Law enforcement has seen a growing list of ailments used by dealers, patients and physicians to justify smoking marijuana. It has become so exhaustive that anyone could claim "a medical need". That list includes ADD, headaches, arthritis, PMS, IBS, hepatitis, renal failure, hypertension, anxiety, depression, post-traumatic stress disorder, insomnia, paranoia, bipolar affective disorder, alcoholism, cocaine and amphetamine addiction, epilepsy, bronchitis, emphysema, osteoporosis, degenerative disc disease, polio, ulcers, stuttering, seizures, color blindness and various types of pain....Anecdotal information and data have suggested in Los Angeles the significant likelihood that the marijuana as medicine dispensaries affects crime in adjacent communities The DEA's role is one of enforcement. It is, after all, our middle name. We will continue to enforce the law as it stands and to investigate, indict, and arrest those who use the color of state law to possess and sell marijuana.

Source: <http://www.dea.gov/pubs/cngrtest/ct071207.html>

Hands Up, And Back Away From The Brownies"

Raids and arrests are up, but so are the number of dispensaries—and more states are coming aboard. Activists say regulation could help.....Alas, medicinal marijuana is producing nothing but pain for California politicians and law enforcement officials. The Golden State has seen an explosion of dispensaries.....An estimated 600 dispensaries have sprouted up statewide in the past three years, a \$1 billion-a-year business by one estimate.....In July federal agents raided a dozen dispensaries across the state.....Don Duncan, whose California Patients Group is a nonprofit, says the feds are tarring all dispensaries with the same brush. Ironically, he was arguing for more regulation of the industry at Los Angeles' City Council when his dispensary was raided on July 25...

...The city council ended up initiating a moratorium on new dispensaries. Councilman Dennis Zine says complaints about the dispensaries' staying open too late and distributing promotional fliers near schools has the city considering a number of regulations, including making sure they are collecting sales taxes and prohibiting consumption on the grounds, "just like liquor stores."....

Source: http://images.businessweek.com/ss/07/08/0803_marijuana/index_01.htm

Marijuana gains new foe

Group seeks to keep out medical dispensaries

By Will Bigham, Staff Writer

Article Launched: 08/20/2007 11:44:20 PM PDT

RANCHO CUCAMONGA - A newly formed organization opposed to medical-marijuana dispensaries is urging local governments to prohibit the businesses. The Inland Valley Drug Free Community Coalition fears dispensaries will attract crime and increase illicit marijuana use by people who do not need the drug for medical reasons. "It will bring criminal activity, blight," said Brenda Chabot, the Rancho Cucamonga-based group's executive director. "Political leaders should have enough courage to say they don't want these in their communities." Group members include law-enforcement officials, substance-abuse workers, youth representatives and others. They are now planning community events to educate the public about the negative impact they believe dispensaries would have on Inland Valley communities.....

Source: http://www.dailybulletin.com/news/ci_6675913

Anonymous Post on Americans for Safe Access web site

To: ASA LIST losangeles@lists.safeaccessnow.org Sent: Monday, July 16, 2007

Subject: [Los Angeles] recreational users at dispensaries

I am just getting familiar with the medical marijuana scene out here in California, since I only moved here 3 months ago from the DC area. First let me say how refreshing it is to see all the activity! It is very encouraging to those of us in other parts of the country. Second, there is no doubt that many people are helped in many ways by marijuana. MS, chronic pain, AIDS wasting, alcoholism, migraines, epilepsy, asthma, and countless other conditions are alleviated or even reversed by cannabis. It truly can be a wonder drug. **However, I think we all need to admit that the dispensaries are often, perhaps even mostly, used by people who have managed to get a medical card or doctor's recommendation, but who don't use cannabis for medicinal reasons, but rather simply for fun.** This is pretty clearly evident by the demographics of who enters the clubs, the advertising, the names of the clubs, etc. Now, I want marijuana fully legalized for everyone, regardless of medical condition. Some medical advocates may share that policy goal, but maybe not all.....

<http://vanorml.org>

The Debate On California's Pot Shops

Morley Safer Reports On Proposition 215 / Sept. 23, 2007

California's Pot Shops: An excerpt from a "60 Minutes" broadcast about California's controversial pot shops, where people can buy marijuana for medicinal use.....Well, how is the California state law working?

As correspondent Morley Safer reports, the answer involves another statute: the law of unintended consequences. For one thing, the federal government still views marijuana, medical or otherwise, as illegal and has been cracking down on dispensaries that sell it. **For another, it's clear there are legions of people buying medical marijuana for the sole purpose of getting high. And for them and the truly ill in California, it's become an easy matter: just drop by your little pot shop around the corner.....**There are hundreds of such stores in the state, and as many as 400 in southern California alone. The people who run them are members of the state's latest entrepreneurial class, calling themselves "caregivers." The feds call them something else. Case in point is a young man of many faces named Luke Scarmazzo. He has been described as a businessman, a hip hop artist, and, by the government, as a drug dealer. Asked which of the descriptions apply to him, Scarmazzo says, "I'm a hip hop artist first. 'Cause that's what I've always been. And I'm a businessman second. But I'm not a drug dealer.".....The DEA hits a handful of businesses like Scarmazzo's every few weeks. And in his case, business was good: in the town of Modesto, population 200,000, he sold \$4.5 million worth of medical marijuana in two years. And he was paid a good salary, too. "I took home \$13,000 a month," he says.....The Supreme Court has upheld the DEA's right to go after dispensaries, no matter what state law might say. And even one of the key proponents of medical marijuana says things have gotten out of hand. "It's just ridiculous the amount of money that's going through these cannabis clubs. It's absolutely ridiculous," says Scott Imler, a minister in the United Methodist Church who has long been active in promoting medical marijuana. Eleven years ago, he was working to pass proposition 215, the ballot measure that legalized it. Today, Imler has second thoughts.

"The purpose of proposition 215 was not to create a new industry. It was to protect legitimate patients from criminal prosecution,"....A decade later, if you've got a note from a doctor, you can buy medical pot for just about any imaginable condition. "Let me just ask you plain and simple. Is there this proliferation because people are simply using, quote, unquote, medical marijuana, to get high?" Safer asks. "I think there's a lot of that. And I think you know, a lot of what we have now is basically pot dealers in storefronts," Imler says.....Television station KCBS went to a Los Angeles clinic, where the waiting room was full of young people, joking about what they'd tell the doctor their ailment was. The doctor, James Eisenberg, saw four healthy people sent by KCBS. He rejected a 17-year-old for being underage. But after getting a brief consultation and paying \$175, the other three got their papers. One complained of dry skin, another of hair loss, and the third said high heels hurt her feet. "Do you think someone who complains of foot pain because of high heeled shoes is a legitimate candidate for medical marijuana?" TV reporter David Goldstein asked Dr. Eisenberg. "You know, all I can do is take my patients' statements as factual," the doctor replied.There's a growing number of local laws limiting the number of dispensaries in a given area and the hours they can operate. But American ingenuity will always find a way. Kevin Reed was forced to shut down his San Francisco dispensary because of complaints from neighbors. So he simply went into the delivery business.....His couriers fan out across the city, delivering their wares. In theory, all the medical marijuana sold in California is grown by the patients themselves. "We're a collective. And what that means is our members grow it, they bring excess medicine here and we provide it back to the other members..."

....But skeptics say it doesn't always work that way, and that old fashioned pot dealers can easily get a compliant doctor to make them patients and caregivers too. "Most of these cannabis centers are buying their marijuana off the black market. They're dumping millions of dollars into the criminal black market," Imler says. "What you're suggesting is that the traditional black market or part of the traditional black market is now legal?" Safer asks. "Yeah. That's essentially what's happened," Imler agrees.....He argues it's time for the federal government to step in and legalize and properly control medical marijuana. "Until that happens, we're gonna have what we have now, which is chaos," he says.

Source: <http://www.cbsnews.com/stories/2007/09/20/60minutes/main3281715.shtml>

Medical Marijuana: History and Current Complications

Riverside County District Attorney's Office



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ROD PACHECO
ASSISTANT DISTRICT ATTORNEY
SOUTHWEST DIVISION

September 20, 2006

City of Temecula
Mayor Ron Roberts
P. O. Box 9033
Temecula, CA 92589

RECEIVED
SEP 2 2006
CITY MANAGER'S
OFFICE

Re: Medical Marijuana Dispensaries

Dear Mayor Roberts:


Enclosed is a legal opinion regarding medical marijuana dispensaries prepared by my staff. California Law provides for very limited situations where marijuana may be cultivated or possessed.

In summary, California Law does not provide for medical marijuana dispensaries. Furthermore, whatever description is used, dispensaries, co-operatives, or store front businesses, if marijuana is being distributed it is a violation of Federal Law.

If you require any further information, please do not hesitate to contact Asst. District Attorney Rod Pacheco 951-955-5467.

cc: S. Nelson
P. Thorson
G. Thornhill
Council

Sincerely,


GROVER TRASK
District Attorney

GCT:mb
Enclosure

RIVERSIDE COUNTY DISTRICT ATTORNEY'S OFFICE

WHITE PAPER

MEDICAL MARIJUANA: HISTORY AND CURRENT COMPLICATIONS

September 2006

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In November of 1996, California voters passed the Proposition 215 initiative.¹ The initiative set out to make medical marijuana available to people with certain illnesses. The initiative was later supplemented by the Medical Marijuana Program Act, which was enacted as Senate Bill 420 by the state legislature in 2003 and became effective in January of 2004. Across the state, counties have varied in their responses to medical marijuana. Some counties have allowed businesses to open and provide medical marijuana. Others have disallowed all such establishments within their borders. Several counties once issued business licenses allowing medical marijuana stores to operate, but no longer do so. This paper discusses the legality of both medical marijuana and the businesses that make it available.

History of Medical Marijuana

The world history of marijuana for medicinal use is long and varied. Among other illnesses, the Chinese used it to treat gout, malaria and memory. Hindu sects have used it as a stress reliever. Ancient physicians prescribed marijuana for pain, childbirth and earaches. Early Americans used it to treat skin inflammation, rabies, and tetanus.²

However, evidence that marijuana lessens the symptoms of any medical condition is largely anecdotal.³ Additionally, medical marijuana is normally administered by smoking and not a single Federal Drug Administration approved medication is smoked.⁴

Federal Law

Federal law clearly and unequivocally states that all marijuana related activities are illegal. Consequently, all people engaged in such activities are subject to federal prosecution. The United States Supreme Court recently decided, *Gonzales v. Raich*, (2005) 125 S.Ct. 2195, making the federal position absolutely plain. The court has declared that, despite the attempts of several states to partially legalize marijuana, it

continues to be wholly illegal since it is classified as a Schedule I drug. As such, there are no exceptions to its illegality. The mere categorization of marijuana as "medical" by some states fails to carve out any legally recognized exception regarding the drug. Marijuana, in any form, is neither valid nor legal.

Clearly the United States Supreme Court is the highest court in the land. Its decisions are final and binding upon all lower courts. The court invoked the United States Supremacy Clause and the Commerce Clause in reaching its decision. The Supremacy Clause declares that all laws made in pursuance of the Constitution shall be the "supreme law of the land" and shall be legally superior to any conflicting provision of a state constitution or law.⁵ The Commerce Clause states that "the Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."⁶

Gonzales v. Raich addressed the concerns of two California individuals growing and using marijuana under our state's medical marijuana statute. The court explained that under the Controlled Substances Act marijuana is a Schedule I drug and is strictly regulated.⁷ "Schedule I drugs are categorized as such because of their high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment."⁸ The court ruled that the Commerce Clause is applicable to California individuals growing and obtaining marijuana for their own personal, medical use. Under the Supremacy Clause, the federal regulation of marijuana, pursuant to the Commerce Clause, supersedes any state's regulation, including California's. The court found that the California statutes did not provide any federal defense if a person is brought into federal court for cultivating or possessing marijuana.

