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The Margolin Guide

STATE OF CALIFORNIA AND UNITED STATES FEDERAL **MARIJUANA LAWS** KNOW THE LAWS AND YOUR RIGHTS!

The Laws in All 50 States

Possession, Cultivation, Sales, Transportation, etc.
California Medical Marijuana Laws
Dispensaries and Collectives



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2013 Edition



Bruce Margolin is
Synonymous With Fighting Weed Busts in California.....
The Dean of Weed Defense Attorneys.
He has Defended 25,000 Pot Cases and Timothy Leary.

-La Weekly "Prop 19: Dreams of Legal Weed" October, 2010/Vol. 32/No.48

"Finally someone has made the Marijuana Laws
easy to understand."
"What you don't know can hurt you. Read this Book."

-Jack Herer, Hemp Advocate and Author,
The Emperor Wears No Clothes
R.I.P 1939-2010

In our mission to provide quality training, Oaksterdam
University utilizes The Margolin Guide as a key component
to our curriculum. The Margolin Law Guide offers smart
practices to stay compliant with California Law. The
entire community will understand their constitutional
rights and learn to have successful encounters with
law enforcement by following this guide.

-Dale Sky Clare, Executive Chancellor, Oaksterdam University.

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Watch for Opening of our new office in Nothern CA,
**Mr. Margolin is available to represent clients throughout
California and in all 50 states (pro hoc vice)**

From the Author



Dear Reader,

I am offering my guide in the hopes that the information provided will help everyone stay out of trouble because, **"No one belongs in jail for marijuana"**SM! Knowledge of the laws and your rights can be the key to your freedom. I trust you will find my guide easy to read and will make the laws and your rights simple to understand.

For over 40 years as a criminal defense attorney, I have successfully defended thousands of clients faced with marijuana related charges and many others accused of all varieties of criminal offenses (please see the partial List of Recent Successes starting on page 34).

I have seen that many of those who have been arrested and prosecuted were not only the victims of the unjust marijuana laws, but also due to their lack of knowledge of their constitutional rights and how to invoke them. To help ensure the protection of your constitutional rights including: not to Consent to Search, and the Miranda rights, etc. Please see the Invocation of Rights (wallet sized card) inserted here at the centerfold.

Please note that even though one may choose to invoke their rights it is best to be respectful to law enforcement.

Unfortunately, convictions of marijuana offenses still can have serious consequences, including jail, prison, probation, loss of professional and driver's licenses, student aid and even deportation. My Guide includes both medical and non-medical California marijuana laws including many of the recent, and highly important landmark appellate court rulings (pages 18-20). California non-medical marijuana laws are very similar to those throughout the U.S., however there are significantly different punishments in other States as well as in the Federal Courts. California's medical marijuana laws are unique in that they provide more rights and protections to qualified patients, caregiver, collectives and patient cooperatives.

(See the "Federal Sentencing Guidelines", "Laws in all 50 States", and "Medical Marijuana" sections of this Guide).

This booklet is a guide, not legal advice. I have simplified the laws to make them easier to understand. Not all the marijuana laws are included in this guide, but I have compiled those that are most relevant to typical cases brought for prosecution. Ultimately, only the actual statutes and the case rulings should be relied upon and therefore, I have included statutes and case law citations. I have done my best to be accurate, however, please note that errors can occur, including in the editing or printing process. Finally, be aware that laws change frequently due to appellate court decisions and new legislation.

Visit my website for future updated versions of my guide.

I am available for phone and office consultation if you, or someone you care about needs help.

Call 1 800 420 laws (5297) or 310 276 2231.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Margolin". The signature is fluid and cursive, with a prominent initial "B".

Bruce Margolin, Esq.

You may download a free PDF version of my guide at **1800420laws.com**
Just click on the Margolin Guide icon on the home page.

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Report To The People

By Bruce M. Margolin, Esq.

A California Field Poll in 2012 reported an unprecedented majority of 56% of the public in support of legalizing and taxing marijuana. California NORML sponsored AB 390 legislation (tax, regulate, and legalize marijuana), which passed the Health and Safety Committee, however the bill had been withdrawn pending the vote on Prop 19 (November 3, 2010). Unfortunately Prop 19 wording left many hesitant to support it although it did receive 46% and in some cities like Beverly Hills and Santa Barbara the vote for was over the required 50%. There are new initiatives being proposed to bring legalization to the voters of California and we are hopeful to have one single initiative that all the marijuana reform organizations and activists can support on a united front. In the meanwhile, we will continue our efforts to legalize by legislation.

I am pleased that both the states of Washington and Colorado have legalized up to an ounce of Marijuana for all purposes by adults over 21. The 9th Circuit Federal Court of Appeals held that the California Medical Marijuana laws may coexist with the federal laws, even though the federal laws do not recognize medical marijuana (See *Raich v. Ashcroft*, 352 F. 3rd 1222). However, some Federal Court Judges have imposed punishments far below the sentencing guidelines to those that were acting in compliance with California medical marijuana laws. (See, *US v. Charles Lynch* and *US v. Ed Rosenthal*).

Unfortunately the United States Congress continues to arbitrarily refuse to reschedule marijuana to make it available for medical purposes. The DEA Administrative Law, Judge Frances Young, ruled in a lawsuit brought by N.O.R.M.L. decades ago that marijuana is one of the safest substances known to mankind when used under medical supervision and that it should be rescheduled. His ruling remains ignored by the DEA. However, in October of 2012, another lawsuit brought by ASA (America's for Safe Access) sighting new studies that have affirmed the medicinal value of marijuana, and we are awaiting that court's ruling.

Our former California Attorney General Jerry Brown (now Governor) in August 2008 provided guidelines that included that non-profit patient collectives and Co-ops may operate dispensaries. Our New A.G. Kamala Harris has not yet released her guidelines. On December 21, 2011, she wrote to members of the legislature asking them to propose new legislation that will clarify the interpretation of our marijuana laws, including the formation and operation of marijuana dispensaries, the definition of profit, and concerns about edibles. It is conceded by the her, prosecutors and the Appellate Courts that the marijuana laws are unclear. See Jerry Brown's entire opinion regarding the Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use and A.G. Kamala Harris' letter on my website.

I have authored motions to dismiss the continuing prosecution of patients and collectives/dispensaries, as a denial of due process because the medical marijuana laws are so ambiguous. Copies are available at my office upon request.

Many cities & counties are concerned about the proliferation of marijuana dispensaries. For example, the Los Angeles City Council has attempted to close all but seventy dispensaries of the 500 or more existing ones, which is obviously not sufficient to meet the needs of such a large city. Others have banned dispensaries altogether. The California Supreme Court has several cases before it regarding regulating the operations of dispensaries and the rights of cities and counties to ban them. This area of the law is an example of the multiple contradictions of the rulings of different courts, and are an example of the ongoing confusion of how the laws are to be interpreted.

In court defendants often need their own court qualified Cannabis Experts to overcome the Narcotic's officer's opinion that the marijuana in question is for sale and/or the operation of their collectives or Co-ops are illegal. Experts need to be recruited and trained to testify on behalf of the defense. The National Institute of Court Qualified Cannabis Experts, of which I am founder and director, holds seminars on becoming a court-qualified expert. Our faculty has included such notables as court qualified cannabis experts Chris Conrad and Bill Britt, and others. We accept resumes from those interested. Send resumes via email (bmargolin@margolinoffice.com), fax (310.652.1501) or call my office.

I lecture on behalf of the California State Bar Continuing Education Program to Bar Associations, Public Defenders Offices, Doctors Medical Associations and at law schools on constitutional rights and marijuana laws. I'm available for speaking engagements upon request.

Defendants convicted of the more serious marijuana offenses may face jail or even prison sentences. As a result of felony convictions they are excluded from opportunities that otherwise allow them to become productive members of society. Please contact your legislatures to encourage them to support the legalization of marijuana. Go to the Internet today for information of how to contact your representative. Letters and telephone calls coming from constituents of the legislatures own districts greatly affect their concerns to represent their voters; and get reelected. Our campaign is not to promote marijuana use or fueled by any special interests, we're simply united in our view that marijuana prohibition laws just don't work and are unjust.

Go online for information to find and join some of the many great organizations working to reform the marijuana and drug laws including LANORML.ORG, CANORML.ORG or NORML.ORG, Students for Sensible Drug Policy (SSDP.ORG), Drug Policy Alliance (drugpolicy.org), American for Safe Access (safeaccessnow.org), etc, or call LA NORML's Office (310) 652-8654.

You can download my Guide free: 1800420laws.com or 420laws.com.

Possession

Ca Health & Safety Code § 11357 b infraction (as of Jan. 1, 2011), sections c, a are Misdemeanors

LAW: It is illegal to knowingly have marijuana under your dominion and control unless legally authorized for medicinal purposes. (The protections provided for patients by the medical marijuana laws are available. See pages 14 to 24.)

POSSESSION OF LESS THAN AN OUNCE (28.5 grams) [11357 (b) H&S] is an infraction. No booking with valid identification. A citation (similar to a traffic ticket) is issued, which makes a court appearance optional for the defendant or his/her attorney in order to defend the case. The defendant is entitled to move to suppress unlawful searches, etc. However the defendant is entitled to a trial by judge not a jury.

PENALTY: No jail sentence or probation can be imposed. There will be no criminal record. The maximum penalty is a fine of \$100, plus court assessments, for a total of approximately \$371. Deferred Entry of Judgment (DEJ) and Drug Sentencing Alternatives are available to avoid conviction and see section "Courtroom Strategy for How to Avoid Conviction for Less than an Ounce". Please refer to page 9.

Those under 21 years will lose their driver's license for 1 year if convicted. Refer to the "How to Save Your Driver's License" section of the guide, page 5.

POSSESSION OF MORE THAN AN OUNCE (28.5 grams and up) [11357 (c) H&S] is also a misdemeanor.

PENALTY: The maximum sentence is up to 6 months in county jail and a fine of up to \$500. Deferred Entry of Judgment (DEJ) and Prop. 36 are available. See the table of contents. Note, possession of over 30 grams is a deportable offense (even if DEJ is granted); consult immigration attorney for specifics.

Note from Bruce:

My experience is that first time offenders do not go to jail. Summary (non-reporting) probation is usually granted on condition of a small fine or community service.

POSSESSION OF CONCENTRATED CANNABIS (HASHISH) [11357 (a) H&S] This offense may be charged or sentenced as a felony or misdemeanor; therefore, it is called a "wobbler." Note that Hashish is included under the Medical Marijuana patient's protection. Please see page 25. Note from Bruce: Manufacturing of hashish, even for medical purposes, is illegal when made with Butane or other chemical process. Also note that unlike giving away less than an ounce of marijuana is a misdemeanor punishable by only a hundred dollar fine, however, even just giving away (or of course selling) any amount of hashish is a felony and punishable by state prison.

PENALTY: As a misdemeanor: maximum possible sentence is up to 1 year in jail, a fine of not more than \$1,000 or both. As a felony: State prison sentence range from 16 months, to 2 or 3 years, plus a fine up to \$10,000. Those under the age of 21 will lose their driver's license for 1 year. Deferred Entry of Judgment (DEJ) and Prop. 36 are available. Refer to the "DEJ" and "Prop. 36" sections of the guide.

SEEDS: Health & Safety Code 11018 "marijuana" means all parts of the Cannabis plant sativa L., whether growing or not; including the seeds. Therefore possession of marijuana seeds is in violation of the law.

JUVENILES (Up to age 18): All marijuana offenses, including possession of over or under an ounce, sales, possession for sale, and cultivation may be dismissed by participation in a drug education program, and community service. Otherwise, the courts can impose anything from home on probation, camp placement, or a youth authority commitment up to the maximum term of imprisonment of the offense. However, possession for less than an ounce of marijuana is punishable by up to one hundred dollars (plus penalties). Minors' criminal records are not permanent and can also be sealed. **Minors (under 21) if convicted of any marijuana offense will result in a one year mandatory driver's license suspension is, even if a vehicle is not involved.**

Possession For Sale

California Health & Safety Code §11359 Felony



POSSESSION FOR SALE: Possession of marijuana with the intent to sell any amount is a felony. “Sale” means any exchange of marijuana for cash, favors, goods, bartering or other benefits. Note that “giving away” up to an ounce is a misdemeanor; with a \$100 maximum fine [HS 11360 (b)]. Refer to the “Medical Marijuana Laws” section of the guide for the protections afforded patients, collectives and Co-ops., etc.