Accordingly, there is no federal exception for the growth, cultivation, use or possession of marijuana and all such activity remains illegal.⁹ California's Compassionate Use Act of 1996 and Medical Marijuana Program Act of 2004 do not create an exception to this federal law. All marijuana activity is absolutely illegal and subject to federal regulation and prosecution.

California Law

On November 5, 1996, California voters adopted Proposition 215, an initiative statute authorizing the medical use of marijuana.¹⁰ The initiative added Health and Safety code section 11362.5 which allows "seriously ill Californians the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician . . ."¹¹ The codified section is known as the Compassionate Use Act of 1996.¹² Additionally, the state legislature passed Senate Bill 420 in 2003; it became the Medical Marijuana Program Act and took effect on January 1, 2004.¹³ This act expanded the definitions of "patient" and "primary caregiver"¹⁴ and created guidelines for identification cards.¹⁵ It defined the amount of marijuana that "patients" and "primary caregivers" can possess.¹⁶ It also created a limited affirmative defense to criminal prosecution for qualifying individuals that collectively gather to cultivate medical marijuana.¹⁷

Despite their illegality, the medical marijuana laws in California are specific. The statutes craft narrow affirmative defenses for particular individuals with respect to enumerated marijuana activity. All conduct, and people engaging in it, that falls outside

of the statutes' parameters remains illegal under California law. Relatively few individuals will be able to assert the affirmative defense in the statute. To use it a person must be a "qualified patient", "primary caregiver", or a member of a "cooperative". Once they are charged with a crime, if a person can prove an applicable legal status, they are entitled to assert this statutory defense.

A strict construction of California law

The California Attorney General, Bill Lockyer, has also spoken on medical marijuana. His office issued a bulletin to California law enforcement agencies on June 9, 2005. The office expressed the opinion that *Gonzales v. Raich* did not address the validity of the California statutes and, therefore, had no effect on California law. The office advised law enforcement to not change their operating procedures. The Attorney General made the recommendation that law enforcement neither arrest nor prosecute "individuals within the legal scope of California's Compassionate Use Act."

When California's medical marijuana laws are strictly construed our two offices come to a point of agreement. We believe that *Gonzales v. Raich* does affect California law. However, we also acknowledge that the California statutes offer some legal protection to "individuals within the legal scope of" the acts. The medical marijuana laws speak to patients, primary caregivers, and true collectives. These people are expressly mentioned in the statutes and, if their conduct comports to the law, may have some state legal protection for specified marijuana activity. Conversely, all medical marijuana establishments that fall outside the letter and spirit of the statutes are not legal; including dispensaries and store-front facilities. These establishments have no legal protection. The Attorney General's opinion does not present a contrary view.

1. Conduct

Health and safety code sections 11362.765 and 11362.775 describe the conduct for which the affirmative defense is available. If a person qualifies as a "patient", "primary caregiver", or is a member of a legally recognized "cooperative" they have an affirmative defense to possessing a defined amount of marijuana. Under the statute no more than eight ounces of dried marijuana can be possessed. Additionally, either six mature or twelve immature plants may be possessed.¹⁸ Note that if someone claims patient or primary caregiver status, and possesses more than this amount of marijuana, he can be prosecuted for drug possession. The qualifying individuals may also cultivate, plant, harvest, dry, and/or process marijuana; but while still strictly observing the permitted amount of the drug. The statute may also provide a limited affirmative defense for possessing marijuana for sale, transporting it, giving it away, maintaining a marijuana house, knowingly providing a space where marijuana can be accessed, and creating a narcotic nuisance.¹⁹

However, for anyone who cannot lay claim to the appropriate status under the statutes: all instances of marijuana possession, cultivation, planting, harvesting, drying, processing, possession for the purposes of sales, completed sales, giving away, administration, transportation, maintaining of marijuana houses, knowingly providing a

space for marijuana activity, and creating a narcotic nuisance continue to be illegal under California law.

2. Patient

Under section 11362.5(b)(1)(A), a patient is anyone a physician has determined will benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or *any other illness for which marijuana provides relief*.²⁰ A physician's recommendation that indicates medical marijuana will benefit the treatment of an illness is required before a person can claim to be a medical marijuana patient. Accordingly, such proof is also necessary before a medical marijuana affirmative defense can be claimed.

3. Primary Caregiver

A primary caregiver is an individual who has "consistently assumed responsibility for the housing, health, or safety of a patient".²¹ The statutory definition includes some clinics, health care facilities, residential care facilities, and hospices. If more than one patient designates the same person as the primary caregiver, all individuals must reside in the same city or county. In most circumstances the primary caregiver must be at least 18 years of age.

It is important to note that it is almost impossible for a store-front medical marijuana business to gain true primary caregiver status. Businesses that call themselves "cooperatives", but function like store-front dispensaries, suffer this same fate. In *People v. Mower*, the court was very clear that the defendant had to prove he was a primary caregiver in order to raise the medical marijuana affirmative defense. Mr. Mower was prosecuted for supplying two people with marijuana.²² He claimed he was their primary caregiver under the medical marijuana statutes. This claim required him to prove he "consistently had assumed responsibility for either one's housing, health, or safety" before he could assert the defense.²³

The key to being a primary caregiver is not simply that medical marijuana is provided for a patient's health: the responsibility for the health must be consistent. Any relationship a store-front medical marijuana business has with a patient is more likely to be transitory than consistent. A patient can go to any dispensary he chooses. He can even visit different ones on a single day or any subsequent day. Courts have found that a patient's act of signing a piece of paper declaring that someone is a primary caregiver does not necessarily make them one. The relationship between patient and primary caregiver must be consistent over time. Any business that cannot prove its relationship with the patient meets these requirements is not a primary caregiver. Functionally, the business is a drug dealer and is subject to prosecution as such.

4. Store-front medical marijuana cooperatives and dispensaries

Since the passage of the Compassionate Use Act of 1996, many store-front medical marijuana businesses have opened in the state.²⁴ Some are referred to as

dispensaries, some as cooperatives; but it is how they operate that removes them from any umbrella of legal protection. These facilities operate as if they are pharmacies. Most offer different types and grades of marijuana. Some offer baked goods that contain marijuana.²⁵ Monetary donations are collected from the patient or primary caregiver when marijuana or food items are received. The items are not technically sold since that would be a criminal violation of the statutes.²⁶ These facilities are able to operate because they apply for and receive business licenses from cities.

Federally, all existing store-front medical marijuana businesses are subject to search and closure since they violate federal law.²⁷ Their mere existence violates federal law. Consequently, they have no right to exist or operate, and arguably counties in California have no authority to sanction them.

Similarly, in California there is no apparent authority for the existence of these store-front medical marijuana businesses. The Medical Marijuana Program Act of 2004 allows *patients* and *primary caregivers* to grow and cultivate marijuana, no one else.²⁸ Although Health and Safety Code section 11362.775 offers some state legal protection for true collectives and cooperatives, no parallel protection exists in the statute for any store-front business providing any narcotic.

The common dictionary definition of collectives is that they are organizations jointly managed by those using its facilities or services. Legally recognized cooperatives generally possess "the following features: control and ownership of each member is substantially equal; members are limited to those who will avail themselves of the services furnished by the association; transfer of ownership interests is prohibited or limited; *capital investment receives either no return or a limited return*; economic benefits pass to the members on a substantially equal basis or on the basis of their patronage of the association; members are not personally liable for obligations of the association in the absence of a direct undertaking or authorization by them; death, bankruptcy or withdrawal of one or more members does not terminate the association; and [the] services of the association are furnished primarily for the use of the members."²⁹ Medical marijuana businesses, of any kind, do not meet this legal definition.

Actual medical dispensaries are commonly defined as offices in hospitals, schools, or other institutions from which medical supplies, preparations, and treatments are dispensed. Hospitals, hospices, home health care agencies, and the like, are specifically included in the code as primary caregivers as long as they have "consistently assumed responsibility for the housing, health, or safety" of a patient.³⁰ Clearly, it is doubtful that any of the store-front medical marijuana businesses currently existing in California can claim that status. Consequently, they are not primary caregivers and are subject to prosecution under both California and federal laws.

Riverside County

There appear to be four dispensaries currently operating in the County of Riverside: the Healing Nations Collective in Corona, Compassionate Caregivers in Palm Springs, C.A.P.S. in Palm Springs and CannaHelp³¹ in Palm Dessert.

The County of Riverside is currently considering ordinance number 348.4403 which provides for the zoning and licensing of medical marijuana cooperatives in the

county. As discussed above, all such store-front medical marijuana businesses are illegal. Consequently, all are subject to criminal prosecution.

Practical Issues in California

A. How existing dispensaries operate

Despite their clear illegality, some cities do have existing and operational dispensaries. Assuming *arguendo*, that they may operate, it may be helpful to review the mechanics of the business. The former Green Cross dispensary in San Francisco illustrates how a typical medical marijuana dispensary works.³²

A guard or employee may check for medical marijuana cards or physician recommendations at the entrance. Many types and grades of marijuana are usually available. Sales clerks will probably make recommendations about what type of marijuana will best relieve a given medical symptom; although employees are neither pharmacists nor doctors. Baked goods containing marijuana may be available and sold; although there is usually no health permit to sell baked goods. The dispensary will give the patient a form to sign declaring that the dispensary is their "primary caregiver" (a process fraught with legal difficulties). The patient then selects the marijuana they want and is told what the "contribution" will be for the product. The code specifically prohibits the sale of marijuana to a patient so "contributions" are made to reimburse the dispensary for its time and care in making "product" available. However, if a calculation is made based on the figures in the article, it is clear that these "contributions" can easily add up to millions of dollars per year. That is a very large cash flow for a "non-profit" organization denying any participation in the retail sale of narcotics. Before its application to renew its business license was denied by the City of San Francisco, there were single days that Green Cross sold \$45,000.00 worth of marijuana. On Saturdays, Green Cross could sell marijuana to forty-three patients an hour. The marijuana sold at the dispensary was obtained from growers who brought it to the store in backpacks. A medium-sized backpack would hold approximately \$16,000.00 worth of marijuana. Green Cross used many different marijuana growers.

It is clear that dispensaries are running as if they are businesses, not legally valid cooperatives. Additionally, they claim to be the "primary caregivers" of patients. This is a spurious claim. As discussed above, the term "primary caregiver" has a very specific meaning and defined legal qualifications. A primary caregiver is an individual who has "consistently assumed responsibility for the housing, health, or safety of a patient".³³ The statutory definition includes some clinics, health care facilities, residential care facilities, and hospices. If more than one patient designates the same person as the primary caregiver, all individuals must reside in the same city or county. In most circumstances the primary caregiver must be at least 18 years of age.

It is almost impossible for a store-front medical marijuana business to gain true primary caregiver status. A business would have to prove that it "consistently had assumed responsibility for [a patient's] housing, health, or safety."³⁴ The key to being a primary caregiver is not simply that medical marijuana is provided for a patient's health: the responsibility for the patient's health must be consistent.

As seen in the Green Cross example, a store-front medical marijuana business' relationship with a patient is most likely transitory. In order to provide a qualified patient with marijuana, a store-front medical marijuana business must create an instant "primary caregiver" relationship with him. The very fact that the relationship is instant belies any consistency in their relationship and the requirement that housing, health, or safety is consistently provided. Courts have found that a patient's act of signing a piece of paper declaring that someone is a primary caregiver does not necessarily make them one. The consistent relationship demanded by the statute is mere fiction if it can be achieved between an individual and a business that functions like a narcotic retail store.

B. Secondary effects of dispensaries and similarly operating cooperatives

Of equal concern are the secondary effects of these dispensaries and store-front cooperatives. Throughout the state, many violent crimes have been committed that can be traced to their proliferation. On February 25, 2004, two men in Mendocino County committed a home invasion robbery to steal medical marijuana. They held a knife to a 65-year-old man's throat, and though he fought back, managed to get away with large amounts of marijuana. They were soon caught and one of the men received a sentence of six years in the state prison.³⁵

At least two murders can be traced to the existence of medical marijuana dispensaries. On August 19, 2005, 18-year-old Demarco Lowery was shot when he and his friends attempted a takeover robbery of a store-front medical marijuana business in the City of San Leandro. The owner fought back and a gun battle ensued. Demarco Lowery was hit by gunfire and "dumped outside the emergency entrance of Children's Hospital Oakland" after the shootout.³⁶ He did not survive. The second known murder occurred on November 19, 2005. Approximately six men broke into Les Crane's home in Laytonville while yelling "this is a raid". Les Crane, who owned a store-front medical marijuana business, was at home and shot to death. Another man present at the time was beaten with a baseball bat. The murderers left the home after taking currency and processed marijuana.³⁷

On July 17, 2006, the El Cerrito City Council voted to ban all such medical marijuana facilities. It did so after reviewing a nineteen-page report that detailed a rise in crime near these store-front dispensaries in other cities. The crimes included robberies, assaults, burglaries, murders and attempted murders.³⁸ As recently as August 10, 2006, an armed robbery took place at a Santa Barbara dispensary. A small amount of currency and fifteen medical marijuana baggies were stolen. The owner says it is the fourth time he has been robbed. He failed to report the first three because "medical marijuana is such a controversial issue".³⁹ Even though medical marijuana store-front businesses do not currently exist in the City of Monterey Park, it issued a moratorium on them after studying the issue in August 2006.⁴⁰ After allowing these establishments to operate within its borders, the City of West Hollywood recently passed a similar moratorium. The moratorium was "prompted by incidents of armed burglary at some of the city's eight existing pot stores and complaints from neighbors about increased pedestrian and vehicle traffic and noise"⁴¹

Medical marijuana store-front businesses have allowed criminals to flourish in California. This past summer the City of San Diego cooperated with federal authorities

and served search warrants on several medical marijuana locations. In addition to marijuana many weapons were recovered, including a stolen handgun and an M-16 assault rifle.⁴² The National Drug Intelligence Center reports that marijuana growers are employing armed guards, using explosive booby traps and murdering people to shield their crops. Street gangs of all national origins are involved in transporting and distributing marijuana to meet the ever increasing demand for the drug.⁴³ Store-front medical marijuana businesses are very dangerous enterprises.

C. Liability Issues

With respect to issuing business licenses to medical marijuana store-front facilities a very real issue has arisen: counties and cities are arguably aiding and abetting criminal violations of federal law. Such actions clearly put the counties permitting these establishments in very precarious legal positions. Aiding and abetting a crime occurs when someone commits a crime, the person aiding that crime knew the criminal offender intended to commit the crime, and the person aiding the crime intended to assist the criminal offender in the commission of the crime.

The legal definition of aiding and abetting is easily applied to counties and cities allowing medical marijuana facilities to open. A county that has been informed about the *Gonzales v. Raich* decision knows that all marijuana activity is federally illegal. Furthermore, such counties know that individuals involved in the medical marijuana business are subject to federal prosecution. When an individual in California cultivates, possesses, transports, or uses marijuana he is committing a federal crime.

A county issuing a business license to a medical marijuana facility knows that the people there are committing federal crimes. The county also knows that those involved in providing and obtaining medical marijuana are intentionally violating federal law.

This very problem is why some counties are re-thinking the presence of medical marijuana facilities in their communities. There is a valid fear of being prosecuted for aiding and abetting federal drug crimes. Presently, two counties have expressed concern that California's medical marijuana statutes have placed them in such a precarious legal position. Because of the serious criminal ramifications involved in issuing business permits and allowing store-front medical marijuana businesses to operate within their borders, San Diego and San Bernardino Counties have filed a lawsuit against the state. They seek to prevent California from enforcing the medical marijuana statutes which subject them to criminal liability.

Conclusion

In light of the United States Supreme Court's decision and reasoning in *Gonzales v. Raich*, the United States Supremacy Clause renders California's Compassionate Use Act of 1996 and Medical Marijuana Program Act of 2004 illegal. No state has the power to grant its citizens the right to violate federal law. People have been, and continue to be, federally prosecuted for marijuana crimes. We conclude that medical marijuana is not legal under federal law, despite the current California scheme.

Furthermore, store-front medical marijuana businesses are prey for criminals and create easily identifiable victims. The people growing the marijuana are looking to and

employing illegal means to protect their valuable cash crops. Many distributing marijuana are hardened criminals.⁴⁴ The others distributing marijuana to the businesses are perfect targets for thieves and robbers. They are being assaulted, robbed and murdered. Those buying and using medical marijuana are also being victimized.

Additionally, illegal medical marijuana facilities have the potential for creating liability issues for counties and cities.

The Riverside County District Attorney's Office believes that the cooperatives being considered are illegal and should not be permitted to exist within the County's borders. They are a clear violation of federal and state law, they invite more crime, and they compromise the health and welfare of the citizens of this County.

¹ Ten other states have enacted medical marijuana laws in some fashion: Alaska, Arizona, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont, and Washington.

² Stack, *Inhaling to cure ailments is a lot older than you might believe* (October 27, 2002) Time Magazine.

³ Zimmerman, *Is Marijuana the Right Medicine for You* (1998) chapter 3.

⁴ "Medical" Marijuana - the Facts United States Drug Enforcement Administration, www.usdoj.gov.

⁵ U.S. Const. art. VI, cl. 2.

⁶ U.S. Const. art. I, section 8, cl. 3.

⁷ *Gonzales v. Raich*, *supra*, 125 S.Ct. at page 2204.

⁸ *Id.*, see also *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 121 S.Ct. 1711, 1718.

⁹ *Id.*

¹⁰ See *People v. Mower* (2002) 28 Cal.4th 457, 463.

¹¹ Health and Safety Code section 11362.5(b) (1) (A). All references hereafter to the Health and Safety Code are by section number only.

¹² 11362.5(a).

¹³ 11362.7 et. seq.

¹⁴ 11362.7.

¹⁵ 11362.71 – 11362.76.

¹⁶ 11362.77.

¹⁷ 11362.765; 11362.775; *People v. Urziceanu* (2005) 132 Cal.App.4th 747, 786.

¹⁸ 11362.77

¹⁹ 11357, 11358, 11359, 11360, 11366, 11366.5, and 11570.

²⁰ HS 11362.7(h) gives a more comprehensive list – AIDS, anorexia, arthritis, cachexia, cancer, chronic pain, glaucoma, migraine, persistent muscle spasms, seizures, severe nausea, and any other chronic or persistent medical symptom that either substantially limits the ability of a person to conduct one or more life activities (as defined in the ADA) or may cause serious harm to the patient's safety or physical or mental health if not alleviated.

²¹ HS 11362.5(e); HS 11362.7(d)(1), (2),(3), and (e); see also *People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1395.

²² *People v. Mower*, *supra*, 28 Cal.4th at 476.

²³ *Id.* emphasis added.

²⁴ For a statewide list: <http://canorml.org/prop/cbclist.html>.

²⁵ McClure, *Fuming Over Pot Clubs* (June 2006) California Lawyer Magazine.

²⁶ 11362.765(c); see, e.g. *Urziceanu*, *supra*, 132 Cal.App.4th at page 764.

²⁷ *Gonzales v. Raich*, *supra*, 125 S.Ct. at page 2195.

²⁸ *People v. Urziceanu* (2005) 132 Cal.App.4th 747; see also HS 11362.765.

²⁹ Packel, *Organization and Operation of Cooperatives* (4th ed. 1970) American Law Institute (1970) pp. 4-5; italics added.

³⁰ 11362.7(d)(1).

³¹ As of August 2006, the store CannaHelp leases is undergoing renovations and it is not currently operating out of that facility; it is unknown if it is operating out of another location.

³² See e.g. McClure, *Fuming Over Pot Clubs* (June 2006) California Lawyer Magazine.

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- ³³ HS 11362.5(e); HS 11362.7(d)(1), (2),(3), and (e); see also *People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1395.
- ³⁴ *People v. Mower, supra*, 28 Cal.4th at 476, emphasis added.
- ³⁵ Scaramella, *No Good Deed Goes Unpunished*, (June 16, 2004) www.theava.com.
- ³⁶ Graham, *Police Link Suspect to Pot Club Robbery*, (August 9, 2006) www.insidebayarea.com.
- ³⁷ Clark, *Breaking News: Medical Marijuana Supplier Les Crane Killed*, (November 19, 2005) Ukiah Daily Journal; Clark, *Les Crane Murder Investigation Continues*, (November 27, 2005) Ukiah Daily Journal.
- ³⁸ Planning Commission Agenda, www.el-cerrito.org; *El Cerrito Bans Dispensaries*, www.420girls.com.
- ³⁹ Indy Staff, *Medical Marijuana Shop Robbed*, (August 10, 2006) Santa Barbara Independent.
- ⁴⁰ Ortega, *City bans outlets for medical marijuana*, (August 28, 2006) San Gabriel Valley Tribune.
- ⁴¹ *Id.*
- ⁴² Crime statistics, www.sandiego.gov.
- ⁴³ National Drug Intelligence Center, *Marijuana* (January 2001) www.usdoj.gov.
- ⁴⁴ *Id.*

Medical Marijuana Dispensaries

City of Rocklin Chief of Police



CITY OF ROCKLIN

MEMORANDUM

DATE: July 13, 2004

TO: Honorable Mayor and Members of the City Council

FROM: Mark Siemens, Chief of Police

RE: Medical Marijuana Dispensaries

SUMMARY AND RECOMMENDATION:

California voters approved Proposition 215, which codified into the California Health and Safety Code the "The Compassionate Use Act of 1996". The intent of Proposition 215 was to enable people in need of marijuana for medical purposes the ability to obtain and use it without fear of criminal prosecution under limited, specific circumstances.

Some entrepreneurial types have used the situation to spawn commercial endeavors to distribute marijuana to those who qualify under "The Compassionate Use Act of 1996". Unfortunately, the proposition is unclear about the details of doctor recommendation and how the substance is distributed. The act was specifically developed far enough away from traditional prescriptive drug distribution systems and activities to be distinguishable from them. This was done purposefully as prescription medicines are controlled by the Federal Food and Drug Administration and in Federal law the use, possession, transportation and distribution of marijuana is specifically illegal. At any rate, the use of marijuana under "The Compassionate Use Act of 1996" is not the issue before the Commission. At issue here is the location of commercial distribution of marijuana businesses and the potential impacts to the public health, safety and welfare of our community.

RECOMMENDATION: The City of Rocklin is now addressing how the issue of commercial marijuana distribution under the guise of Proposition 215 will be allowed to impact our community. Staff has given the Council three options as discussed in the Planning Department Staff Report for consideration. As the Police Chief, I recommend the change to zoning law, specifically the approval of the Ordinance adding Section 17.04.348 and adding Subpart D to Section 17.64.030 of the Rocklin Municipal Code regarding medical marijuana dispensaries to avoid the impacts experienced in other communities.

DISCUSSION:

The City of Rocklin has not experienced the impacts of medical marijuana dispensaries but other communities have. I contacted some of the law enforcement leaders where marijuana dispensaries were located and learned the following:

I spoke with Joel Neves, Chief of Police of Roseville, about the impacts from the dispensary there. Chief Neves related the following impact based on his observations and discussions with involved parties including the owner/operator of the marijuana dispensary.