PENALTY: Possession of any amount of marijuana with the intent to sell is punishable by imprisonment in state prison [11359 H&S]. Unless probation is granted, which it almost always is, penalties can be up to 16 months or 2-3 years in state prison, and a fine of up to \$10,000. Persons under age 21 will lose their driver’s license for 1 year.

For non-citizens, conviction for possession for sale is a deportable offense and will result in denial of citizenship, etc. Deferred Entry of Judgment and Drug Sentencing Alternatives are NOT available.

Note from Bruce:

INTENT TO SELL is often proven simply by the expert opinion alone of a qualified narcotics officer that the marijuana possessed was for sale rather than personal use. The narcotics officer’s opinions are often based upon the quantity of marijuana, the number of packages, the presence of packaging material (baggies), the presence of large amounts of money, scales, ledgers (pay and owe notes), cell phones, pagers, foot traffic to and from the premises, and incriminating text messages. Dealing or bartering marijuana for anything of value (not just money) is illegal.

The defense has the right to present their own expert’s opinion to testify as to whether or not the amount and other factors are consistent with personal use as opposed to possession for sale. The defendant may also choose to testify and call other witnesses to defeat the allegation of not for personal use/sale. Our office has access to court qualified cannabis/marijuana experts to testify on behalf of the defense. Also, I am the director of The National Institute of Court Qualified Cannabis Experts. For more information see National Institute of Court Qualified Cannabis Experts on page 24.

A SEARCH WARRANT FOR THE RESIDENCE MAY BE OBTAINED NO MATTER WHERE THE BUST TAKES PLACE: No matter where the location of the arrest for possession for sale takes place (for example in a car 100s of miles away), police may be able to obtain a search warrant for the defendants’ residence.

THE NUMBER OF PACKAGES AND CONSISTENT WEIGHTS = FOR SALE: The number of packages seized is often the controlling factor relied upon by the prosecution. For example, a half-pound in a single package may be charged as simple possession, while 16 half-ounce packages will almost certainly be charged as possession for sale, especially if the packages are in specific weights (for example eighths, ounces, quarter pounds.)

“WOBBLERS” TO OBTAIN MISDEMEANOR AND PLEA BARGAINING: Felony marijuana offenses of possession for sale, cultivation, and transportation may sometimes be reduced by plea bargaining to “maintaining a place where marijuana is possessed,” [11366 H&S], or “possession of hashish” [11357 (a) H&S]. These offenses are “wobblers,” which means they are reducible to misdemeanors either at the time of sentencing or more often after a period of probation 18 to 36 months and then the conviction can be expunged which means that the court records will show that the conviction is set aside, not guilty is entered and the case is dismissed.

Note from Bruce on Second and Third Strike Law and felony marijuana convictions:

As of November 6, 2012, the third offense must be serious or violent. Therefore, marijuana felony offenses will not be a basis for third strike punishment of 25 to life in prison. Marijuana offenses are not “strikes”. However, any felony marijuana conviction with one or more strikes mandates no probation and doubles the sentence, and serving 85% of the time (not 50%). JUDGES CAN STRIKE THE USE OF THE PREVIOUS STRIKE IN THE CASE BEFORE HIM (Romero Motion).

Cultivation

California Health & Safety Code §11358 Felony



LAW: Persons who plant, cultivate, harvest, dry, or process (even just one plant) are guilty of a felony.

(California's medical marijuana laws protect patients and their caregivers. Please see the "Medical Marijuana Laws" at pages 14-15 and in particular page 17 "420 Limits")

PENALTY: Unless probation is granted (and usually is see below), the sentencing range is 16 months, 2 or 3 years in state prison, and a fine of up to \$10,000. Persons under 21 will lose their driver's license for 1 year. This is a deportable offense for non-citizens. Refer to the "Deferred Entry of Judgment" section of the guide for D.E.J. program to obtain dismissal (Page 10).

Note from Bruce on Sentences: Probation is almost granted to first time offenders, even when large numbers of plants are seized (e.g., 700+ plants). Some prosecutors will charge only a misdemeanor possession offense when just a few plants are seized (§11357 H&S Code). Refer to the "Definition of Probation" in the guide at page 4.

PLANTS ALONE MAY ALLEGEDLY BE POSSESSED FOR SALE: The defense may be able to refute the prosecution's charge of possession for sale in cultivation cases by introducing the 1992 DEA Cannabis Yields Study, which states that (saleable) marijuana buds comprise less than 10% of the total net weight of the plants. Refer to the "Report to People" section on page ii of this Guide regarding The National Institute of Court Qualified Experts. Also see the "The expert testimony regarding the evaluation of a patient's needs" for important information on how to evaluate when marijuana is possessed for sale versus personal use at page 24.

TOO MANY PLANTS FOR DEFERRED ENTRY PROGRAM: The prosecution may object to DEJ by contending the cultivation is not for personal use, even though possession for sale is not charged. The defendant is entitled to a hearing before a judge to decide whether or not DEJ will be granted over the prosecutor's objection. Also, see the "DEJ" section of the guide at page 10.

FEDERAL 5 AND 10 YEARS MANDATORY MARIJUANA SENTENCING LAWS: In Federal Courts, and in some states other than California, the number of plants presumptively determines the length of the prison sentence. Under Federal law, there are mandatory sentencing laws of five years for 100+ plants, and a mandatory sentencing of 10 years for 1,000+ plants, no matter how big or what stage, even just rooted seedlings (rooted clones). Refer to the "Federal Sentencing" section of the guide at page 13.

PROTECTION FROM POLICE WITH FENCES: Case Law provides that fully enclosed residential yards with 6-foot fences are legally protected from police observation. However, if the police can view plants in other ways for example, from a neighbor's property or from aircraft, they can obtain a warrant for the home and buildings on or connected to the property. There is also Google Map, which one judge has opined that has destroyed the expectation of privacy.

TRASH CANS ARE NOT PROTECTED if left outside the property. Trashcans left outside the property can be searched without a warrant. If plants or other incriminating items constituting probable cause are found, a search warrant can be issued for the residence and the entire property.

HIGH ELECTRIC BILLS AND PROBABLE CAUSE FOR SEARCH WARRANT: Indoor cultivation busts are often the result of unusually large electric bills (compared to others in the neighborhood) combined with informant tips, and/or the smell detected from outside the property. Electric bills are not constitutionally protected, so they may be obtained without a warrant or probable cause.

THEFT OF ELECTRICITY: Persons, who tap electric lines, or otherwise bypass electrical metering, will also face felony grand theft charges; this makes the cultivation defense more complicated in particular when there is a medical defense potential.

Note from Ed Rosenthal (Ask ED, author- activist).

"Using marijuana is not addicting but cultivating often is."

Transportation, Importation, Sale or Gift

California Health & Safety Code §11360 Felony or Misdemeanor



LAW- LESS THAN AN OUNCE- MISDEMEANOR NO JAIL: Giving away and/or transportation of less than an ounce of marijuana for personal use is a no arrest offense with proper identification [H&S 11360(b).] A ticket is issued (similar to that of a traffic violation) requiring a mandatory court appearance on a date set in the future. You must have valid identification; otherwise you are subject to arrest.

PENALTY: Refer to the "Possession, less than an ounce" regarding penalties section of the guide at page 1. No jail. Up to \$100 fine, and possible license suspension, etc. at page 1.

LAW-FELONIES, TRANSPORTATION, SALE, ETC.: To offer, attempt or transport, import into the state, sell, furnish, administer, or give away marijuana. Bartering or exchanging for anything of value is considered "sale." For patient's rights and protections, refer to the "Medical Marijuana Laws" section of the guide at page 14.

PENALTY: Unless probation is granted (and it almost always is) for first time offenders, the sentencing ranges from 2, 3, or 4 years in a state prison. See "Note from Bruce - 3-Strike laws" page 2 of this guide. Sales to or employing minors under age 14, is 3, 5, or 7 years; over 14 is 3, 4, or 5 years [H&S § Section 11361] Note that giving away under an ounce of marijuana is a misdemeanor imposing a maximum fine of \$100 plus assessments.

Deferred entry of judgment (DEJ) is not available. Refer to DEJ section of this guide. Proposition 36 sentencing alternative is an option for transportation and possession for personal use. Persons under age 21 will lose their driver's license for 1-year automobile/driving related or not. Possession and Transportation of over 30 grams is a deportable offense for non-citizens, even with green cards, and is considered an aggravated felony under the immigration laws. DEJ is not a defense against deportation. Under 8 USC 1227 (a) (2) (B) (i), a conviction for single offense for simple possession of under 30 grams of marijuana is not an aggravated felony under the immigration laws.

Refer to the "Landmark Medical Marijuana Appellate Cases" (Pages 18-20) of this Guide regarding transportation etc. by patients, caregivers, members of Co-ops and collectives stating on page 14.

Note from Bruce: **Probation can be expected and the definition of "probation"**

Almost without exception, my experience is that first time offenders who are convicted receive probation no matter how much is involved in almost all CA State Courts. (i.e. 700 plants, 5,263 pounds.) However, the term probation doesn't mean that time in the county jail is necessarily avoided. In felony cases, the term "probation" means only that the state prison sentence is not imposed. The terms of probation may include up to a year in the county jail, and search conditions. Alternatives to jail also can be fines, house arrest, or community service. In misdemeanor cases, probation means all or part of the county jail sentence is not imposed.

THE RIGHT TO REMAIN SILENT (MIRANDA RIGHTS):

Suspects do not have to be advised of their Miranda rights while merely being detained during an investigation. If you choose to talk, those statements will be used against you. Upon arrest, police are required to advise. However, even if the cops fail to give the Miranda warnings, any statements made by the defendant are still admissible to contradict a defendant's testimony if he chooses to take the stand to testify. Note: June, 2010 the U.S. Supreme Court held that silence alone does not invoke one's right to remain silence. A suspect must speak up and say "NO" to the request by the police to waive their rights, or say, "I wish to remain silent, I want a lawyer." For your protections and to invoke your constitutional rights see the wallet sized "Invocation of Rights" card in the centerfold of this Guide.

Driving Under The Influence (DUI) When Impaired

California Health & Safety Code §11358 Felony



LAW: It is unlawful to drive while under the influence of marijuana if impaired to the degree that one is unable to operate a motor vehicle safely.

PENALTY: 1st offense: maximum 6 months in jail; fine of \$390-\$1,000; restricted license and 3 years probation, and, if under 21 years old, loss of license for 1 year, and DUI program. (Medical patients are not exempt from statutes prohibiting driving while impaired.)

Note from Bruce:

MARIJUANA DUI CASES ARE OFTEN DIFFICULT FOR THE PROSECUTION TO PROVE:

Unlike the .08% blood alcohol level in drunk driving cases, which makes a defendant presumptively guilty, there is no legal standard amount of THC that presumptively establishes impairment. Other factors are used such as; driving violations, field sobriety tests, performance, walk a line, touch of nose, speech, admissions of effects. And note that claiming to be tired only adds to the possibility of impairment.

ALCOHOL AND WEED DON'T MIX! Studies show that using alcohol with marijuana radically increases chances of impairment and these types of cases are less defensible. DON'T DO IT!

DUI SUSPECTS CAN REFUSE TO ANSWER QUESTIONS, INCLUDING WHEN OR IF YOU USED MARIJUANA:

In the event of being pulled over by the police, suspects may refuse to answer any questions (other than identifying yourself) or take field sobriety tests. If you are arrested you are required to take a Breathalyzer, and /or blood or urine test if requested. OTHERWISE REFUSAL TO TAKE A CHEMICAL TEST AS REQUESTED WILL RESULT IN THE LOSS OF DRIVER'S LICENSE FOR A YEAR and may be seen as consciousness of guilt. Note from Bruce: Answering questions about use of marijuana, including when, can be very damaging to the defense, especially if within 4 hours!

CHOOSING A BREATH, BLOOD, OR URINE TEST: DUI, MARIJUANA: Experts advise to first choose a breath test, as it does not register THC. If it is requested that you submit to a blood or urine test and you haven't used marijuana for at least 3 days choose the blood test, as experts indicate that THC is usually detectable in the blood for up to 2 days, otherwise choose a urine test. Even though a urine test will probably show a positive marijuana metabolite result (up to 35 days or more), the presence of Marijuana metabolite alone does not establish impairment, which is required to prove DUI.

HOW TO SAVE YOUR DRIVER'S LICENSE:

CALIFORNIA LAW: Persons under 21 convicted of D.U.I. or any marijuana offense will lose their California Driver's License for one year, even if not driving at the time. See page 9, Courtroom Strategy: How to Avoid Conviction For Less Than An Ounce (and save your driver's license).

Adults can obtain a Restricted License (1st offense only) but now must install car ignition interlock device per D.M.V.

Adults may also lose their license for up to 3 years when a motor vehicle is involved [CA Vehicle Code § 13202] as the judge can suspend or order the DMV to revoke the driver's license for possession for sale, transportation, or sale to a minor. In many other states, anyone convicted involving any controlled substance, including marijuana, will lose their driver's license for 6 months or more, regardless of whether or not the offense is driving-related.

When the defendant can show a "critical need to drive", they can attempt to obtain only a restricted license (see VC § 13202.5).

YOUTHFUL OFFENDER ALTERNATIVE PROGRAMS: For defendants under 21. For possession of marijuana in some California counties, prosecutors have established alternative programs to avoid suspension of driver's license, usually requiring the defendant to attend counseling, such as Mother's Against Drunk Driving. Typically, 90 days later, the defendant is allowed to plead to an alternative of disturbing the peace." This avoids a controlled substance conviction and loss of license.

Drug Testing And Employment



Unless employed by a governmental agency, there is no constitutional protection from testing or for refusing a drug test. The testing of government employees has been struck down by courts in many types of work except where the employee's impairment could cause serious threat or harm, i.e., train conductor. Private employers, however, may impose drug testing as a condition of employment, and if "dirty" the employee can be fired.

An employee who has been accused of having a positive drug test result should request a second independent laboratory test of the "dirty" sample. It has been reported that false positives can result for a number of reasons. False positives can force an employee into unnecessary rehabilitation programs or, even worse, result in an unwarranted firing. Firing a good employee is a loss to both parties.

Estimates of the length of time marijuana use is detectable in the body by urine testing:

Single use: 5 Days

Double use: 12-17 days

Heavy use: 15-35 days

Ross v. Raging Wire Telecom [42 Cal. 4th 920 (2008)] - CA Supreme Court ruled that an employer may terminate or deny employment to anyone who admits to using or who uses marijuana; even if they are a qualified medical marijuana patient.

Note from Bruce:

CLEANSING THE BODY OF THC:

I am not aware of any chemical product that has proven effective in "cleansing" the system of THC. Abstaining, exercising, and drinking lots of water are the only proven ways to rid the body of THC. You may purchase an over-the-counter kit that detects THC from most drugstores to do a confidential test.

EMPLOYERS NEED GUIDANCE:

Employers should be informed and made to understand that the rational purpose for conducting drug testing is to determine if an employee is impaired on the job. Since the marijuana metabolite is detectable in urine for up to 35 days or more after use, it does not establish impairment. The scientific community generally agrees that the effects of marijuana last no more than about 3 hours after use.

Arguably, a more effective approach to assure safety is to observe the employee's on-the-job behavior, along with motor skill testing such as the tests used in DUI cases. This type of policy reduces the cost of testing, protects the privacy of the employees as well as their morale, and is a more effective way to uncover employees' inability to perform their duties safely for any number of reasons (i.e. fatigue, illness, etc.)

Forfeiture

California Health & Safety Code §11470(e) H&S



Forfeiture laws allow the State and Federal government to seize money and property that are the proceeds of, or are used to, facilitate illicit drug activity. Forfeiture proceedings are usually filed separately from the criminal case; the “defendant” is the money or property itself. The owner must file a claim opposing forfeiture and may be required to prove its legitimate source.

U.S. V. BAJAKAJIAN (1998) 524 U.S. 321. The forfeiture of a defendant’s property or money must be proportionate to the gravity of the offense committed.

State and Federal governments can impose criminal punishment in addition to forfeiting the defendant’s property and money. There is no double jeopardy defense.

The Federal courts have held, however, that the value of the forfeited property cannot be disproportionate to the crime. In 1995, the Ninth Circuit Court of Appeals said that, “If, for example, one marijuana plant were found growing on the ranch, forfeiture of all 825,000 acres would be excessive” (U.S. v. 6380 Little Canyon Rd., (1995) [59 F. 3d 974, 9th Cir.]

California law does protect innocent owners in some cases (See below). Under California statutes, a criminal conviction is required for forfeitures under \$25,000. However, the state police agencies may turn the property or money over to the Feds, where a criminal conviction is not required for forfeiture under federal laws.

The California forfeiture statute [§ 11470(e) H&S] allows forfeiture of the following:

- A) All controlled substances, except arguably medical marijuana.
- B) All money and equipment involved in the crime.
- C) Any vehicle used, or intended to be used, in transportation of the marijuana (with more than 10 pounds dry weight).

Motor vehicle forfeitures can be prevented if an innocent spouse is co-owner, or has a community property interest, and the defendant’s immediate family who has no knowledge of the illegal activity uses the vehicle.

Maintaining a Place (H&S § 11366) and Forfeitures: Homes and land (real property) are also subject to state forfeiture if the owner is convicted of maintaining the property for the purpose of manufacturing, distributing, or possessing marijuana for sale. However, property that is used as a family residence or other lawful purpose, and is co-owned by an innocent person with no knowledge of the unlawful use, may not be subject to forfeiture.

Note from Bruce On Seizures of Money:

I have had many clients who have had their money seized at airports or when traveling in vehicles. The cops often use narcotics dogs to see if they “hit” (smell marijuana) on the currency, and use that as a basis to seize the currency. However, the dog’s smell alone may not be enough to forfeit the money. Thereafter, it often takes months to be notified by state or federal prosecutors of intent to proceed with forfeiture. The money becomes the defendant in civil proceedings against it, as being the unlawful proceeds or used to facilitate unlawful drug activity. The claimant must file a notice to oppose the forfeiture within 30 days.

Search And Seizure Laws

The California Constitution and the 4th Amendment to the U.S. Constitution guarantee our right to be free from unlawful searches and seizure by police. Illegally seized evidence must be suppressed and excluded in the criminal prosecution against a defendant whose rights have been violated. With no admissible evidence the case must be dismissed.



YOUR CONSTITUTIONAL RIGHTS INCLUDE (AMONG OTHERS):

- Not to have your personal property searched without a search warrant
- To refuse to answer police questions or make any statements
- To refuse to open your door to your home unless there is an emergency or a search warrant
- Not to be detained or questioned without your consent (even at airports)

Note from Bruce:

See the "Invocation of Rights" wallet size card inserted here in the centerfold of my guide to help assure your rights are invoked and thereby protected.

THE DEFINITION OF PROBABLE CAUSE: "Probable cause" to search and seize must exist, otherwise the evidence can't be used against the defendant in court. There must be a reasonable belief that a crime has been or is about to be committed (i.e. that there is contraband present.) Search of homes or other private property requires warrants. Automobiles can be searched without a warrant.

THE SMELL OF MARIJUANA: The smell of marijuana, (burnt or fresh), by police or their trained dogs is probable cause to search the suspect's person and car without a warrant, and is the basis to obtain a search warrant for a home or other place. See below **

REASONABLE EXPECTATION OF PRIVACY IS REQUIRED FOR "STANDING" FOR A DEFENDANT TO SUPPRESS EVIDENCE: In California, as well as in many other states and under federal law, the defendant must have a reasonable expectation of privacy, called "standing," in the location of the search in order to challenge the admissibility of illegally-seized evidence and have it suppressed. Some examples are set out below.

CARS PASSENGERS: People who have their possessions, such as backpacks, in someone else's car have no standing to challenge an illegal search. There is no recognized right of privacy in someone else's car unless you are the driver at the time of the search. However, all persons have reasonable expectation of privacy regarding the clothing they are wearing and anything on their person. Passengers can challenge the reason for the stop.

HOUSE GUESTS: Overnight guests have the same rights as the occupants to object to the illegal search of the host's home. Campsites and motel & hotel rooms are also protected.

BACKYARDS FENCES: Renter's and homeowner's enclosed yards (e.g. a yard with a 6-foot fence, even with small cracks) are protected from police peeping close-up through the fence, but not from aerial observation. Police may not use ladders to see over an enclosed fenced yard.

IN JAIL AND IN PUBLIC ETC.: There is no right of privacy while in police cars, jail, (including telephone calls) or in visiting rooms, except in-person meetings with lawyers or clergy. No privacy rights while in public. For example, police camera attached to telephone poles focused on your driveway.

TELEPHONES, TEXTS, INTERNET: CONVERSATIONS on hard wire, cell phones, and in telephone booths are protected, unless one party agrees to police listening in. Cordless phone users do not have an expectation of privacy because neighbors can hear conversations with the same frequency. There has been a great increase of the Government use of electronic surveillance like wire tapping and the laws have made the police access to the use of electronic surveillance much easier. Legal rulings regarding use of cell phone locators are under consideration. No warrant is required for disclosure of information stored by your INTERNET PROVIDER i.e. Hotmail, Gmail, AOL. Police may confiscate a suspect's cell phone and read text messages when making a lawful arrest for a drug offense.

****POLICE MAY NOT ENTER A HOME BASED ON SEEING OCCUPANTS SMOKING MARIJUANA:** [PEOPLE V HUA (2008) 158 Cal. App. 4th 1027] Police entry without warrant into defendant's apartment was not justified under the exigent circumstances exception to the warrant requirement. The defendant's refusal to allow the police to enter the home was upheld. The plants observed inside were suppressed and the case was dismissed.

Refer to the "Miranda Rights" section of the guide page 4.

Courtroom Strategy: How To Avoid Conviction For Less Than An Ounce

§11357(b) H&S (And Save Your Drivers Licence)

Note from Bruce:

Under California law, anyone under 21 convicted of any marijuana offense will lose their driver's license for one year, even if offense is not driving related.

1. **DEFERRED ENTRY OF JUDGMENT (DEJ)** will prevent loss of your license because the conviction is deferred, (held until conditions are met), and is later dismissed in 18 to 36 months. Refer to the "Deferred Entry of Judgment" and "Prop. 36 Drug Court" sections of the guide, page 11.
2. Many prosecutors will agree to dismiss by participation in **INFORMAL DIVERSION**; typically on the condition that the defendant attends usually about 5 to 15 Narcotics Anonymous meetings. Informal Diversion is better than formal, court ordered DEJ, because the 5-year exclusion from formal DEJ is not affected and doesn't show on the record. Informal DEJ takes much less time and avoids substantial costs of formal DEJ programs.
3. **ILLEGALLY-SEIZED EVIDENCE** Refer to the previous "Search and Seizure" section of the guide. Illegally obtained evidence must be suppressed and cannot be used against the defendant in court. Hence, there is no conviction or loss of license.
4. **PLEA BARGAIN:** In "less-than-an-ounce" cases, prosecutors often agree to dismiss the offense in exchange for a plea to other charges, such as "Disturbing the Peace," [PC § 415] or "Trespassing," [PC § 602]. There is no loss of license for these offenses. Also, try to get an infraction instead of a misdemeanor count.
5. Don't forget, the defendant currently has the right to a **TRIAL BY JUDGE**. You don't have to plead guilty or no contest (nolo contendere is the same as pleading guilty). In less-than-an-ounce cases, the prosecution or the court may decide to dismiss the charges in order to avoid the time and expense of a jury trial. In the event of a conviction even after a jury trial, the maximum "fine is still \$100 (plus the court assessments) total approximately \$371 if the charge involves less than one ounce. Refer to the "Prop. 36" section of the guide for information about dismissal, even after conviction by participation in drug programs (page 11).

Destruction Of Arrest Or Conviction Records

California Health & Safety Code §11361.5

Removing and Expungement (PC §1203.4) of your Marijuana Conviction

California law requires all governmental agencies to automatically destroy all records of a marijuana possession charge, and giving away or transporting up to one ounce charges, **except cases concerning concentrated cannabis**, two years after the date of conviction or arrest, unless the terms of the sentence have not been satisfied. This applies only to possession (not possession for sale) of any amount, and for giving away or transporting less than an ounce.

Drug diversion records are also to be destroyed. Thereafter, no public agency may limit or deny the individual any opportunity as the result of the conviction. The record should not be included in any subsequent probation report or be considered for any purpose by any subsequent sentencing court in any other matter (§ 11361.7 H&S). Note from Bruce: I have been advised that the U.S federal records do not get destroyed.

Unfortunately, felony marijuana convictions for sale, transportation, possession for sale and cultivation cannot be destroyed. However, they are subject to **expungement under PC 1203.4**, which gives the person the right to deny the conviction except when applying for public office, licensing by a state or local agency, or contracting with the state lottery. Expungement does not prevent prosecution for an ex-felon in possession of a firearm or use in future as a conviction against the defendant as a prior. Expungement does not remove the conviction from the defendant's records, but would indicate that conviction has been set aside, a not guilty is entered and the case dismissed.