CITY OF ROSEVILLE IMPACTS:

- Street level dealers trying to sell to those going to the dispensary at a lower price
- People are smoking marijuana in public around the facility
- People coming to the community from out of town and out of state to obtain Marijuana (Nevada State, San Joaquin County, etc)
- Marijuana DUI by people who have obtained from dispensary
- At least one burglary attempt into building

I also spoke with Rich Word, the Chief of Police for the City of Oakland about the impacts of Marijuana Dispensaries in his city. Chief Word has extensive experience with marijuana dispensaries.

CITY OF OAKLAND IMPACTS:

- Large criminal element drawn to the dispensary location
 - Marijuana dealers who have a doctor recommendation are purchasing from the dispensary and then conducting illegal street sales to those who do not have a recommendation.
 - Street criminals in search of the drugs are robbing medical use patients for their marijuana as they leave the dispensary.
 - Thefts and robberies around the location are occurring to support the illegal and legal (by State law) drug commerce.
- Chief Word mentioned that a shoe repair business next door to a dispensary has been severely impacted because of the concentration of criminals associated with the dispensary. The shoe repair business owner is considering shutting down his business.
- They had more than 15 total in city, now limited to four by ordinance but control is not very strong. The fines are too small to control a lucrative business.
- Most of the crime goes unreported because the users do not want to bring negative publicity to the dispensary.
- The dispensaries have an underground culture associated with them.
- At least one of the dispensaries had a doctor on the premises giving recommendations on site for a fee.

- One location was a combination coffee shop and dispensary and marijuana was sold in baked goods and for smoking.
- Dispensary management has told the police that they cannot keep the criminal element out.

During early July, I was also able to contact several other law enforcement agencies that had experience with marijuana dispensaries. I received the following information:

CITY OF HAYWARD IMPACTS:

In conversation with Acting Chief Lloyd Lowe, I learned the following:

- Hayward has three dispensaries total, two legal under local ordinance and one illegal.
- They have had robberies outside the dispensaries
- They have noticed more and more people hanging around the park next to one of the dispensaries and learned that they were users in between purchases
- They have problems with user recommendation cards – not uniform, anyone can get them
- One illegal dispensary sold coffee, marijuana and hashish – DA would prosecute the hashish sales and possession violations after arrests were made
- They have received complaints that other illegal drugs are being sold inside of dispensaries
- The dispensaries are purchasing marijuana from growers that they will not disclose
- Chief Lowe believes that the dispensaries do not report problems or illicit drug dealers around their establishments because they do not want the police around
- Hayward Police arrested a parolee attempting to sell three pounds of marijuana to one of the dispensaries
- Hayward has recently passed an ordinance that will make marijuana dispensaries illegal under zoning law in 2006

LAKE COUNTY IMPACTS

In conversation with Sheriff Rod Mitchell, I learned the following:

- Lake County has one marijuana dispensary in Upper Lake
- The biggest problem is the doctor, close by the dispensary who is known across the state for being liberal in his recommendations to use marijuana for a fee of \$175
- Many “patients” come from hours away and even out of state, Oregon specifically, to get a marijuana recommendation from the doctor
- Upper Lake has been impacted by the type of people coming for the marijuana doctor and dispensary. Citizens report to the Sheriff that the people coming to Upper Lake for marijuana look like drug users (“dopers”).

- One quilt shop owner has told the sheriff that she does not feel safe anymore because of the type of people drawn to the marijuana doctor and the dispensary, which are located close together in the very small town.
- They also have a notorious marijuana grower who beat prosecution for cultivation by making a medical claim. Law enforcement has taken a hands off approach even though he is blatantly violating the law.
- The Marijuana grower has recently claimed to be a church to avoid paying taxes.

CITY OF FAIRFAX IMPACTS:

In conversations with Chief of Police Ken Hughes, I learned the following:

- Fairfax has one marijuana dispensary
- Fairfax has had some problems with patients selling to non-patients
- They have had problems with purchasers from dispensary congregating at a baseball field to smoke their marijuana
- Fairfax police arrested one person who purchased marijuana at the dispensary and then took it to a nearby park where he tried to trade it to a minor for sex
- Very small town and low crime rate

In all of these communities, law enforcement leaders were concerned with the impacts to the public health, safety and welfare by the commercial marijuana dispensing enterprise. All wished that they did not exist in their community. The trouble seems to occur when a large number of marijuana users, legal (under State law) and illegal gather at one location making them easy targets for illegal drug dealers, those freelance illegal drug dealers who are trying to recruit individuals with a doctors recommendation to legitimize (under State law) their sales and possession, and those who wish to prey upon the ill to steal their marijuana. All of these impacts are avoidable if the commercial marijuana dispensing business were not allowed to locate in the community.

News Reports

Crime Related to Medical Marijuana Dispensaries

Los Angeles Times**Super charge your savings with 3.30%^{APY}**Add our high-yield *Online Savings* when you get *WoMu Free Checking*™

<http://www.latimes.com/news/local/la-me-medpot28-2008may28,0,6101689.story?track=rss>
From the *Los Angeles Times*

Owner of six L.A.-area medical marijuana dispensaries is arrested

He and his wife are indicted on federal drug charges after an investigation of a fatal accident that also left a CHP officer paralyzed.

By Scott Glover
Los Angeles Times Staff Writer

May 28, 2008

The owner of six Los Angeles-area medical marijuana dispensaries was arrested by federal agents Tuesday after an investigation sparked by a traffic accident in which a motorist allegedly high on one of the dispensaries' products plowed into a parked SUV, killing the driver and paralyzing a California Highway Patrol officer.

In the aftermath of the Dec. 19 accident, investigators found "a large amount of marijuana and marijuana edibles" in the pickup truck driven by the suspect, Jeremy White, 20, of Paso Robles, Calif., according to federal authorities.

White allegedly admitted to being under the influence of marijuana that he said he obtained from a dispensary in Compton.

Investigators traced the marijuana to the Holistic Caregivers facility in Compton, one of six dispensaries owned and operated by Virgil Grant, 41. Grant's other facilities are in Gardena, Los Angeles and Van Nuys.

Drug Enforcement Administration agents set up undercover buys at each of the facilities, in which an operative with a doctor's recommendation but with "no serious medical ailments" was sold medicinal marijuana, according to an affidavit filed in U.S. District Court in Los Angeles.

In one transaction, a dispensary employee sold the informant a pound of marijuana for \$5,700 out of the back door of the facility, the affidavit states.

Grant and his wife, Pshyra, 33, were arrested Tuesday morning at their home in Carson after being charged in a 41-count indictment returned by a federal grand jury last week.

Virgil Grant was charged with drug conspiracy, money laundering and operating a drug-involved premises within 1,000 feet of a school. Pshyra Grant was charged with drug conspiracy and 22 counts of money laundering.

At a bond hearing Tuesday, Assistant U.S. Atty. Mark Childs asked that Virgil Grant be held without bail, noting that he had previous conviction on drugs- and weapons- related offenses. Bond was set at \$250,000 for Virgil Grant, and \$50,000 for his wife.

Virgil Grant's attorney, Roger Rosen, said his client would plead not guilty, but declined to comment further.

Also indicted was Jerome Cole, 39, the employee who allegedly sold the pound of marijuana to the DEA operative. Cole was being sought by authorities.

The sale of marijuana for medical purposes is allowed under state law. But federal law prohibits its sale under any circumstances. Given that difficult legal landscape, federal authorities tend to prosecute cases in which dispensaries aren't in compliance with state law or in which there is some other aggravating factor.

Even before last week's indictment, Compton officials were "trying to rid the city" of Grant's dispensary, according to court papers.

A deputy city attorney told DEA agents that Grant initially obtained a business license for an "herbal" retail store. Only later did city officials learn that he was operating a medical marijuana dispensary, the court papers allege. His license has since expired, but Grant continued doing business, despite being cited by code enforcement officers for operating without a license.

The accident that prompted authorities to begin investigating Grant occurred after CHP Officer Anthony Pedefferri had just pulled over Andreas Parra, a 20-year-old motorist from Phoenix, during a routine traffic stop.

Pedefferri had dismounted his motorcycle and was talking to Parra when White's pickup drifted out of the northbound lanes of the 101 Freeway near Ventura and careened into Parra's SUV. Parra was killed.

Pedefferri, a triathlete and the father of two girls, was knocked out of his boots and thrown 20 yards into brush along the side of the road, according to news reports. He was left paralyzed by his injuries.

White was charged with gross vehicular manslaughter and is awaiting trial. At his preliminary hearing in April, a Ventura County sheriff's forensic expert testified that there was a high concentration of marijuana in White's blood at the time of his arrest, according to an article in the Ventura County Star.

"It's one of the highest levels I recall seeing," Dea Boehme, a supervisor with the Ventura County sheriff's Forensic Sciences Laboratory, testified.

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Daily News of Los Angeles (CA)

4 ARRESTED IN MEDICAL POT HEIST

January 8, 2008

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Page: A4

Source: Jason Kandel

Staff Writer

GRANADA HILLS -- Four people were arrested over the weekend in connection with the robbery of a San Fernando Valley medical-**marijuana** dispensary, sparking renewed concern about the safety of the facilities and forcing the owner to shut down out of fear.

The takeover-style robbery at the Golden State Collective, 10369 Balboa Blvd. in Granada Hills, occurred about 8:30 p.m. Thursday, the same day another dispensary was robbed in North Hollywood, police said.

The holdups marked at least the 12th and 13th robberies of Valley medical-**marijuana** dispensaries in the last two years, according to Los Angeles Police Department statistics.

The outlets have become so prevalent -- there are now at least 232 citywide, 110 in the Valley -- that late last year the LAPD put together a database of crimes that occur at or near them.

Besides the 13 robberies, there have been at least 63 violent or major property crimes committed at these facilities in the last two years.

"There's a lot of crime associated with these places," said Los Angeles police Lt. Tom Murrell of the Devonshire Division, which investigated the Granada Hills incident. "It's becoming more and more prominent."

During the Granada Hills heist, one shot was fired, ricocheting off the floor and breaking a window. The robbers pistol-whipped a security guard and took \$10,000 in cash and up to four pounds of pot.

On Sunday, police arrested Jose Carlos Meza, 20, and Carlos Rodriguez, 21, both of Arleta, Stephanie Avila, 19, of Panorama City and Lisa Annette Gutierrez, 22, of Mission Hills.

The collective's owner, Jimmy Silva, said Monday that he fired Meza from

his job there two weeks ago and that Gutierrez is his cousin. Because he had been robbed before but never reported it, this group figured it could get away with it, Silva said.

He said he watched the whole thing unfold from a back room, then called police. While the other robberies were nonviolent, the aggressive nature of this one has forced him to shut down, he said.

"The money and everything is not worth it," he said. "We're not planning to reopen."

In August, the Los Angeles City Council moved to limit new medical-**marijuana** dispensaries, regulate existing ones and urge a moratorium on clinic raids by federal agents.

Statewide, there are at least 400 known dispensaries, and likely hundreds more that are unpublicized.

California voters passed Proposition 215 in 1996, allowing the use of medical **marijuana**. More than 11 years later, hundreds of cities throughout California have no regulations on the places that sell the product.

Law enforcement agencies are concerned about the dispensaries, with their stashes of **marijuana** and cash attracting crime to neighborhoods. But medical-**marijuana** advocates dispute those claims.

A report last year by the Reason Foundation found that **marijuana**-related crimes have decreased since voters passed Proposition 215.

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Keywords: LOS ANGELES - VALLEY - DRUGS - MEDICINE - MEDICAL MARIJUANA -
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GRANADA HILLS - NORTH HOLLYWOOD

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Daily News of Los Angeles (CA)

CHIEF WANTS MEDICAL-POT MORATORIUM

DISPENSARY PROLIFERATION, FLIERS NEAR SCHOOL ALARM POLICE COMMISSION

January 17, 2007
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Source: RACHEL URANGA
Staff Writer
Illustration: photo

With an explosion of **medical marijuana** storefronts in Los Angeles -- 143 of them, more than half in the San Fernando Valley -- and reports of Grant High School students being targeted for business, Police Chief William Bratton is backing a moratorium on pot-distribution centers.

On Tuesday, Bratton and the Los Angeles Police Commission called for the City Council to impose a moratorium on all centers until they ban dispensaries within 1,000 feet of any school, day-care facility, church or other house of worship.

"It's mind-boggling that the state has allowed them to mushroom," Bratton said. "The state should be ashamed of itself for setting up a process so that this gateway drug is allowed to proliferate, and have it so poorly regulated."

Under a 1996 state ballot measure, the clinics can distribute doctor-prescribed marijuana to relieve anything from anxiety to nausea to acute pain. But federal officials consider all marijuana illegal.

Bratton said he supports **medical marijuana** but believes pharmacists -- not storefront operators -- should be the ones dispensing pot.

"I am sorry, but the vast majority of these places are using it for recreational drugs, and that's my opinion," he said.

With the number of dispensaries jumping from just five in July 2005 to 143 by the end of last year, police say the centers' tactics have become more brazen, including distributing fliers near high schools and colleges.

At Grant High in Van Nuys, police found **medical marijuana** fliers on car windshields in August and said they appeared to be ads to get teens high.

The message in the fliers, emblazoned with a marijuana leaf: "It is still legal to own, grow and smoke **medical marijuana** as long as you do it properly. Qualification is simple, and our experienced physicians are more than happy to help you."

The Pacific Support Services ad offered "\$15 off with flier." A call to the number on the flier went unanswered.

The dispensaries also have attracted crime, with neighborhood complaints around the centers totaling 110 as of November, police said. Police also note an increase of robberies around the dispensaries.

But **medical marijuana** advocates say any change in the city's law could harm patients in need of pain relief.

"This is completely arbitrary and capricious. There is no rational reason," said Bruce Margolin, director of LANorml, a local marijuana legalization advocate group. "By forcing it back into the black market, you are going to be encouraging more underground use of marijuana."

Last year, Councilman Dennis Zine called for a moratorium on new clinics after a rash of clinic openings spawned community complaints. And the police note that seizures of marijuana are up 140 percent.

"It's alarming that it's increased, and there are so many of them," said Sarah Pullen, a spokeswoman for the Drug Enforcement Administration. "As far as we are concerned, they are regular drug dealers. They are violating federal law."

An aide for Zine said the matter could come before the council early next month. But it won't come without protest.

"This is not a big scam. This is not a way to get rich," said a man who said he is the owner of the Natural Relief Center, a Canoga Park marijuana center, but who declined to disclose any name but Michael. "There are a lot of things involved, working with cancer patients, patients who have seizures. They want to make us look like a bunch of partying hippies."

rachel.uranga(at)dailynews.com
(818) 713-3741

Caption: Photo:

This flier, offering a \$15 discount on marijuana, is among ones police say they found at Grant High School.

Keywords: LOS ANGELES - ISSUE - REGULATION - BAN - LIST - DRUGS - MEDICINE -
MEDICAL MARIJUANA - HEALTH - DISPENSARY - SCHOOL - DAY-CARE - CHURCH

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US: City bans outlets for medical marijuana

Fred Ortega, fred.ortega@sgvn.com

San Gabriel Tribune

Thursday 17 Aug 2006

MONTEREY PARK - Ailing residents hoping to walk to their neighborhood medical marijuana store for their pot won't be able to do so any time soon.

The Monterey Park City Council voted unanimously Wednesday to impose a moratorium on the establishment of so-called cannabis dispensaries within the city. The ban takes effect immediately and will last for 45 days, with an option for the council to renew the moratorium for up to two years, said Development Services Director Adolfo Reta.

There are no medical marijuana dispensaries operating in Monterey Park, but the city has received inquiries on licensing and regulation of such establishments, City Manager Chris Jeffers said.

The city's Development Services and Police departments had requested the moratorium so that officials could examine the regulation - or perhaps the outright prohibition - of cannabis dispensaries in the city.

"Without an immediate moratorium being in place, the city could either receive an application for such a facility or a facility could open on its own, and the city would not have any regulations to enforce and protect the public health, safety and welfare," Reta said in his report to the council.

Among the potential negative effects of pot dispensaries that officials want to study, according to a staff report on the subject, are increased crime due to the large amounts of cash and marijuana typically held at such establishments, loitering and disturbing the peace.

Officials also want to examine how conflicting state and federal laws governing medical marijuana are reconciled, Police Chief James Moy said.

While the U.S. Controlled Substances Act classifies marijuana as a Schedule 1 drug with no accepted medical use, California Proposition 215 and Senate Bill 420 allow medical use of marijuana and provides for the formation of pot cultivation "cooperatives" on a nonprofit basis.

The U.S. Supreme Court ruled last year in *Raich v. Gonzalez* that the

federal government's interpretation that all marijuana is illegal supersedes any state law. But there are still legal challenges pending against the federal Controlled Substances Act.

Other local cities, such as El Monte, Pasadena, Lakewood and Pomona, have placed similar moratoriums on medical marijuana dispensaries. West Hollywood, which initially allowed dispensaries to flourish in its city limits, passed a moratorium on new dispensaries until March 2007. The temporary ban was prompted by incidents of armed burglary at some of the city's eight existing pot stores and complaints from neighbors about increased pedestrian and vehicle traffic and noise, said Eric Matikosh of the West Hollywood City Clerk's office.

Rules for existing dispensaries in West Hollywood include a prohibition against keeping more than \$200 in cash overnight on the premises, mandatory security guards, and a ban on on-site consumption of marijuana, alcohol, tobacco or food.

But such businesses are now allowed in unincorporated county areas such as Hacienda Heights, which already has one dispensary in operation, said David Sommers, spokesman for county Supervisor Don Knabe.

"There was a temporary moratorium that was put in place last year because the county did not have any rules or regulations of dispensaries," Sommers said, adding that a new ordinance passed by the Board of Supervisors in May established such rules. "Any dispensary wishing to open within unincorporated parts of the county would have to operate in accordance with those rules, and dispensaries existing prior to the ordinance taking effect have to come into compliance within a year."

The rules set by the board include prohibitions against dispensaries being located within 1,000 feet of each other or from schools, nurseries, day-care centers, parks and libraries; mandatory security guards; and 24-hour surveillance and alarm systems.

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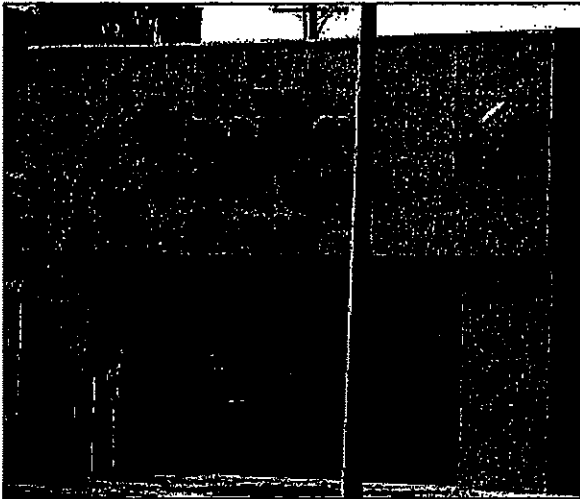
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Pot Club Burglary Raises Council Concerns

May 18, 2006 - Ryan Gierach, West Hollywood

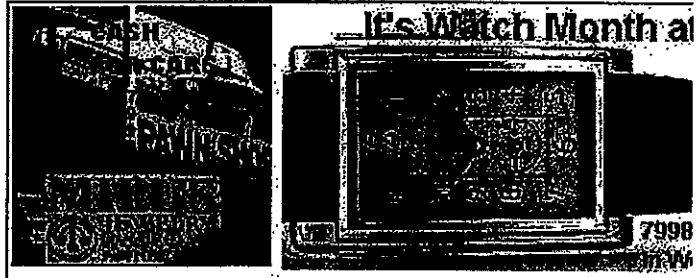
On a quiet Friday morning before dawn four men, allegedly burglarizing one of the city's seven Medical Marijuana Dispensaries, set off an alarm heard by Sheriff's deputies, who arrested the quartet as they attempted escape. One of the suspects was arrested on the building's rooftop, where they had originally gained entry.



The Farmacy Medical Marijuana Dispensary on Santa Monica Boulevard. It was burgled early Friday morning. By Ryan Gierach.

The incident, while minor and resulting in immediate arrests, still set off alarm bells on the City Council dais when the panel met three days later on Monday, May 15. Council member Jeff Prang, a vocal supporter of medicinal marijuana but a fierce fighter against the illegal sale and use of the drug, expressed his qualms first.

"I have a concern, a concern shared by many people in neighborhood around medical marijuana dispensaries, that crime could intrude into our residential neighborhoods. There's lots of cash, a lot of product and that makes it an attractive target for theft, and possibly violent theft," Mr. Prang said.



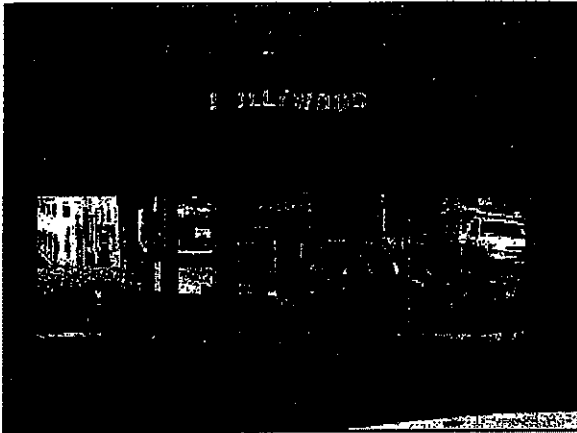
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On Friday morning, May 12, 2006, at approximately 5:30 a.m., a Sheriff Deputy heard and responded to an audible burglar alarm at the "Farmacy," medical marijuana dispensary at 7825 Santa Monica Boulevard. The deputy spotted a lone man, later identified as Anthony Rivetti, 19, of Santa Clarita, inside the club and three others driving off. Deputy Mitchell noticed that one of the occupants slid down in his seat, as though he were attempting to hide. He called for assistance from other units.

Another squad car stopped and picked up the fugitives a few blocks away while the building was contained and inspected for other suspects by the K-9 unit. Inside the vehicle, according to Det. William Moulder of LASD, the deputies recovered a .22 semi-automatic handgun in the trunk and a loaded magazine in the passenger's compartment. Two black ski masks and several pairs of black gloves were also recovered from the passenger compartment of the vehicle.

According to Det. Moulder, the four men

acknowledged conspiring along with a fifth, Trevor Schramm, 18, Santa Clarita, to commit the crime. Mr. Schramm let the other four use his car, but did not accompany them. The four drove to West Hollywood and parked behind the clinic. Two of the suspects, Mr. Rivetti and an unidentified Juvenile male 17, also of Santa Clarita, climbed onto the roof. Once there, they found a broken skylight, which one of them stepped into and who then broke through the dry wall ceiling and jumped into the lobby of the clinic. It was then that the audible alarm sounded.



The location of the pair of robberies that Capt. Long said had involved customers as well, directly across the street from the Pharmacy. By Ryan Gierach.