Deferred Entry of Judgment (DEJ) = Dismissal



Charges of possession of marijuana or hashish and cultivation for personal use can be dismissed by successful completion of Deferred Entry of Judgment. DEJ is not applicable to charges involving sales or possession for sale or transportation unless for personal use. The defendant must plead guilty to the offense prior to trial. However, the conviction is not entered, and the sentence remains deferred pending successful completion of the court-mandated drug education program. After successful completion of an approved drug education program, the case will be dismissed in 18-36 months. The program requires about 20 hours of classes and may include drug testing.

The requirements to be eligible are:

- Defendant has no prior convictions involving controlled substances
- The offense did not involve a crime of violence or threatened violence
- The non-deferrable narcotics offenses were committed concurrently
- Probation or parole has never been revoked without being completed
- Defendant has not been previously diverted in the past 5 years
- No felony convictions within the last 5 years

The court will enter judgment if the defendant:

- 1) performs inadequately in the drug program
- 2) is convicted of any felony or misdemeanor that reflects a propensity for violence
- 3) engages in any criminal conduct rendering him or her unsuitable for DEJ

If the defendant fails the DEJ program, the law provides for a possible alternative program. Proposition 36 is used only for cases involving possession and transportation for personal use. Refer to the "Prop 36" section of the guide. If the defendant refuses or fails in drug court, the court will impose the sentence.

Upon dismissal, the defendant can legally represent that he or she was not convicted, granted DEJ, or even arrested, except if applying for a position as a police officer or the state lottery. Note, DEJ will not protect non-citizens, even with green cards, from deportation if there was more than 30 grams involved.

Note from Bruce:

Large Cultivation: The prosecutor may object to DEJ where they contend that the amount of cultivation is beyond personal use, even when possession for sale is not charged. The defendant is entitled to a hearing before a judge, who may overrule the District Attorney's objection to DEJ.

DEFERRED ENTRY OF JUDGMENT IS NOT A FREE RIDE. There is considerable time and expense involved in completing the required programs. DEJ is a trump card, available to the defendant only once every five years. It should not be used without carefully considering the ways to beat the case or to plea bargain to an alternative offense (e.g. "Trespassing" § 602 PC, or "Disturbing the Peace" § 415 PC) as an infraction. Informal diversion (which requires no guilty plea) is where the prosecutor agrees to dismiss the case, typically subject to completion of Narcotics Anonymous meetings, and the case is dismissed.

Under the DEJ program drug testing can be imposed. Dirty test (or absence of reduction of THC) will be grounds for entry of the conviction and imposing the sentence. Some organizations who oversee the programs do not drug test. The law is not settled as to patients rights to use medicinal marijuana on DEJ. However note that recent case law has provided that patients are eligible for treatment under Prop 36 and is good argument for DEJ patients. Medical marijuana patients are eligible for Prop 36 treatment. See *People v. Beatty* (2010) 181 Ca App. 4th, p. 644. See page 11.

Proposition 36 Alternative Sentencing Program California Penal Code § 1210

California law mandates drug treatment instead of incarceration for possession and for transportation for personal use of marijuana and other drugs. The defendant is eligible for the drug treatment program even after conviction, unlike Deferred Entry of Judgment, which must be taken before trial. The program can require numerous meetings, counseling and commitment to stop all drug use.

The program is up to 12 months and 6 months after-treatment. Defendants can expect to be drug tested in the Prop. 36 programs. Probation may be revoked for failure of the drug treatment program or for committing a violent offense. Defendants are allowed probation violations, for example, two failed tests or poor attendance, prior to being exposed to jail. Upon successful completion the conviction will be set aside.

Prior convictions for drug offenses, even sales, will not disqualify a defendant under Proposition 36 unless a conviction is for a serious or violent felony committed within the past 5 years, e.g., a strike conviction as listed in CA Penal Code Section 667.5 PC or § 1192.7 PC.

Note from Bruce:

Medical marijuana patients are eligible for Prop 36 treatment. See People v. Beatty (2010) 181 Cal. App. 4th, p. 644.

Drug Court Sentencing Alternatives

A program of rehabilitation can be an alternative to jail. Conviction for almost any offense committed due to substance abuse may qualify. The court has great discretion as to which defendants they will accept. The defendants' history and record is considered, in particular any prior rehabilitation attempts and violent offenses. Typically, cases accepted are theft related crimes due to drug dependency.



Parolees: A person on parole who commits a non-violent drug possession offense or who violates a drug-related condition of his/her parole may be eligible for Prop. 36, instead of returning to prison. The parolee must have no prior convictions at any time for serious/violent felonies. Parole authorities (not the courts) set conditions.

Entrapment

LAW: Entrapment occurs when police or informants use tactics that would convince an otherwise law-abiding person to commit a crime. A defendant is not guilty of any offense if the defendant's intent to commit the crime was created by the police or their informant. Under Federal law showing the defendant had a prior propensity to commit the crime can defeat a claim of entrapment.

OFFERING AN OPPORTUNITY IS NOT ENTRAPMENT!

Police or their agents (informants), while under cover, may provide the opportunity for the crime to be committed. For example, "Hey, anyone here want to sell me some herb?" That is NOT entrapment.

Note from Bruce:

COPS CAN LEGALLY LIE- Undercover narcotics officers and their informants do not have to tell the truth or admit their informant role, even if they are asked directly. Asking, "are you a cop?" doesn't help.

Posting Bail

TYPICAL BAIL RANGES (STATE OF CALIFORNIA):



Possession: less than an ounce- (no arrest) ticket only; over an ounce- \$500.
Concentrated Cannabis (Hash): \$10,000
Cultivation/Process: up to 1 lb. . . \$10K, up to 25 lbs. . . -\$30K over 25 lbs. up -\$50K
Possession for Sale: up to 1 lb. -\$5k-\$20K, 1-24 lbs. . . --\$25K-\$30K, 25 lbs. . . \$50K over 50lbs -\$100k
Transport/Sale/Furnishing: Up to 1 lb. -\$15K, over 5 lbs. -\$20K, Over 25 lbs. - \$50K
Using Minor To Sell/Transport: up to 5 lbs- \$30K, over 10 lbs-\$40K, over 25 lbs-\$50K over 50lbs -\$100k

RELEASE ON YOUR OWN RECOGNIZANCE (O.R.) is a person's promise to appear in court.

In Los Angeles if in custody after booking, the arrested person may call the Bail Commissioner (collect) before going to court to request an O.R. Neither attorneys nor anyone else can do it for them. Jailers provide the on duty Bail Commissioner's phone number. The commissioner will attempt to verify employment, residence, etc. by calling the arrestee's references to see if he has sufficient local ties to justify O.R. The Bail Commissioner may consider the opinion of; the arresting officer, prior record and/or prior failure to appear in previous court cases, including traffic tickets. If the Bail Commissioner denies the O.R. release, the judge in court may grant O.R. or reduce bail, at the arraignment or after the preparation of an O.R. report.

IF YOU HAVE TO POST BAIL:

Bail can be posted by cash or cashier's check for the full amount of bail, which will be returned if the defendant appears as directed at the court proceedings. -WARNING- Posting cash bail often results in seizure of the money for purposes of forfeiture, based on claims that they are proceeds of drug trafficking.

Note from Bruce:

A second option is to go to a BAIL BONDSMAN, who typically will charge a non-refundable premium of 8-10% of the amount for bail. For example, if the bail is \$10,000, you pay the bondsmen \$1,000 which you never get back. Bail bonding agents usually have discretion regarding the type and amount of collateral required. Some will waive collateral altogether if friends or family members have good jobs and guarantee the bond.

UNDER THE FEDERAL SYSTEM, release can be on personal surety bonds (promise to appear), corporate surety bail bond companies, third party surety, a real property bond, and/or cash. Collateral may be required.

YOUR PHONE CALL: in California, after being booked, arrestees have the right to make 3 completed phone calls: to an attorney, bail bondsman, relative or other person. Be careful. These phone calls are not confidential.

BAIL ENHANCEMENTS: Be aware that depending on the county you are in, bail can be raised considering the circumstances surrounding the arrest. Some counties have bail charts and enhancements listed online. For example, San Bernardino County has listed the following bail enhancements for H&S 11358, cultivation of marijuana:

\$25,000 + chart enhancement

- over 10lbs. add \$40,000
- over 25lbs. add \$50,000
- over 100lbs. add \$200,000
- with a gun \$50,000

Federal Sentencing For Marijuana Offenses

States prosecute almost all marijuana offenses. My experience is that the Federal government may opt to prosecute when offenses involve Federal property (such as U.S. national forests), very large quantities (for example, 1,000s + plants or 500+ kilos), the crossing of national borders, and/or where Federal agents conducted the investigation. However, I had a case this year involving approximately 400 plants prosecuted in U.S. Federal Court.



Be aware that there are 5 and 10-year mandatory prison sentences for marijuana offenses in Federal Court. 100 Kilos, 100 plants or rooted seedlings mandates 5 years; 1,000 plants or rooted seedlings is 10 years. Neither medical marijuana nor the California medical laws are recognized as a defense in Federal Court.

Seedlings are assigned a weight of 100 grams, for example, 60 plants= 6,000 grams= 6 kilos=15-21 months level 14 offense. If a plant weighs more than 100 grams, the actual weight is used.

The Federal guidelines below are for the judge's consideration as to what sentence to impose and are considered the most relevant factor in determining the sentence but they are no longer mandatory.

Amount of Marijuana	Sentence/Months	Offense Level
Less than 250 grams	0-6 months	6
250-999 g	2-8 months	8
1-2.4 kg	6-12 months	10
2.5-4.9 kg	10-16 months	12
5-9.9 kg	15-21 months	14
10-19 kg	21-27 months	16
20-39 kg	27-33 months	18
40-59 kg	33-41 months	20
60-79 kg	41-51 months	22
80-99 kg	51-63 months	24
5-Years Mandatory		
100-399 kg	63-78 months	26
400-699 kg	78-97 months	28
700-999 kg	97-121 months	30
10-Year Mandatory		
1000-2999 kg	121-151 months	32
3000-9999 kg	151-181 months	34
More than 10,000 kg	188-230 months	36

Level Adjustments

Early plea & acceptance of responsibility -2 or -3 at level 16	
Organizer or Leader +4	Between Minimal & Minor -3
Manager or Supervisor +3	Abuse of Position of Trust +2
Lesser Leader +2	Use of Special Skill +2
Minimal Participants -4	Obstruction +3

There are numerous factors (i.e. criminal convictions history) that affect the guidelines and sentencing.

Medical Marijuana Laws

Compassionate Use Act Of 1996/Proposition 215 (CUA)

§11362.5 etc. Ca. Health and Safety Code



Any licensed physician (M.D., O.D.) may orally, or in writing, approve or recommend the use of marijuana for the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, and any other condition or illness for which marijuana provides relief.

Notes from Bruce:

There is a lot of confusion about the interpretation of the medical marijuana laws. This is, in part, because the laws are relatively new and the courts of appeals have not yet had the opportunity to rule on how they are to be interpreted. Most of the appellate cases so far ruled on are included here in my guide. See Appellate Court "Landmark Cases" Medical Marijuana at pages 19 and 21 * See Note From Bruce: Regarding The Ambiguities Of The Current Medical Marijuana Laws (Page 15).

The Compassionate Use Act provides that patients (and their caregivers) may possess and cultivate marijuana in an amount **consistent with the patient's current medical needs**. [§ 11362.5 H&S Code]. See page 21, for information regarding patient collectives & co-ops established by Senate Bill 420.

Notes from Bruce:

The doctor's opinion regarding the patient's medicinal needs can be the most important testimony along with a court qualified cannabis expert for the defense. Patients and caregivers should discuss with their doctor the need for the doctor's commitment to testify on their behalf in the event the patient is prosecuted.

Notes from Bruce:

Transportation of marijuana for current medical needs is also lawful (See Sec. 11362.765 H&S Code) but not for just storing in the vehicle (PEOPLE V. WAYMAN (2010) [189 Cal. App. 4th p. 215]) (Page 22).

Medical Marijuana Program Act (Senate Bill 420) 2005

§ 11362.7-11362.83 Health and Safety Code

Provides for protection from Arrest and Seizure for amounts up to 8 ounces of dried flowers and 6 mature or 12 immature plants unless the patient's doctor determines that the patient's needs require more or if the city or county allows greater amounts. See page 17.