The second fellow who was

This club was an alleged center of nefarious drug dealing and money laundering and was raided by LAPD, the FBI and IRS. The owners all face multiple felony counts. The building itself burned some months later. By Ryan Gierach.

still on the roof, apparently found a garden hose that he threw down to Mr. Rivetti in the lobby to try, unsuccessfully, to pull him up. He climbed down off the roof, ran to the car and drove off. Mr. Rivetti, still inside the club, broke through the back door and, from the rear patio area, climbed back atop the roof where deputies subsequently captured him.

against Mr. Schramm, the car's owner. The District Attorney at Sylmar Juvenile filed felony burglary charges on the two juvenile men, one 17 and the other 15, both from Santa Clarita.

The Beverly Hills District Attorney filed felony burglary charges on the two adults - Houman Kouroshy, 19, Sherman Oaks and Mr. Rivetti, but did not file charges

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Captain David Long, the West Hollywood Station Sheriff, told WeHoNews.com that this was only one of 2 thwarted and 5 actual burglaries that have taken place in the city since April 2005. "My crime analyst made up a report for me because we're going to be looking into crime in and around the dispensaries. Since April '05 we've had five burglaries succeed, and two, including this one, were attempted but stopped." The other failed attempt also resulted in entrapment of the suspects on the roof of the club across the street.

Additionally, Capt. Long said, "There were three robberies of dispensaries in that same period," he said. "Two of those, I know, involved thefts of the customers' personal possessions as well as cash and product."

Mayor John Heilman, at the council meeting noted that, "We're all concerned about the burglary and these medical marijuana clubs. While

some of the clubs appear to be operating as they should, several of them seem to me, at least, to be operating not as medical marijuana clubs [where people buy medicine], but as marijuana clubs where people go to buy marijuana," he said.

"That's not something I'm in support of, and I think we've seen enough trouble from some of the establishments that we need to look at the issue. I know that the city manager [Paul Arevalo] has asked the [Community Development staff] to look into the issue, and we may have to re-visit it as a council."

The Farmacy's deliberate high profile and their placement of armed guards on West Hollywood's sidewalks catalyzed the council's placing a recently extended one-year moratorium on any new clubs in the city. The city's tighter regulatory controls also resulted from the complaint about that dispensary's fire arms and suspicious activity surrounding other clubs, including that which got the "Yellow House," mentioned above, raided by the U.S. government.



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Police: Man shot, killed in pot clinic robbery attempt

Ricci Graham, STAFF WRITER

SAN LEANDRO -- A man authorities believe was involved in a takeover robbery of a cannabis club on Friday was apparently killed when the dispensary's owner exchanged gunfire with several men who stormed the establishment before it opened.

A source close to the investigation said that a 20-year-old man whose body was dumped at Children's Hospital in Oakland three hours after the military-style takeover at A Natural Source was believed to be among the five to six men who ambushed workers during the mid-morning robbery attempt.

Lt. Dale Amaral, spokesman for the Alameda County Sheriff's Department, declined to confirm whether the dead man was involved in the takeover of the dispensary, located at 16360 Foothill Blvd.

Amaral did say, however, that authorities apprehended a man identified by witnesses as a participant in the robbery.

The unidentified man was taken to an area hospital after allegedly complaining of injuries from jumping off the rooftop of the club.

The man was running down Foothill Boulevard toward Interstate 580 shortly after the incident, but was chased down by an employee who arrived at the club just as the robbery had ended, police said.

He will be taken into custody after he is treated for his injuries, Amaral said.

The other robbers, Amaral said, fled either by car or foot. A rifle and a bag used by one of the men were found behind the club, which is located in an unincorporated area adjacent to San Leandro.

"This is absolutely predictable," Amaral said. "These places attract this kind of thing, this kind of crime. It's just a matter of time before we have a body count."

In what investigators called the most brazen takeover of a cannabis club to date, the owner and an employee were preparing to open around 11:30 a.m. when five to six armed men, who had camped out on the rooftop, stormed the club through a rear door, Amaral said.

The gunmen, he said, ordered the employee and owner to the floor and grabbed an undetermined amount of cash and marijuana before fleeing through the back door.

As the men were running through the rear parking lot, the club's owner said, he grabbed his gun from the safe, gave chase and yelled, "Freeze!" At that instant, one of the gunmen opened fire, just missing him, the owner said.

The dispensary owner -- who asked not to be identified for fear of retaliation -- returned fire, apparently striking one of the robbers.

Amaral said he doesn't expect charges to be filed against the owner.

"I thought I was dead for a second," said the owner, who added that he had just spent \$18,000 to upgrade the security system at the establishment.

He said the system is equipped with a chip that captures images of people who enter the club.

An employee said he and the owner weren't inside the club more than 30 seconds when he heard what he thought were people running on the roof.

"I was sitting down, eating breakfast, and I heard a sound on the roof. It sounded like an earthquake," said the employee, who also requested anonymity. "I looked up and I saw three guys with semi-automatic rifles rushing through the back door.

"They ran over to me and I made sure I wasn't looking at them. I was horrified. I've never been so scared in my life. I didn't make an attempt to look at them, because I didn't know if they were going to kill me."

The incident is the second to occur at the club -- and the third in the area -- in the past 12 days. Three months ago, the club was burglarized during non-business hours, the owner said.

On August 8, three men were arrested after a takeover at the Hayward Patients Resource Center at 22550 Foothill Blvd., in Hayward. It was the second robbery at the club since May.

The takeover at A Natural Source comes as Alameda County supervisors are preparing to act on an ordinance that would lower the number of establishments permitted to do businesses in the unincorporated county to three; currently, five such clubs are operating.

Supervisor Gail Steele was shocked when told of Friday's robbery.

"It's terrible," Steele said. "This is getting out of hand."

Steele said it may be time for supervisors "to revisit" whether the clubs should be permitted to continue operating.

"I certainly believe it needs to be talked about, because now I'm wondering how much of this is an issue at these outlets," Steele said. "This is going to raise a whole lot of other issues."

Assistant Sheriff Rich Lucia couldn't say whether the shooting will trigger efforts to shut the clubs down. But for the time being, he said, the department can only continue monitoring the clubs' operations as closely as possible.

"I think it's safe to say these dispensaries have been targets of robbery attempts and burglaries," Lucia said. "We have been monitoring the activities at these clubs to the best of our abilities."

Despite the takeover, the club's owner said he still believes that the dispensaries should be permitted to continue operating, saying they provide a service to people who are ill.

"I wouldn't feel right if I had to shut down what I'm doing," he said. "The patients we deal with depend on us so heavily. Go up and down San Leandro and there are close to 2,000 liquor stores. They have the same type of crime, but nobody is trying to shut them down."

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California Medical Marijuana Information

United States Department of Justice



California Medical Marijuana Information

- The assertion that all medical marijuana is headed for seriously ill patients is misleading. Statistics from the California Branch of the National Organization for the Reform of Marijuana Laws (NORML) shows that a survey of Californians reports the top three reported uses of medicinal marijuana:

40% Chronic Pain
22% AIDS-Related
15% Mood Disorders
(23% All other categories)

- In California there is no state regulation or standard of the cultivation and/or distribution medical marijuana. California leaves the establishment of any guidelines to local jurisdictions, which can widely vary. For example, Marin County allows up to six mature plants, and/or a half-pound dried marijuana. It's neighbor, Sonoma County permits possession of three pounds of marijuana, and allows cultivation up to 99 plants, and physicians may recommend more for "exceptional patients."
- Local and state law enforcement counterparts cannot distinguish between illegal marijuana grows and grows that qualify as medical exemptions. Many self-designated medical marijuana growers are, in fact, growing marijuana for illegal, "recreational" use.
- Elected law enforcement officials, i.e. Sheriffs and District Attorneys in California have been targeted by the "marijuana lobby." Political action by groups such as NORML have endorsed and supported candidates favorable to medical marijuana. NORML tracks local elections and takes credit for the defeats of anti-marijuana candidates. Last year the DEA arrested a major marijuana trafficker in Humboldt County who was an undeclared candidate for sheriff.
- The DEA and its local and state counterparts routinely report that large-scale drug traffickers hide behind and invoke Proposition 215, even when there is no evidence of any medical claim. In fact, many large-scale marijuana cultivators and traffickers escape state prosecution because of bogus medical marijuana claims. Prosecutors are reluctant to charge these individuals because of the state of confusion that exists in California. Therefore, high-level traffickers posing as "care givers" are able to sell illegal drugs with impunity.
- The California NORML website lists federal defendants for the largest indoor marijuana cultivation operation in the U.S., which occurred in Northern California, as "green prisoners." While unscrupulously claiming to be "medical marijuana" defendants, in fact these two individuals were dangerous, armed fugitives believed to be responsible for drug-related murders and other violence.
- DEA's San Francisco Field Division coordinates the statewide Domestic Cannabis Eradication/Suppression Program (DCE/SP). The number of plants eradicated and assets seized represent the largest totals in California history.

Federal Enforcement of Federal Drug Laws

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Local

Feds raid Peninsula's only marijuana club



(Juan Carlos Pometta Betancourt/Special to The Examiner)

Medical marijuana patients arrived at Holistic Solutions to find doors shuttered.

Tamara Barak Aparton, The Examiner

2008-05-29 10:00:00.0

Current rank: # 2,646 of 6,912

SAN MATEO -

Federal agents smashed the front door to the Peninsula's only cannabis club Wednesday morning, seizing marijuana and shutting down the downtown dispensary.

Commander Mark Wyss of the San Mateo County Narcotics Task Force confirmed that his agency assisted in the 6 a.m. raid at Holistic Solutions at 216 Second St.

Federal Drug Enforcement Agency Special Agent Casey McEnry said searches were conducted at several locations in the Bay Area and Northern California, but refused to divulge details, saying that the documents relating to the raid were under court seal.

No arrests have been made, but drugs and paperwork were confiscated, she said.

And while law enforcement officials remained tight-lipped Wednesday, medical marijuana advocates said the operation was part of a trio of early morning raids of Holistic Solutions dispensaries in San Mateo, Clearlake and Richmond, according to Rebecca Saltzman, chief of staff for Americans for Safe Access.

Saltzman, who said her organization sent volunteers to observe each of the raids, disputed the DEA's assertion that nobody was arrested.

"We do know some employees were arrested, at least at some locations," she said. "They may have been released later."

Kevin Reed, owner of San Francisco medical cannabis collective The Green Cross, said Holistic Solutions owner Ken Estes runs about six medical marijuana facilities in California.

"I think the DEA has always targeted the larger operations," Reed said. "I think the small collectives operating under the sanctuary of state law, at the end of the day, will be OK."

After the raid on Wednesday afternoon, a steady stream of medical marijuana patients found plywood over the locked front door of Holistic Solutions in downtown San Mateo. A sign read, "Got busted today. Sorry!"

Kindred McCune, 33, described Estes as a wheelchair user who kept the facility spotless and safe.

"This place was really good because it was affordable," McCune said. "I have to go all the way to San Francisco now, with the price of gas the way it is."

Saltzman said the patients in San Mateo would be particularly hard hit by the raid.

"You can imagine if the only pharmacy in your town shut down," she said. "It would be very difficult for sick patients to drive 50 miles."

The raids highlight the legal limbo many pot clubs face. Proposition 215, also known as the Compassionate Use Act of 1996, allows those with a doctor's recommendation to possess and cultivate marijuana for personal use in California. However, pot is still illegal under federal law and the legality of cannabis dispensaries is subject to varied interpretation by

different municipalities.

In August, a federal raid shut down three medical marijuana dispensaries in downtown San Mateo.

tbarak@sfoxaminer.com

Recent raids in San Mateo

AUG. 29

» Patients Choice Resource Cooperative, 164 South Blvd.

» Peninsula Patients Local Option, 297 Claremont St.

» MHT, 60 E. Third Ave.

WEDNESDAY

» Holistic Solutions, 216 Second St.