The act provides that a physician (M.D. or O.D.) who has conducted a medical examination and taken responsibility for an aspect of the medical care and has concluded that the patient has a serious medical condition that medical use of marijuana is appropriate, may recommend or approve its use. See § 11362.7 H & S.

In order to give law enforcement much needed guidance as to what amounts are presumptively legal and to provide qualified patients protection against unnecessary arrest, confiscation and prosecution, the California Legislature enacted Senate Bill 420. **Senate Bill 420 provides additional patient's rights including to form collectives and co-operatives to cultivate and provide marijuana to their members as well as protections from arrest and seizures.**

The law greatly expanded the medical laws and made legal patients collectives and cooperatives and provided a variety of new protections, including transportation 1136.75 H&S (See Page 21).

Notes from Bruce:

The Compassionate Use Act (Prop. 215), passed in 1996, provides protection from **conviction only**, not from arrest, seizure or prosecution. Unlike the Compassionate Use Act, Senate Bill 420 additionally **provides protection from arrest, seizure, prosecution, as well as conviction.**

The limits set for the protections afforded by this legislation are 8 ounces of mature marijuana (flowers/buds), and 6 mature plants (flowering) or 12 immature plants. Doctors usually provide a letter confirming that their patient's use of marijuana has been recommended or approved. Some doctors will indicate that their patient's needs are in excess of the limits set in under the Senate Bill 420 (MMP), which is allowed under the act.

Health and Safety Code § 11362.77 sets out that only the dry processed flowers (buds) are to be considered when evaluating the permissible amounts. Leaves and stalks are not to be considered.

The Supreme Court of California held in Jan 2010 that the limits set in SB 420 are not applicable in the prosecution of a patient. Patients need only to raise a reasonable doubt in court that the amounts confiscated were consistent with the patients current medical needs, because it would violate the rights established by the initiative under Prop 215 (CUA) (People v. Kelly (2010) 47 Cal. 4th 1008).

Medical Marijuana Laws (continued)



The County Health Department ID Program, under SB 420 was passed by the legislature in 2005 to provide protection to patients and their primary caregivers by establishing the government approved Patient Identification Card.

Notes from Bruce:

POLICE OFTEN IGNORE DOCTOR'S LETTERS BUT MUST RECOGNIZE COUNTY ISSUED CARDS

The police, courts and prosecutors do not have to accept the doctors' letter as proof of the patient's legal status unless they are subpoenaed to court from the custodian of the doctor's records. The police often ignore the physician's recommendation letter claiming, "they cannot determine if they are legitimate or forged". However, police are mandated by the law to acknowledge the County Health Department ID Cards. For the best protection against arrest, seizure, and prosecution, patients are strongly urged to obtain a County Issued ID card. SB 420 states that: "the department shall establish and maintain a 24 hour, toll free telephone number that will enable law enforcement officers to have immediate access to information necessary to verify the validity of an identification card issued by the department, until a cost effective Internet-based system can be developed for this purpose". SB 420 makes it mandatory for law enforcement to comply. See 11362.78 H&S.

Note from Bruce: **The ID system is also designed with safeguards to protect patient privacy.**

SB 420 criminalizes confidentiality breaches or "information provided to, or contained in the records of the department or of a county health department of the county's designee pertaining to an identification card program." [SB 420 11362.81 (d)]. This means, there can be no lawful reporting of confidential information about medical marijuana use to outside agencies, including the Federal Government.

To obtain a County Health ID Program call 866-621-2204 and dial "0".

Medical Marijuana Program (MMP) § 11362.765 H& S (Senate Bill 420) Patient's collectives, cooperatives and dispensaries.

Protects qualified patients who associate to collectively and cooperatively cultivate marijuana for medical use, solely on that basis, patients from shall not be subject to state criminal sanctions for marijuana offenses, including:

Possession	Health and Safety Code 11357
Cultivation	Health and Safety Code 11358
Possession for Sale	Health and Safety Code 11359
Sale, possessing, transporting, maintaining a locations etc.	Health and Safety Code 11360, 11366, etc.

For information on Collectives, Co-ops and Dispensaries, see pages 21.
For information regarding the application and the interpretation of these laws See "Appellate Courts Landmark Cases" in my guide, pages 18-20

11362.79 Places where medical use of marijuana is prohibited are to be afforded the protections under SB420. There are no such prohibitions under the CUA and they do not affect the rights of patients and caregivers in their defense in court under Prop. 215.

Nothing in this article shall authorize a qualified patient or person with an identification card to engage in the smoking of medical marijuana under any of the following circumstances:

- (a) In any place where smoking is prohibited by law.
- (b) In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence.
- (c) On a school bus.
- (d) While in a motor vehicle that is being operated.

Note From Bruce: Regarding The Ambiguities Of The Current Medical Marijuana Laws

See my website for the "non-binding" Jerry Brown's Attorney General's Guidelines on Collectives and Cooperatives (2008). Also see the Attorney General Kamala Harris's letter (Dec 21, 2011) to the legislature confirming that there are significant unresolved questions concerning the statute and asking for legislation to reform and simplify the laws for law enforcement and patients alike. These issues include; 1) Defining the contours of the right to collectives and cooperatives cultivation. 2) Dispensaries regulations are not clearly defined. 3) Non-Profit Operation. 4) Eatable Medical Marijuana Products.

Primary Caregivers

§11362.7 H&S (MMP) (SB 420, 2005)

WHO:

A primary caregiver is an individual, designated by the patient, who consistently assumes responsibility for a patient's housing, health or safety. A primary caregiver must, in the minimum, prove that they (1) consistently provided care for the patient; (2) the care provided was independent of any assistance relating to the patient's medical marijuana; and (3) the care provided was done at or before the time the primary caregiver assumed responsibility for assisting with the patient's medical marijuana needs. *People v. Mentch* (2008) 45 Cal. 4th 272, 283.

Notes from Bruce:

Providing marijuana alone is not sufficient to be a patient's primary caregiver. See *People v. Windus* (2008) 165 Cal. App. 4th 634. Cannabis clubs do not qualify as primary caregivers. See *People ex rel. Lundgren v. Peron* (1997) 59 Cal. App. 4th. 1383.

Health and Safety Code § 11362.765 (b)(3) extends the protection of SB 420 to include any individual who provides assistance to a qualified patient or a person with an identification card, or his or her primary caregiver, in administering medical marijuana or acquiring the skills to cultivate or administer marijuana.

HOW TO:

There is no requirement that a primary caregiver be designated in writing. Note that Senate Bill 420 includes provisions for each county health department to issue an ID card for primary caregivers.

REASONABLE COMPENSATION IS ALLOWED BUT NOT PROFIT.

The designated primary caregiver can receive compensation for actual expenses including reasonable compensation for the services provided relating to the care of the patient including out of pocket expenses. The term profit is not defined by the law and is a question for the jury. See *People v. Mentch* (2008) 45 Cal. 4th 272, 283.

Cultivation and distribution for profit are not authorized. A primary caregiver may receive compensation for expenses and services performed for the benefit of the patient...etc. Profit is a question for the jury. See *People v. Mentch* (2008) 45 Cal. 4th 283 and *People v. Windus* (2008) 165 Cal. App 4th 634, page 18 of the guide, "Appellate Court 'Landmark Cases' Medical Marijuana".

Notes from Bruce:

1. The "primary" caregiver is a person (individual), rather than an organization. The caregiver definition can apply when a patient receives either medical care or supportive services, or both, from a clinic, a health care facility, hospice, or a home health agency.
2. The "primary caregiver" can care for more than one person. SB 420 forbids caregivers from having more than one patient that resides outside the county of the caregiver. This may be an unconstitutional restriction and is subject to challenge.
3. No case holds that the patient must be unable to grow his or her own marijuana as a condition of having a caregiver.
4. Persons designated as "primary caregivers" are also eligible for the Health Department I.D. cards.

Local Guidelines That Exceed SB 420

420 “Limits”



As I predicted, The California Supreme Court ruled that the limits set by SB 420 (8 ounces, 6 mature or 12 immature plants) are unconstitutional when applied to court proceedings, which means that a patient needs to raise only a reasonable doubt in defending their case in court that the quantity was reasonably related to their medical needs. All other provisions of SB 420 remain including patient's rights to collectively cultivate, etc. See *People v. Kelly* (2010) on page 19 here in the guide “Landmark Cases”.

Local safe harbor policies exist to provide guidance to the police and to keep patients from being arrested, prosecuted and to avoid confiscation of their medical marijuana.

The physician's opinion regarding the amounts consistent with the patients' needs takes precedence over the limits set by SB 420. (Trump Card)

THE SAFE HARBOR LOCAL GUIDELINES BELOW ARE CONSTANTLY CHANGING. PLEASE CHECK COUNTY OR CITIES WEBSITE FOR UPDATES. THE ONES BELOW SERVE AS EXAMPLES.

COUNTIES AND CITIES NOT LISTED BELOW ADHERE TO CA STATE DEFAULT GUIDELINES OF 6 MATURE OR 12 IMMATURE PLANTS AND 8 OZ. OF DRIED PROCESSED MARIJUANA (BUD). CHECK INTERNET FOR UPDATES AND FOR RECENT CHANGES

ARCATA: City council passed an ordinance on 11/08 allowing no more than 50 square feet for cultivation. In addition, dispensaries will be prohibited from using more than %25 of their property for cultivation when the ordinance takes effect December 19th. The council may revisit the issue during the land use code revision process in six months. Those with special needs may request more grow space. The new standards apply only to areas of Arcata outside the Costal Zone, which rings Humboldt Bay. A separate but identical ordinance covers those areas, but will not go into effect until approved by the Coastal Commission, which will take at least a year and probably longer.

BERKELEY: Ordinance allows 10 plants and 2.5lbs per patient, or up to 50 plants, 12.5lbs for collectives.

BUTTE CO.: County guidelines: 6 mature or 12 immature, 1 pound processed material. Official Butte County policy regarding caregivers, collectives, and Co-ops.

CALAVERAS CO.: Board of supervisors approved: 6 plants and 2 pounds.

DEL NORTE CO.: County adopted Sonoma cultivation guidelines with maximum 100 square feet cultivation area and 99 plants or fewer; one pound possession limit (approved by Board of Supervisors 4/22/02). However, as of August 8th, 2008 those limits were thrown out, per *People v. Kelly* and a BOS action that began with the intent of reverting to state default guidelines.

EL DORADO CO.: Sheriff and DA policy; Indoors-10 flowering plants + 10 vegging + 1 mother; Outdoors: 20 starters or 10 mature plants, 1-2lb processed marijuana depending on season of year.

HUMBOLDT CO.: County guidelines allow patients 100 square feet and 3lbs with no plant number limit. Cities of Eureka and Fortuna PDs and CHP enforce SB 420 limits (6 mature/12 immature plants; ½ lb.).

MENDOCINO CO.: On December 30, 2008, Mendocino County Superior Court Judge John Behnke ruled Measure B's limits of eight ounces of dried marijuana and 6 mature or 12 immature plants per qualified patient (unless a doctor allows more) were now the legal limits in Mendocino County, reversing his August ruling throwing out the limits.

NEVADA CO.: Cultivation: 6 mature female plants or 75 square feet of plant canopy (previously 10 plants not to yield more than 2 lbs.). Possession: 2 lbs. processed marijuana- consistent with patient's recommendation.

OAKLAND: Indoors- 72 plants in maximum 32sq. ft. growing area. Outdoors- 20 plants, no area limits. Weight limit 3 lbs. dried marijuana per patient. Collective gardens limited to 3 patients. Dispensaries serving 4 or more patients are allowed max. 6 mature and 12 immature plants and ½ pound per patient.

SAN DIEGO (also CHULA VISTA): City council guidelines allow up to 1 lb. of marijuana, 24 plants in 64 square feet indoors; no outdoors growing allowed except in enclosed greenhouses.

SAN FRANCISCO: Patients allowed up to 24 plants or 25 square feet of canopy; dispensary gardens capped at 99 plants in 100 square feet. Possession limit 8 oz. dried cannabis per patient.

SANTA CRUZ: 100 sq. ft. of canopy and up to 99 plants is allowable under county guidelines for a patient or a bona fide caregiver. The City of Santa Cruz to adopt guidelines based on *People v. Kelly*.

SONOMA CO.: Guidelines permit 3 lbs. for possession; maximum 100 sq feet cultivation area with 30 plants or fewer (approved September 2006).

TRINITY CO.: On October 28, 2008, the Trinity Board of Supervisors repealed their medical marijuana ordinance, reverting them to the state guidelines (see below).

See www.1800420laws.com for updates in the guide and your local city and county laws for recent changes.

Appellate Court “Landmark Cases”

Medical Marijuana



PATIENTS RIGHT TO A HEARING TO DISMISS BEFORE TRIAL

PEOPLE V. MOWER (2002) [28 Cal. 4th 457] - When a defendant charged with a felony offense meets the burden that he is a qualified patient, the case should be dismissed pre-trial. The defendant, Mower, had 34 plants. The California Supreme Court ruled unanimously that patients and caregivers are entitled to a pre-trial hearing to dismiss possession and/or cultivation offenses. Patients should not be burdened with having to proceed to trial.

Note from Bruce:

The immunity afforded by Prop 215 (1996), and People V. Mower (2002), may also apply to the expanded protections authorized by SB 420 regarding Co-ops, collectives, members, and caregivers.

PATIENTS ARE ENTITLED TO THE RETURN OF THEIR MEDICAL MARIJUANA

THE CITY OF GARDEN GROVE V. THE SUPERIOR CT., FELIX KHA [(2007) 157 Cal. App. 4th 355]

Patients may invoke their right to have seized medical marijuana returned to them by providing a verified statement from their doctor. They are not required to provide information as to the source. Federal laws including conspiracy, and aider and abettor are not applicable because the city is merely abiding to a court order. Possession of medical marijuana is not a crime in the State of California.

DOCTOR’S ORAL RECOMMENDATION AND PATIENT’S TESTIMONY ALONE IS ENOUGH

PEOPLE V. JONES (2003) [112 Cal. App. 4th 341]-Patient’s testimony of oral approval from a doctor is sufficient to raise a reasonable doubt. (Also see PEOPLE V. WINDUS (2008) 165 Cal. App. 4th 634)

THE JUDGE CAN DISMISS PATIENT’S CASE IN THE INTEREST OF JUSTICE

PEOPLE V. KONOW (2004) [32 Cal. 4th 995] - A patient/defendant may “informally suggest” that the court dismiss the complaint “in the interests of justice,” and the court has the power to do so.

PATIENTS CAN DEFEAT PROBATION VIOLATION BASED ON THEIR MEDICAL USE

PEOPLE V. TILEKOOH (2003) [113 Cal. App. 4th 1433] - Probationers are allowed to use medical marijuana even when on probation for controlled substance offenses, including marijuana. Federal laws are not enforced in our State courts and the term “obey all laws” as a condition of probation does not include federal laws to the contrary. (However, refer to PEOPLE V. BIANCO, (2001) 93 Cal. App. 4th 748 holding that judges retain discretion to refuse to allow medical marijuana use while on probation.) See PEOPLE V. MORET, (2009) [186 Cal. App. 4th 839]

GROWERS MAY NOT PROVIDE TO DISPENSARIES (UNLESS AS A MEMBER OF A CO-OP OR COLLECTIVE)

PEOPLE V. GALAMBOS (2002) [104 Cal. App. 4th 1147] - The limited immunity created by the medical marijuana laws did not imply immunity for growers who furnish marijuana to dispensaries. However, refer to SB 420 regarding Co-op and collective member patient protections (described here in my guide) that cultivate and provide marijuana to other patient members.

TO QUALIFY A CAREGIVER MUST DO MORE THAN PROVIDE MARIJUANA AND OCCASIONALLY PROVIDE OTHER SERVICES TO A PATIENT

PEOPLE V. WINDUS, (2008) [165 Cal. App. 4th 634] says the services must be consistent and in PEOPLE V. MENTCH 45 Cal. 4TH AT 283. the Supreme Court of California has held that to qualify as a caregiver one must consistently assume responsibility before there is any marijuana provided and provide care giving independent from providing marijuana.

TRANSPORTATION MUST BE FOR THE PATIENT’S CURRENT MEDICAL NEEDS

PEOPLE V. WAYMAN (2010) [189 Cal. App. 4th p. 215]- The patient/defendant testified that he kept his entire supply of marijuana solely for his own personal medical use in trunk of his car to appease his mother who did not want it in her house. The appellate court upheld the conviction because storing in the trunk was not for “transportation” for his current medical needs. He had about four ounces in 26 baggies (3.5 grams each), 14 small bottles of hash, electronic scale and \$120. The court noted that had Wayman been leaving town for an extended vacation, his possession of 4 ounces might fall within the protections of the CUA and MMP.

Appellate Court “Landmark Cases”

Medical Marijuana (continued)

TRANSPORTATION IS PERMITTED

PEOPLE V. COLVIN (2012) [203 Cal. App. 4th 1029] Patients and Caregivers who are members of Collectives or Co-ops may transport Medical Marijuana. AG Guidelines permit members of Collectives or Co-ops to perform participant work other than cultivation for their Collective or Co-op.

PEOPLE V. TRIPPET (1997) [56 Cal. App. 4th 1532] - The “quantity possessed by the patient or the primary caregiver, and the form and manner in which it is possessed, must be reasonably related to the patient’s current medical needs” and Prop. 215, a ruling which implied transportation is protected under Prop. 215.

PEOPLE V. WRIGHT (2006) [40 Cal. 4th 81] - Transportation for personal medical use is protected. Here the defendant/patient denied he had marijuana in the car, but the cop found numerous baggies totaling slightly more than a pound, a scale and no smoking devices. He was charged with possession for sale and transportation and the jury was instructed on simple possession. His doctor testified that he approved self-regulating doses and that a pound every two or three months was consistent with his medical needs. The defendant testified that the marijuana was for his own use. The court held that the defendant was entitled to assert the defense under § 11362.77b and was not limited to any particular amount. Also, patients are protected from charges of Vehicle Code § 23222, possession of marijuana in a vehicle.

NOTE: Because the FAA (Federal Aviation Association) is under Federal law, traveling with medical marijuana is a violation of Federal law, even if under state medical marijuana law it may be allowed. However, I am not aware of any Federal charges brought involving small quantities.

THE REASON FOR A DOCTOR’S RECOMMENDATION IS CONFIDENTIAL AND NOT TO BE SECOND GUESSED BY THE JUDGE, JURY OR PROSECUTORS

PEOPLE V. SPARK (2004) [121 Cal. App. 4th 259] - “The compassionate use defense (§ 11362.5 H&S) does not require a defendant to present evidence that he or she was ‘seriously ill’... the question of whether the medical use of marijuana is appropriate for a patient’s illness is a determination to be made by a physician... not to be second-guessed by jurors who might not deem the patient’s condition to be “sufficiently serious.”

DOCTOR’S RECOMMENDATION MUST BE OBTAINED BEFORE THE BUST

PEOPLE V. RIGO (1999) [69 Cal. App. 4th 409] - A doctor’s approval obtained post-arrest is not a defense.

Note from Bruce:

A post-arrest Doctor’s recommendation may be helpful in plea bargaining and defending charges of possession for sale.

ONCE A PATIENT HAS DOCTOR’S APPROVAL OR RECOMMENDATION IT DOES NOT EXPIRE AUTOMATICALLY AND THE DOCTOR CAN TESTIFY ABOUT CURRENT AMOUNTS NEEDED

Doctor’s approval or recommendation does not expire under the CUA. Refer to PEOPLE V. WINDUS, (2008) 165 Cal. App. 4th 634. Windus had a recommendation that was three years old when he was arrested. His doctor testified at trial that the 1.6 pounds Windus had when he was busted was reasonably related to his medical needs at that time. The court held that the CUA does not state that recommendations expire or that they must be renewed once given. **Note that the doctor’s letter did not have an expiration date in this case and most letters do.**

PATIENT/DEFENDANT MAY POSSESS AND CULTIVATE ANY AMOUNTS FOR THEIR PERSONAL MEDICAL NEEDS

People v. Kelly: (2010) [47 Cal. 4th 1008] - The Supreme Court recently ruled the quantitative guidelines established in SB 420 to be unconstitutional when applied to the in court prosecution of a patient. This does not mean that there are no limitations on what a patient may grow or possess but must be reasonably related to the patient’s current medical needs.

AG GUIDELINES ARE RELEVANT IN EVALUATING THE LEGALITY OF DISPENSARIES/COLLECTIVES

People v. Hochenadel: (2009) [176 Cal. App. 4th 997] indicates that dispensary/collective owners have a 4th Amendment protection (standing) with regard to the location of the collective/dispensaries. The Court held that the AG Guidelines were instructive in the determination of the legality of a collective/dispensary. HS § 11362.5 instructs that the Attorney General is to formulate guidelines relating to the application of medical marijuana law.

SEARCH WARRANT MUST INCLUDE DESCRIPTION OF THE MEDICAL MARIJUANA FACILITY

US v. \$186,000 527 F. Supp. 2d 1103: Police cannot omit facts when applying for a search warrant that failed to describe the existence of a medical marijuana organization. The federal appeals court held that the warrant was invalid as the dispensary was probably legal under CA laws.

Appellate Court “Landmark Cases”

Medical Marijuana (continued)

POLICE OFFICERS WHO HAVE NOT ACQUIRED SUFFICIENT EXPERTISE OF MEDICAL MARIJUANA LAWS AND PATTERNS OF USE BY PATIENTS MAY NOT RENDER AN EXPERT OPINION IN REGARDS TO LAWFUL OR UNLAWFUL POSSESSION, OR INTENT FOR SALE. GRAM SCALES, AS WELL AS MULTIPLE BAGGIES ARE CONSISTENT WITH PATIENTS MEDICAL NEEDS.

PEOPLE V. CHAKOS (2007) [158 Cal. App. 4th 357]

Defendant had 5.87 ounces in multiple containers; glass jar had less than an ounce, zip lock baggie had 1.47 ounce and large zip lock had .28 ounces. Multiple baggies of marijuana and gram scales are consistent with the needs of a medical marijuana patients and not necessarily indicative of sales. Court cites People V. Hunt [4 Cal. 3rd, 238], “street value seems immaterial”.

STOREFRONT DISPENSARIES THAT ARE PROPERLY ORGANIZED AS COOPERATIVES OR COLLECTIVES MAY OPERATE LEGALLY, BUT MAY NOT QUALIFY AS PRIMARY CAREGIVERS

PEOPLE V. HOCHENADEL (2009) [176 Cal. App. 4th 997]. Any monetary reimbursements that members provided should only be an amount necessary to cover overhead costs and operating expenses. The 2008 California Attorney General guidelines are entitled to considerable weight in evaluating the legitimacy of the organization and their activities. Proposed new AG Guidelines have been published, but have not yet been approved. (See our website for the entire AG Guidelines for the security and non-diversion of marijuana grown for medical use).

THE LAW CONTEMPLATES THE FORMATION OF MARIJUANA COOPERATIVES THAT COULD RECEIVE REIMBURSEMENT FOR MARIJUANA AND SERVICES PROVIDED

PEOPLE V. URZICEANU, (2005) [132 Cal. App. 4th 747]

This new law represents a dramatic change in the prohibitions on the use, distribution, and cultivation of marijuana for persons or qualified patients or primary caregivers. The law indicates and contemplates the formation and operation of medical marijuana cooperatives that would receive reimbursement for marijuana and the services provided in conjunction with a provision of that marijuana. Please see page 23 for more detailed facts and information about this very important case.

MEDICAL MARIJUANA QUALIFIED PATIENTS MAY DEFEND AGAINST VIOLATIONS OF PROBATION FOR THE USE OF MEDICAL MARIJUANA

PEOPLE V. TILEHKOOR, (2003) [113 Cal. App. 4th 1433]

The Court has the discretion to disallow the use of medical marijuana even for patients as a term of probation.

DISPENSARIES PATIENT CAN TRANSPORT MARIJUANA AND MEMBER PARTICIPATION REQUIRE NOTHING MORE THEN SHOP

People V. Colvin (2012) [203 Cal 4th 1029] The court held per 11362.775 H&S that transportation by the manager of over a pound between dispensaries was legal and that the members of collectives need do nothing more then shop at their dispensaries and are not required to participate otherwise. Collectives and cooperatives may cultivate and transport marijuana in aggregate amounts tied to its membership numbers. The possession of extracted or **concentrated cannabis** is protected. Marijuana was grown in Humboldt and Los Angeles. Growers dropped it off for other members to buy. Members paid fees for the marijuana.