Examiner
INCLUDED



DEA Raids 10 Los Angeles Medical Marijuana Clinics

Thursday , July 26, 2007

Associated Press

LOS ANGELES —

Federal agents raided 10 marijuana clinics Wednesday, the same day city leaders introduced a measure calling for an end to the crackdown on the dispensaries allowed under state law.

The bust netted five arrests, large quantities of marijuana and cash, and was the U.S. **Drug Enforcement Administration's** second-largest since California voters approved medical marijuana sales in 1996. The drug remains illegal under federal law.

DEA spokeswoman Sarah Pullen said the timing of the bust and the city's action was "purely coincidental."

The agency has maintained the clinics are distribution points for illegal drugs and earn their owners big profits. Those arrested Wednesday included clinic owners and managers, though no patients, for investigation of marijuana distribution.

Councilman Dennis Zine, who earlier in the day wrote a letter to DEA Administrator **Karen Tandy** asking the agency to stop the raids, called the federal agents "bullies."

"Instead of using resources to go after drug dealers ruining neighborhoods and poisoning school kids, they're going after individuals dying of cancer and suffering from AIDS who need cannabis to have any type of appetite," Zine said.

The clinics are largely unregulated, which Zine and others said invites illegal pot use and sales.

He said he and the council support a congressional bill that would prohibit new clinics from opening until the city finds a way to better regulate its more than 100 dispensaries. It also calls for withholding funding for DEA raids on medical marijuana clinics.

The council proposed Wednesday requiring existing dispensaries to obtain a city tax registration certificate, a seller's permit, a property lease, business insurance, proof of dispensary membership and a county health permit within 60 days.

DEA agents raided 11 Los Angeles-area dispensaries in one day in January, the largest-ever such crackdown by the agency.

Earlier this month, the DEA sent letters to at least 30 landlords of marijuana dispensaries in Los Angeles County warning their property and assets could be seized. Agency officials said at the time the letters were not a threat.

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United States District Court,
N.D. California.

Robert SCHMIDT, Petitioner,

v.

UNITED STATES of America, Respondent.

No. C 06-04378 CRB.

Dec. 18, 2006.

Allison B. Margolin, Beverly Hills, CA, for Petitioner.

Christopher James Steskal, United States Attorney's Office, San Francisco, CA, for Respondent.

ORDER

CHARLES R. BREYER, United States District Judge.

*1 On July 9, 2005, Robert Schmidt ("Petitioner") pled guilty to one count of maintaining or managing a premises used for the purpose of manufacturing, distributing, or using controlled substances. Now pending before the Court is a habeas petition filed pursuant to 28 U.S.C. § 2255. For the reasons set forth below, the petition is hereby DENIED.

BACKGROUND

Petitioner owned and operated a facility in Sebastapol, California, where he grew marijuana. His business, known as Genesis 1:29, was engaged in the dispensation of marijuana for medical purposes. Yet it is undisputed in this case that Petitioner complied with neither California nor federal law to obtain permission to distribute such controlled substances. DEA agents searched the Sebastapol facility, seized several thousand marijuana plants, and charged Petitioner with violation of federal drug laws. Significantly, the initial indictment alleged a violation of 21 U.S.C. § 841(a)(1), which would have entailed a mandatory minimum of more than ten years in prison due to the number of plants seized.

Petitioner subsequently pled guilty to a superseding indictment for a violation of 21 U.S.C. § 856(a)(1), a statute that relates not specifically to the manufacture, distribution, or dispensation of controlled substances, but instead to the maintenance or management of a facility where such activities take place. As a result of the change in the crimes charged, Petitioner no longer faced a mandatory ten-year minimum sentence. Instead, under the United States Sentencing Guidelines, he faced a term of imprisonment of between 70 and 87 months.

Sentencing ultimately took place following the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005). At sentencing, and following extensive briefing on the applicable law, this Court reviewed the advisory guideline range, considered the sentencing factors set forth in 18 U.S.C. § 3553(a), and imposed a sentence of 41 months, which was well below the advisory range. The government initially pursued an appeal of the sentence and then dismissed it.

As part of the plea agreement, Petitioner waived his right to appeal, as well as his right to pursue most forms of habeas relief. The plea agreement provided: "I agree not to file any collateral attack on my conviction or sentence, including a petition under 28 U.S.C. § 2255, at any time in the future after I am sentenced, except for a claim that my constitutional right to the effective assistance of counsel was violated." Notwithstanding this agreement, Petitioner filed the habeas petition currently pending before the Court. He alleges that his attorney provided constitutionally deficient assistance for numerous reasons, most of which relate to the attorney's failure to raise various arguments about the constitutionality of the federal government's prosecution of growers of medical marijuana in California.

DISCUSSION

In his claim for habeas relief, Petitioner advances numerous arguments to support his claim that his conviction was obtained in violation of the Constitution. In the petition itself, he does not clearly state whether these claims are independent, or whether they are all part and parcel of an overriding claim for ineffective assistance of counsel. To the extent that he purports to present these arguments directly, they are barred for two reasons. First, they are barred because of the plea agreement Petitioner signed, in which he waived the right to bring them under the federal habeas statute. Defendant does not contend that his plea was unknowing or involuntary, and he is therefore bound by his agreement to waive habeas relief on all possible claims except ineffective assistance of counsel. See *United States v. Abarca*, 985 F.2d 1012, 1014 (9th Cir.1993). Second, they are barred because Petitioner did not present these arguments to the district court in the first instance. When a defendant fails to raise arguments before a district court or on direct appeal, such arguments are procedurally defaulted and may not be raised in habeas proceedings. See *Bousley v. United States*, 523 U.S. 614, 621-22, 118 S.Ct. 1604, 140 L.Ed.2d 828 (1998).

*2 Petitioner attempts to circumvent these restrictions on the scope of habeas proceedings by incorporating all of his arguments into a single claim for ineffective assistance of counsel. He argues that his prosecution would have been thwarted or, in the alternative, that he would have received more favorable terms under his plea bargain, if his attorney had raised the arguments he sets forth in his habeas petition. In other words, he contends that his 41-month sentence was less favorable than the result he would have obtained if his attorney had raised all of the arguments he now raises in his habeas petition, and that his attorney's performance therefore violated his right to effective assistance of counsel under the Sixth and Fourteenth Amendments.

Petitioner's contentions are without merit. To succeed on a claim of ineffective assistance of counsel,

a habeas petitioner must demonstrate (1) that his attorney's performance "fell below an objective standard of reasonableness," and (2) that his attorney's errors were "prejudicial," meaning that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland v. Washington*, 466 U.S. 668, 688, 692, 694, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). In reviewing the attorney's performance, a court must bear in mind that "[t]here are countless ways to provide effective assistance in any given case," and the court "must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Id.* at 689 (quoting *Michel v. Louisiana*, 350 U.S. 91, 101, 76 S.Ct. 158, 100 L.Ed. 83 (1955)).

Here, Petitioner cannot demonstrate prejudice. In short, Petitioner would not have been able to prevail on any of the arguments he now advances, even if his attorney had raised them (which, in the case of some arguments, he did).

First, Petitioner argues that his attorney was ineffective for failing to argue for a more lenient sentence pursuant to the Supreme Court's decision in *Booker*, which rendered the federal sentencing guidelines advisory. The problem with this argument is that its premise is simply incorrect. His attorney *did* raise arguments under *Booker*, and indeed, this Court accepted those arguments and imposed a sentence well below the advisory range. Petitioner cannot suffer prejudice from his attorney's failure to raise an argument when the argument was actually made.

Second, Petitioner contends that his attorney was ineffective for failing to argue that the facts underlying the sentence had not been found beyond a reasonable doubt. In support of this argument, Petitioner again cites *Booker*, as well as *Blakely v. Washington*, 542 U.S. 296, 124 S.Ct. 2531, 159

L.Ed.2d 403 (2004), in which the Supreme Court first extended the rationale of *Apprendi v. New Jersey*, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000), beyond criminal statutes and to criminal sentencing guidelines. The problem with this argument is that the standard of proof emphasized in all of those cases is irrelevant where, as here, the defendant admits all of the facts pertaining to his conviction and his sentence. *See Booker*, 543 U.S. at 244 (holding that any fact "necessary to support a sentence exceeding the maximum authorized by the facts established by a plea of guilty or a jury verdict must be admitted by the defendant or proved to a jury beyond a reasonable doubt" (emphasis added)). Here, in his plea bargain and plea colloquy, Petitioner admitted all of the facts necessary to support the sentence imposed on him, as well as the facts necessary to support the advisory guideline range applicable to his case. Indeed, Petitioner has not even attempted to identify any fact necessary to his sentence that was not encompassed by his admissions. Therefore, Petitioner could not have suffered prejudice as a result of his attorney's failure to raise an argument about the applicable standard of review.

*3 Finally, Petitioner argues that his attorney provided ineffective assistance when he failed to raise certain arguments about the constitutionality of his prosecution. Specifically, he contends that the Tenth Amendment protects California's authority to regulate and authorize the manufacture, distribution, and use of medicinal marijuana, especially in light of the states' traditional power to regulate the health, safety, and welfare of its citizens, and in view of the oft-repeated mantra that the states serve as "laboratories" for social and legal experimentation. Because the Tenth Amendment protects California's right to authorize the use of medical marijuana, Petitioner argues, the federal prosecution of him under the Controlled Substances Act violates his right to due process under the Fifth Amendment. In other words, Petitioner is attempting to assert a right under the Due Process Clause vicariously on behalf of the State of California,

whose power under the Tenth Amendment, he claims, has been unconstitutionally invaded and circumscribed by federal authorities.

This argument is foreclosed by the Supreme Court's decision in *Gonzales v. Raich*, 545 U.S. 1, 125 S.Ct. 2195, 162 L.Ed.2d 1 (2005). The question in *Raich* was whether the authority granted to the federal government under the Commerce Clause "includes the power to prohibit the local cultivation and use of marijuana in compliance with California law." *Id.* at 5. The Court upheld the exercise of federal power. *Id.* at 9 ("The CSA is a valid exercise of federal power, even as applied to the troubling facts of this case."). Just as the exercise of federal authority was permissible in the case of the local growers and patients in *Raich*, so too does the Commerce Clause confer power on the federal government to prosecute Petitioner under the Controlled Substances Act in this case.

Petitioner's Tenth Amendment argument is the same as that of the respondents in *Raich*, only viewed through the looking-glass. The Tenth Amendment states that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." U.S. CONST. amend. X. In other words, whatever sovereign power the Constitution does not affirmatively confer on the federal government, it leaves to the States. In *Raich*, however, the Supreme Court held that the Constitution grants the federal government authority to regulate, prohibit, and prosecute the production or use of even locally grown marijuana used exclusively for medical purposes. Because *Raich* holds that this power is affirmatively given to the federal government by the United States Constitution, it also holds, *a fortiori*, that this power is not reserved to the states under the Tenth Amendment.

Finally, even if Petitioner could prevail on any of his claims and thereby could demonstrate prejudice by his attorney's failure to raise them, the Court holds that he still would not be entitled to habeas relief. This is because the Court must consider all

of these arguments through the prism of a claim for ineffective assistance of counsel. Here, the Court is unable to find that defense counsel's performance "fell below an objective standard of reasonableness," even though he failed to raise the additional arguments now presented by Petitioner. *Strickland*, 466 U.S. at 688. In any given case, myriad outcomes are possible. An attorney's performance is not constitutionally deficient if he fails to secure the best possible outcome that the law permits, and he is not required to raise every conceivable creative argument that might be advanced on behalf of his client, especially if the arguments are of dubious merit, as the ones now presented by Petitioner are. Instead, as the Supreme Court noted in *Strickland*, a court's retrospective investigation into "the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant" runs the risk of "interfer[ing] with the constitutionally protected independence of counsel and restrict[ing] the wide latitude counsel must have in making tactical decisions." 466 U.S. 688. Here, the Court holds that defense counsel's choices about which motions and arguments to pursue in conjunction with Petitioner's defense, which choices were made all in the context of plea negotiations with the government, were reasonable under "prevailing professional norms." *Id.* Thus, the Court concludes that Petitioner is unable to meet either the reasonableness or prejudice elements of the *Strickland* test, and that habeas relief is unwarranted on his claim for ineffective assistance of counsel.