PATIENTS ARE ENTITLED TO CULTIVATE (NON-PROFIT) FOR THEMSELVES AND THEIR COLLECTIVE NO MATTER HOW LARGE, i.e 1600 MEMBERS.

PEOPLE V. JOVAN JACKSON, (CA Ct App.-Oct 24, 2012) [D058988 Super. Ct. No. SCD222793 4th Appellate Division 1] Collective of 1600 people does not mean that it is not a legitimate collective. Jackson is entitled to offer evidence under (MMPA) H&S 11362.7. Jackson testified that he and five others were cultivating marijuana and providing it to themselves and approximately 1,600 members of the collective. Jackson offered no testimony with respect to how the collective was governed, but did testify that the collective did not generate profit for either himself or the other 4 or 5 participants; and that he and others were paid only for the expenses they incurred in cultivating marijuana and operating the dispensary. There were no membership meetings or attempts to contact members regarding the operations. **There were high volume purchases made by members; still it does not mean that it was for profit.** The only authority the Attorney General offered, **People ex. rel. Trutanich v. Joseph (2012) 204 Cal. App. 4th. 1512, 1523**, does not consider the express terms of the MMPA, but simply makes the conclusory statement that section 11362.775 “ does not cover dispensing or selling marijuana.” That statement is of course inconsistent with the Attorney General’s own guidelines, which appear to contemplate that collective and cooperatives will dispense marijuana and that there will be an **exchange for cash consideration**. It is also inconsistent with the Legislature’s recent addition of Section 11362.768 to the MMPA. A medical marijuana cooperative, collective, dispensary... is authorized by law to posses, cultivate, distribute marijuana and permits dispensaries; which is contrary to the court’s statements in Trutanich v. Joseph.

Patient Collectives And Cooperatives

Health and Safety Code § 11362.775; Senate Bill 420:

The legislature intended to “enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects.”

Collectives and cooperatives are NOT DEFINED by SB 420. Collectives and Co-ops, abiding by local laws and guidelines exist throughout the state and can legally grow and provide marijuana to their members. Persons providing assistance in administering marijuana to patients and education about cultivation are also protected. Health and Safety code § 11362.765(b)(3).

Federal laws do not protect patients or members of collectives or cooperatives from prosecution, as medical marijuana is not recognized as a defense. However, the Federal prosecution of patients/dispensaries has been rare, but recently there have been cases prosecuted by the FED's involving very large operations, tax evasion allegations, when there within 1,000 feet from schools, organized crimes groups and for-profit organizations. See Federal Marijuana Sentencing at page 13.

In August 2008, the California Attorney General's office published its “Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.” These Guidelines were to provide a comprehensive understanding of collectives and cooperative operation. They are NOT binding under court. They are intended to guide cooperatives and collectives and indicate various factors to take into account when operating a collective/cooperative. They are to be given great weight by the Courts when determining if the collective/Co-op is operating legally. See Attorney General Kamala Harris's letter to the legislature on my website, regarding the uncertainty of the meaning of the statute H&S § 11362.775; including dispensaries, the term “non profit”, and Edibles.

Collectives and Cooperatives are two distinct groups of qualified patients that may cultivate and provide marijuana to their members. Cooperatives must follow the California Corporations Laws requirement (setting up their group and maintaining records, etc.)

Collectives are not defined under the laws, however they are usually more informal patients groups whom organize themselves for medical marijuana cultivation and to provide for the patients' medical needs.

The Attorney General's guideline has concluded that both collectives and cooperatives are legal under the law.

Pursuant to the Attorney General's Guidelines Opinion collectives and cooperatives should conform substantially to follow the following rules: Collectives and Cooperatives must be democratically operated by their members. Marijuana must not be diverted for non-medical purposes or diverted to individuals outside the organization. None of the activities may be done for profit.

(Notes from Bruce: The law does not define the term “profit”)

In the appellate cases, issues of profit have not been directly defined in the law or in the Attorney General's Guidelines. However, only the direct expenses related to the cultivation and distribution of the medicine can be reimbursed. Court rulings contain language that the “services” associated with medical marijuana cultivation may be reimbursed. This does not exclude the possible compensation for one's work and effort. It has been held that profit is a question for the jury. Profit is defined by Merriam-Webster as “the excess of returns over expenditures in a transaction or series of transactions”. Any money in excess of the expenses should be returned to members, used to reduce the cost of medicine or used to provide other medically related services to the members.

See my website www.1800420laws.com for the Attorney General guidelines.

Notes from Bruce:

The fewer members the better. The large cultivation projects are more likely to get busted and prosecuted. My experience has been that successfully defending smaller collectives is much easier and the prosecutors may dismiss before litigation is required, once they are presented with documentation and/or medical records of members. For example, a member of a collective that I represented last month was charged with possession for sale; had about 120 plants with 22 members and resulted in dismissal at the preliminary hearing. See People V. Mower, under landmark cases

Note from Bruce: regarding experts to testify for the defense in medical cases.

“National Institute of Court Qualified Cannabis Experts”

I founded and the director of the Nation Institute of Court Qualified Cannabis Experts. Faculty members of the Institute and myself provide education about current marijuana related case law, and other related issues. In many medical marijuana cases, an expert testifying about patient's collectives and dispensaries and medical marijuana, use plant yields, etc., can be the turning point in obtaining a dismissal or a not guilty verdict. The faculty members have included court-qualified experts Chris Conrad, Bill Britt and others.

If you are interested in becoming an expert send your resume via fax (310-652-1501) or Email bmargolin@mar-golinlawoffice.com.

Dispensaries

Dispensaries that are not patient Co-ops or collectives, and sell marijuana over the counter to anyone who presents a doctor's letter, may not qualify for protection under California's medical marijuana laws. (Refer to PEOPLE V. PERON, (1997) 59 Cal. App. 1383.) **Dispensaries are not caregivers.**

In August 2008, California Attorney General Jerry Brown expressed the Attorney General's opinion that properly organized collectives or cooperatives that dispense medical marijuana through storefront locations may be lawful. Refer to my web site for the Attorney General's Guidelines for Security and Non Diversion of Marijuana Grown for Medical Use on Medical Marijuana. Go to my website, 420Laws.com for the A.G.'s Guidelines.

The Attorney General's Guidelines state that patient's collectives and Co-ops may provide marijuana: 1. Free to its members. 2. In exchange for services provided by the members. 3. For fees based on costs for overhead and operating expenses.

SB 420 "contemplates the formation and operation of medicinal marijuana cooperatives and collectives that would receive reimbursement for marijuana and the services provided in conjunction with the provision of that marijuana." Patient cooperatives or collectives may cultivate and dispense to their member patients. Refer to PEOPLE V. URZICEANU 132 Cal App. 4th 747 under "Example of a Legally Defensible Co-ops" section in this Guide.

There are hundreds of organizations currently dispensing medical marijuana in California; many are conforming to the required local regulations, others are not. Many are being tolerated because they meet the needs of patients and are careful to provide only to patients. Some have been closed down, while many others have been raided by Federal DEA Agents throughout the state of California.

Many have since re-opened, but the U.S Federal Court, as recently as 2012, has charged some members, even though it's been several years since they were raided. Those cases included allegations of large profits by the operators.

Dispensaries are continually being busted by undercover cops who often posing as patients (with doctor's letters). Investigations are launched to determine whether the dispensaries are actually collectives (patient run, non-profit groups as required by state law) rather than profit making organizations run by individual owners; and also whether or not these organizations had properly filed and paid Board of Equalization Taxes, complied with local ordinances. See 11362.83 H&S.

Notes from Bruce:

My office currently, and has consistently, defended numerous collectives and dispensaries which have been busted

For information regarding the local rules, regulations, and licensing of dispensaries, please contact my office for referrals to experienced attorneys who are available to assist for those interested in establishing a dispensaries or co-ops/collectives.

California Health and Safety Code Section 11362.768 - Jan 1, 2011

Applies to individuals of section 11362.765 collectives, caregivers and delivery services...etc.

No Medical marijuana cooperative, collective, dispensary, provider who possesses, cultivates, or distributes medical-marijuana that has a storefront or mobile retail outlet which ordinary requires a local business license, pursuant to this article, shall be located within a 600 foot radius of school. See PEOPLE V. JOVAN JACKSON, page 20, "Appellate Court Landmark Cases"

Note from Bruce:

DISPENSARY BUSTS

Police officers often ask a set list of questions in order to make an assessment of the legality of a collective/Co-op at the scene of a bust. Below are some of the questions patients and workers have encountered: (Remember that everyone has the right not to consent to being detained or to answer questions. Wrong or confused answers have often been the bases for prosecution. One of the latest prosecution tactics by the police is to get answers to show profit. It replaces the last prosecution tactic that was to get answers that will show that not all the members are participating in the entire activities including growing. That position was been changed because of the ruling in PEOPLE V. COLVIN in 2012. Some prosecutors seem to justify prosecution based only on their subjective opinion of how a collective/Co-op is suppose to be legally run and the interpretation of the law. **See my Invocation of Rights Card (wallet sized) here in the center fold of my guide.)**

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A Example Of A Legally Defensible Cooperative

PEOPLE V. URZICEANU [2005 132 Cal. App. 4th 747]

The California court of appeals held that based on the facts presented the defendant (patient) showed substantial evidence to suggest he was entitled to raise the collective defense under section 11362.775 H&S. Accordingly, the defendant was entitled to use section 11362.775 H&S as a defense to the charges, possession for sale, and cultivation when the case was returned to the trial court and the conviction was set aside.

ADDITIONAL FACTS in the case:

- The police found \$2,800 in cash and pay/owe sheets at the collective residence.
- The officers found at least 51 plants in the greenhouse (2-4 feet tall) and another 259 plants around the pool and backyard for a total of 410 pounds. It was estimated that between 11 and 32 pounds of marijuana would be produced, sufficient for 12-20 chronic pain patients per year.
- Some patients testified that they were members of the cooperative; others believed they owned a number of plants. One testified that he was a member of another cooperative as well during the same time.
- Several patients had made donations to receive medical marijuana, others were given free marijuana and plants, and another paid \$50 for an eighth.
- The organization took in \$3-4,000/day.
- They paid \$5000 in attorney fees for consultation.

The defendant ran the Flora Care patient collective, which cultivated between 190 - 300 plants at the location.

HOW THE COLLECTIVE WORKED:

*The plants were collectively grown for the members; some were owned by individual members.

*Baked goods were available to the patients.

*A typed list suggested donation values for the products.

*There were a few hundred members, a \$25 membership fee, and at least a dozen individuals assisted in the cultivation.

*Fifteen members assisted in the intake of new members, and were compensated for their work in the form of gas money and marijuana.

*One of the members would deliver marijuana to patients.

Patients/members MEMBERSHIP AGREEMENT:

1. I have been diagnosed with a serious illness for which cannabis provides relief and have received a recommendation or approval from my physician to use cannabis.
2. I understand that my contributions for products I may acquire from this organization are used to ensure continued operation and that this transaction in no way constitutes commercial promotion.
3. The money I pay is to help the collective continue to provide its members with marijuana for our medicinal needs.
4. Flora Care is a collective with the medical marijuana in possession of all its members.
5. I designate Flora Care as my provider for my medicinal marijuana.

Note From Bruce:

For those interested in organizing collectives, co-operatives and dispensaries, my office can refer you to business attorneys who have the experience. However, under Federal US Controlled Substance Act, medical marijuana is not recognized as a defense to prosecution. Additionally, a lawyer's advice does not provide a bar to prosecution in State or Federal Courts.

How Many Plants Can A Patient Grow?

In order to have the protections afforded by SB 420, a patient must have no more than six mature (flowering buds) **or** twelve immature plants (unless the local guidelines exceed that amount). Additionally, a doctors letter alone does not have to be accepted by the police, and therefore it is often necessary to have a county health department issued patient or caregiver identification card to avoid being arrested and your plants confiscated. However, if prosecuted in court proceedings there is no limit on the number of plants a patient may have, but the amounts must be reasonably necessary for the patient's or caregivers current medical needs; and there must be no evidence of sales.

The U.S. Federal Program established in 1976 by the National Institute on Drug Abuse in their Compassionate Investigational New Drug Program, is still providing 7 patients with about a half-pound per month or 2 ounces per week per patient; which works out to 6 pounds per year (See Internet, Patient Robert C. Randell 1948-2001) .

A large number of plants are needed to cultivate that amount of bud, especially if it's an outdoor grow, as it is limited to one crop annually.