*4 "Habeas review is an extraordinary remedy and " 'will not be allowed to do service for an appeal.' " *Bousley*, 523 U.S. at 621 (quoting *Reed v. Farley*, 512 U.S. 339, 354, 114 S.Ct. 2291, 129 L.Ed.2d 277 (1994) (quoting *Sunal v. Large*, 332 U.S. 174, 178, 67 S.Ct. 1588, 91 L.Ed. 1982 (1947))). "Indeed, 'the concern with finality served by the limitation on collateral attack has special force with respect to convictions based on guilty pleas.' " *Id.* (quoting *United States v. Timmreck*, 441 U.S. 780, 784, 99 S.Ct. 2085, 60 L.Ed.2d 634 (1979)). Here,

the arguments raised by Petitioner essentially serve to litigate issues never presented in the first instance, by a criminal defendant who pled guilty, and who further agreed to relinquish his rights to appeal and to habeas relief. The Court holds that the arguments presented in his habeas petition not only would have been unlikely to affect the outcome of the case, but that it was not unreasonable for defense counsel to fail to present them. For the foregoing reasons, Petitioner's claim for habeas relief under 28 U.S.C. § 2255 is DENIED.

IT IS SO ORDERED.

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3 S.F. pot clubs raided in probe of organized crime
Medical marijuana dispensaries used as front for money laundering, authorities say

- Jaxon Van Derbeken, Charlie Goodyear, Rachel Gordon,
Chronicle Staff Writers
Thursday, June 23, 2005



Raid

Authorit
Crime

Federal authorities raided three San Francisco medical marijuana dispensaries Wednesday, and investigators arrested at least 13 people as part of an alleged organized crime operation using the clubs as a front to launder money.

Agents seized marijuana and other items from two cannabis clubs on Ocean Avenue in the Ingleside district and a third on Judah Street in the Inner Sunset district. The raids were the first in the Bay Area since the U.S. Supreme Court dealt a blow to the medical marijuana movement two weeks ago by ruling that the federal government had the authority to prosecute people whose activities are legal under state law.

The actions prompted concern from medical marijuana advocates that the raids could be the first step in a federal crackdown on dispensaries. Authorities, however, said they were not specifically targeting such outfits but were aiming at an enterprise that was dealing large amounts of marijuana and laundering money through cannabis clubs.

Twenty people were charged in an indictment that federal authorities planned to unseal today. Authorities would not comment on the specific allegations against them. San Francisco sheriff's officials said Wednesday night that 11 men and two women were in the county jail in connection with the case and would appear in federal court today.

Authorities said the raids were the culmination of a lengthy investigation of an operation whose members were mostly of Asian descent and living in San Francisco and Oakland. They said that the operation controlled at least 10 warehouses where marijuana was grown in large quantities and that those involved were bringing in millions of dollars.

One warehouse in Oakland that federal agents raided earlier this month was capable of growing \$3 million worth of marijuana annually, investigators said.

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The marijuana ostensibly was for cannabis clubs, but the amount being grown was far more than needed to supply the dispensaries, authorities said.

"It's not the pot clubs per se" that were targets, said one law enforcement official, who asked not to be named because the indictments were still under seal. "It's not an attack on medical marijuana. This is an organized crime group that is using the whole pot club thing as a front."

Mayor Gavin Newsom declined to comment on the federal raids but nodded affirmatively when asked whether he believed they reached beyond the issue of medical marijuana.

San Francisco police have raided a dozen large indoor marijuana-growing operations, mostly in flats in the Sunset District, in the last two years. Investigators say at least some of these illegal home operations were connected to the new case.

Police Chief Heather Fong said her narcotics officers had taken part in Wednesday's roundup of suspects but had not raided the dispensaries.

City policy recognizes cannabis clubs under Proposition 215, the 1996 state initiative legalizing medical marijuana. As a result, "we don't enter pot clubs" to make marijuana arrests, Fong said.

Hilary McQuie, spokeswoman for Americans for Safe Access in Oakland, a medical marijuana user advocacy group, was not satisfied that the raids were targeting organized crime and not the cannabis clubs.

"Saying organized crime brings up visions of violent activity, but if all they are supporting is the sale of marijuana, police can call that organized crime," McQuie said. "They will need to show there's distribution outside the dispensaries. ... I want to wait and see."

Drug enforcement agents disclosed few details of the raids.

"It's a large-scale operation," said Javier Pena, special agent in charge of the San Francisco office of the Drug Enforcement Administration. He said U.S. Attorney Kevin Ryan had been present during raids at the clubs at 1545 and 1939 Ocean Ave. and at 445 Judah St.

Drug enforcement agents and investigators from the Internal Revenue Service arrived at the Herbal Relief Center at 1545 Ocean early Wednesday and cut the lock off the front door. By the afternoon, they had loaded a truck with dozens of marijuana plants, heat lamps and generators.

A man outside identified himself as Van Nguyen and said he had owned the business for more than five years. He was not under arrest.

"We run a service," said Nguyen, 27, who said he was a business student at City College. "I am definitely worried, but I want to make sure the message is out and the patients are taken care of."

Nguyen said the club served about 2,000 medical marijuana patients. "I have a couple of people in that group who are dying, and they won't be getting their marijuana on Monday,"

he said.

Asked about any involvement in organized crime, Nguyen said, "I have nothing to do with that at all. I make sure the patients in this neighborhood are well taken care of."

Nguyen said federal agents might have seized patient information at the club. One drug agent could be seen looking at what appeared to be photocopies of driver's licenses.

Chip Camp lives behind the club and said he never noticed any problems with it. "They opened late and closed early," he said. "There was never much foot traffic. It was very low-key."

A few blocks away at the other Ocean Avenue club, which appeared to have no name, Kris Hermes of Americans for Safe Access said he was "appalled that San Francisco has to call in the DEA for something that should be dealt with by the city. More investigation could have happened before the DEA was used in this manner."

The third raid of the day was at the Sunset Medicinal Resource Center on Judah Street near Ninth Avenue, where federal agents left after about nine hours with two dozen bags and boxes and horticultural grow lights.

At Bikram Yoga next door, owner Elizabeth Palmer said the club and its patrons were "quiet, calm neighbors."

At one point this spring, San Francisco was home to 44 medical marijuana dispensaries, more than any other city in the nation. Matt Dorsey of the city attorney's office said San Francisco now had 35 storefront dispensaries. Those don't include clubs that operate by appointment only or delivery-only service.

Residents and officials have grown increasingly frustrated that a 2-month-old city moratorium on the clubs was having little effect. Dorsey said the club at 1939 Ocean Ave. appeared to be among those that had opened since the moratorium took effect April 1.

Dorsey added that his office had not been in touch with federal drug agents about the club.

Supervisor Sean Elsbernd has called on the city to crack down on illegal clubs and said Wednesday's raids showed the wisdom of that idea.

Elsbernd wants the number of clubs allowed in San Francisco to be capped at eight. He also wants operators to go through the same strict application process as those who request liquor licenses.

Supervisor Ross Mirkarimi, who has spent months working on new rules, said the city had to find a way to separate legitimate operations from illegitimate ones.

"The absence of laws only puts out a welcome mat for potential problems," he said. "That's how we got to the place where we are today."

Supervisor Gerardo Sandoval, whose district includes the two Ocean Avenue clubs, has also called for improved city monitoring but said he hoped Wednesday's raids were "not a

pretext to meddle in San Francisco's well- established medical marijuana policies."

"It's pretty clear the Bush administration is not very happy about San Francisco's efforts," Sandoval said. "If there's money laundering or organized crime involved, then by all means we welcome federal law enforcement. But I have to ask myself, 'Why now?' "

Reaction to the raids

What investigators say about the raids

"It's not an attack on medical marijuana," said a law enforcement source. "This is an organized crime group that is using the whole pot club thing as a front."

What medical marijuana advocates say

"Saying organized crime brings up visions of violent activity, but if all they are supporting is the sale of marijuana, police can call that organized crime. They will need to show there's distribution outside the dispensaries. . . . I want to wait and see," said Hilary McQuie of Americans for Safe Access.

Why S.F. police didn't enter medical pot clubs

City policy recognizes cannabis clubs under Proposition 215, the 1996 state initiative legalizing medical marijuana. As a result, "we don't enter pot clubs" to make marijuana arrests, said police Chief Heather Fong.

Chronicle staff writer Ilene Lelchuk contributed to this report. E-mail the writers at jvanderbeken@sfchronicle.com, cgoodyear@sfchronicle.com and rgordon@sfchronicle.com.

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**Medical Cannabis Dispensing
Collectives and Local Regulation**

Americans for Safe Access



February 9, 2007

Dear City Councils and County Boards of Supervisors,

The last several years have seen a significant increase in the number of medical cannabis collectives and cooperatives opening in California. Until recently, most were concentrated in the San Francisco Bay Area. We are now seeing dispensaries opening in larger numbers in Southern California, suburban cities, and rural areas.

This trend presents a respectable challenge for California City Councils and County Boards of Supervisors to create and adopt ordinances, which have both the patients and the public in mind. Regardless of the federal government's position on medical marijuana, it is up to the states, and their counties and municipalities to determine what is best for the health of its people. Appropriately, and in accordance with SB 420, state lawmakers have placed the responsibility with cities and counties to take action to regulate the provision of medical cannabis to California's estimated 75,000 qualified patients.

The goals of local regulation should be: (1) to ensure that there is a safe, reliable, and sanctioned source of medication for legal patients in the community; and (2) to protect the community from nuisance activity or other harm that may result from the improper operation of these organizations. With these goals in mind, Americans for Safe Access (ASA) is working with policy makers in cities and counties across the state to develop sensible and compassionate regulations for medical cannabis collectives and cooperatives that comply with both the letter and the spirit of the law.

It is reasonable for civic leaders to have concerns about medical cannabis programs. This is an entirely new area of activity, but there are successful precedents to follow. It is important to remember that medical cannabis is legal under state law, and that we are developing regulations for access to legitimate medicine. For this reason, policy makers must approach the issue of collectives and cooperatives from the standpoint of regulating a condoned and legal activity. As such, it is more appropriate for city councils, boards of supervisors or even departments of public health to create and propose regulations than it is for law enforcement.

Medical cannabis collectives and cooperatives can be a positive part of a community. When properly regulated and operated, they will prevent lawful patients from unnecessary and potentially harmful entanglements with illicit markets or law enforcement. They will also be a key element in ensuring that patients are

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legally qualified and well educated about their rights and responsibilities under the law. Most importantly, a medical cannabis collective or cooperative will be a place that community members suffering from AIDS, cancer, multiple sclerosis, and other serious illnesses can find support, safety, and healing.

We need the participation of the entire community to develop and successfully implement effective regulations for medical cannabis collectives and cooperatives. Our hope is that the voices of patients, caregivers, and advocates will be heard along side those of law enforcement and civic leaders. ASA is committed to help local governments find ways to implement the will of California voters while protecting the interests of patients and their neighbors. To that end, ASA staff prepared a report, "Medical Cannabis Dispensing Collectives and Local Regulations," to share with you the experiences of other localities and to guide you through the process of developing regulations for dispensing collectives.

Thank you for taking the time to create safe and legal access for California's most vulnerable citizens. Our knowledgeable staff is available to answer any questions you may have. Please do not hesitate to call.

Regards,

Steph Sherer
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