Under Prop. 215(Compassionate Use Act of 1996) there are no limits as to how many plants or how much marijuana a patient may possess or cultivate. In court proceedings (where a patient is prosecuted) the limitations of the quantitative provisions (8 ounces, 6-12 plants) of SB 420 have been invalidated and deemed unconstitutional as unlawfully diminishing the rights of patients facing prosecution, as established by Prop 215. Patients may possess or cultivate amounts that are consistent with their current medical needs. See People v. Kelly (2010) on page 19 here in the guide "Landmark Cases".

The doctor's evaluation of patient's needs can be the most relevant evidence. Some doctor's have been providing 99 plant recommendations. However, I believe it is necessary that it's established that the number of plants is necessary for the current medical needs of the patient.

The 1992 DEA Cannabis Yields study concluded that the weight of the dried, manicured, medical grade bud from a plant only accounts for 7-10% of the plant's total weight while being cultivated.

Defense expert testimony may explain the factors involved in growing and harvesting medical marijuana in order to help the judge or jury evaluate whether the number of plants seized was reasonably required to meet the then-current medical needs of the patient.

See information about the National Institute of Court Qualified Cannabis Experts in the "Report to the People" and "Patient Collectives and Cooperatives" sections in my guide.

Experts use some of the following factors in their opinions as to whether the amounts are reasonably necessary:

- What the expected yield is of medical-grade marijuana buds from the plants in question.
- Whether the grow is indoors or outdoors. Outdoor grows can only be harvested once a year, whereas indoor grows may yield less per crop, but may yield two to three harvests each year.
- Whether the patient smokes or eats marijuana. Patients who eat marijuana may need to consume up to four times the amount to get the same medicinal effects as the patients who smoke it.
- Whether the patient has built up a tolerance due to prior use of marijuana, pharmaceutical or street drug use. Such patients may require higher dosages of medical marijuana in order to be effective.
- The effect of weather, insects and other natural variables that affect yields
- How much medicine a patient must set aside to allow for the speculative yield from a future grow.

Example of a court qualified cannabis expert's testimony regarding the evaluation of the patient's medical needs:

"Christopher Conrad is a court qualified cannabis expert. He testified that it is extremely common for users of medical marijuana to keep supplies of marijuana on hand. This is because dispensaries routinely are being shut down all around the state, leaving patients with nowhere to go except the "black market," which can be "unreliable, dangerous, [and] expensive." It is also common for users of medical marijuana to store marijuana in multiple bags to keep track of the different varieties of marijuana that come from different plants and to more easily carry and handle it for themselves. Marijuana can be stored for five years without losing a significant amount of its potency. Marijuana can be ingested either by smoking it or eating it. When marijuana is eaten, patient needs to consume between three to five times more than when it is smoked. According to a study by the National Institute on Drug Abuse, a typical marijuana plant of about six feet produces about four ounces of "finished bud." It is "extremely difficult" to anticipate the yield from a marijuana plant because it is hard to tell how much a plant will grown and how pests or diseases might affect the plant. The total useable amount calculated by Conrad, in that case, of approximately nine and one-half pounds was enough for a one-year supply if the marijuana was eaten, or a three-year supply if smoked by that patient. See People V. CHAKOS, Page 20.

Medical Marijuana While On Probation, Parole, Or In Jail

PEOPLE V. TILEKOOH (2003) [113 Cal. App. 4th 1433] A patient may use the medical marijuana laws as a defense against probation violation for marijuana offenses. The decision reiterates that federal law is not a bar to the rights of Californians under the protections afforded by our medical marijuana laws.

California courts do not enforce Federal laws and the term, "obey all laws as a condition of probation," does not include Federal laws.

Persons who are incarcerated may not be punished or prevented from obtaining a patient I.D. Card. SB 420, H&S 11362.785(b).

Nothing prohibits a prisoner or a person under arrest, who has an I.D. Card, from using marijuana for medical purposes under circumstances that will not endanger the health or safety of other prisoners or the security of the facility. SB 420, H&S § 11362.785(c).

Probationers and parolees may confirm with the court or parole board that they are allowed to use medical marijuana. SB 420, H&S § 11362.795. Refer to Peron v. Bianco (2001) 104 Cal. App. 4th 357.

Note from Bruce:

Medical marijuana patients are eligible for Prop 36 treatment. See People v. Beatty (2010) 181 Cal. App. 4th at 644.

Medical Concentrated Cannabis

Ca Health & Safety Code § 11357 (a) vs. 11362.5 H&S

The Compassionate Use Act (Prop. 215) does not explicitly address the question of whether concentrated cannabis or "hashish" is protected by Prop. 215. However, the most recent edition of the Judicial Council's Jury Instructions (PC § 2377) requires judges to instruct juries that it is protected. This rule follows an opinion of the California Attorney General (86 Ops. Cal. Atty. Gen. 180, 194 (2003)). See my website, www.1800420Laws.com, for the full Attorney General's opinion. See People V. Colvin (2012) [203 Cal 4th 1029], also confirmed that concentrated cannabis is subject to the protections afforded to patients.

Note from Bruce:

Manufacturing hashish, even for medical purposes, is illegal when made with butane or other chemical process. Refer to People v. Bergen (2008) [166 Cal. App. 4th 161]. "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others."

THE MARIJUANA LAWS IN ALL 50 STATES

Notes

Some of these state-by-state marijuana laws have been compiled from unofficial sources; however we have done our best to provide accurate data. It is always best to rely on the state codes, particularly in light of the fact that some of the laws might have changed before and after publication

✱ = The state has **DECRIMINALIZED** marijuana to some degree. In general this means there is no possible prison sentence or criminal record for first time possession of a specific quantity for personal consumption. Instead, it is treated like a minor traffic violation.

■ = The state has **MANDATORY** minimum sentences and the judge has no discretion in sentencing to give less than the mandatory minimum or higher. A prisoner serving a MMS for a federal offense or most state offenses will NOT be eligible for parole.

🔒 = State allows for the **CONDITIONAL** release or alternative diversion sentencing for its first time possession offenders. In general, this means the person can be put on probation instead of on trial. Upon successful completion of the program, the individual is spared any of the stated penalties and accompanying criminal record.

✚ = **MEDICAL MARIJUANA** laws passed.

M = Misdemeanor

F = Felony

< = less than

> = more than

MMS = Mandatory Minimum Sentence

UPDATE!

As of November 6, 2012, voters in Colorado and Washington State have approved ballot measures, which allow adults 21 and older to possess up to an ounce, and to buy from state licensed vendors.

👍 = Legalization of Recreational Use of Marijuana for Adults 21 and over

ALABAMA: ■

POSSESSION: any amount (in the 2nd degree) - M/1 yr/\$6,000; any amount (in the 1st degree) - F/1 yr-10yrs/\$15,000

SALE/TRAFFICKING: 2.2lbs to 100 lbs- F/MMI 3 yrs/\$25,000; 100 lbs to 500 lbs- F/MMI 5 yrs/\$50,000; 500 lbs to 1,000 lbs- F/MMI 15 yrs/\$200,000; >1,000 lbs- F/MMI life in prison; on or near school campus- F/5 yrs additional

PARAPHERNALIA: possession/sale- M/1yr/\$6,000; sale to a minor- F/2 yrs-20 yrs/\$30,000

ALASKA ✱✚

POSSESSION: <1 oz. in residence or home- no penalty; 1 to 4 oz. -M/90 Days/\$1,000; >4 oz. -F/5 yrs. /\$50,000; Any amount within 500ft. of campus, school, or other educational institute- F/5 yrs./\$50,000

SALE/CULTIVATION: <1 oz. - M/1 yr./\$5,000; >1 oz.- F/5 yrs./\$50,000;

ARIZONA ✚

POSSESSION: <2 lbs.-F/1 yr/\$150,000; 2 to 4 lbs.-F/18 months/\$150,000; On or near school campus- Additional 1 yr/\$2,000;

CULTIVATION: <2 lbs.-F/18 months/\$150,000; 2 to 4 lbs.-F/30 months/\$150,000; >4 lbs.-F/42 months/\$150,000;

SALE: <2 lbs.-F/30 Months/\$150,000; >4lbs.-F/5 yrs/\$150,000;

Transport with Intent to Sell: <2lbs.-F/42 months/\$150,000; >2lbs.-F/5 yrs/\$150,000

PARAPHERNALIA: Possession or sale- F/18 months/\$150,000

Note: Depending on extenuating circumstances, some of the above felonies may be charged as misdemeanors

ARKANSAS: 🔒

POSSESSION: <1 oz.-M/1 yr/\$1,000

SALE OR DELIVERY: <10 lbs.-F/4 to 10 yrs/\$1,000; 10 to 100 lbs.-F/5 to 20 yrs/\$15,000-\$50,000; 100 lbs. to 500 lbs.-F/5 to 30 yrs/\$15,000-\$100,000; >500 lbs.-F/10 to 40 yrs/\$250,000

CALIFORNIA: ✱✚

POSSESSION: <28.5g.- IF/\$100; >28.5g.-M/6 mo. /\$500; On school grounds- M/Add 10 days/\$500;

CULTIVATION: Any amount (except for patients/caregivers)- F/3 yrs

SALE: Gift of <28.5g- M/\$100; Any amount- F/2 to 4 yrs; Sale to minor under 18- F/3 to 5 yrs; Minor <15 years old- F/ 3,5, or 7 yrs

COLORADO: ✱✚👍

POSSESSION: Adults 21 and over may legally possess up to an ounce ; 1 to 8 oz -M/6 mos.. -18 mos./\$500-\$5,000; 1 to 8 oz. with prior conviction- F/1-3 yrs/\$1,000-\$100,000; >8 oz. -first offense- F/1-3 yrs/\$1,000-\$100,000; >8 oz.- with any prior conviction- F/2-6 yrs/\$2,000-\$500,000

SALE: <1 oz, without monetary exchange.- petty offense/\$100; >1 oz- to a minor aged 15-18(w/ or w/out monetary exchange)- F/2-6 yrs/\$2,000-\$500,000; >1 oz to a minor <15- F/4-12 yrs/\$3,000-\$750,000

CULTIVATION: Adults may legally grow up to 6 ounces, otherwise first offense-F/3 yrs/Up to \$5,000;with any prior conviction-F/3 yrs/\$5,000

CONNECTICUT: ■

POSSESSION: <4 oz.- M/1 yr/\$1,000; <4 oz- with any prior conviction- F/5 yrs/\$3,000; >4 oz- F/5 yrs/\$2,000; >4 oz- with any prior conviction- F/10 yrs/\$5,000; within 1,500 feet of school- F/ additional MMI 2 yrs

SALE: <1 kg- F/Up to 7 yrs/\$25,000; >1 kg- F/5 yrs-20 yrs; within 1,500 feet of school- F/Additional MMI 3 yrs

PARAPHERNALIA: possession- M/3 mos. /\$500; within 1,500 ft. of school- F/additional 1 yr

DELAWARE: ■

POSSESSION: Any amount- M/6 mos. /\$2,000; within 300 ft. of religious or rec. area or within 1,000 ft. of school- F/15 yrs/\$250,000

SALE, CULTIVATION OR TRAFFICKING: <5 lbs. - F/Up to 5 yrs/\$10,000; 5 to 100 lbs- F/MMI 2yrs/\$25,000; 100 to 500 lbs- F/4 yrs/\$50,000; >500 lbs- F/MMI 8 yrs/\$100,000; Sale to minor (aged 16-20)- F/Up to 5 yrs/\$10,000; aged 14-15- F/MMI mos./\$10,000; aged <14- F/MMI 1 yr/\$10,000; within 300 ft. of religious/rec. area or 1,000 ft. of school- F/Up to 15 yrs/\$250,000

PURCHASE: From minor (aged 16-17)- any amount- F/Up to 5 yrs; aged 14-15- F/MMI 6 mos; aged <14- F/MMI 1 yr;

FLORIDA: ■

POSSESSION: <20g- M/1 yr/\$1,000; >20g- M/5 yrs/\$5,000

SALE OR CULTIVATION: Delivery of <20g – no monetary exchange- M/1 yr/\$1,000; <25 lbs- F/ Up to 5 yrs/\$5,000; 25 lbs to 2,000 lbs- F/MMI 3 yrs/\$25,000; 2,000 to 10,000 lbs- F/MMI 7 yrs/\$50,000; >10,000 lbs- F/MMI 15 yrs/\$200,000; within 1,000 ft. of restricted property- F/up to 15 yrs/\$10,000

PARAPHERNALIA: possession- M/1 yr/\$1,000

GEORGIA: ■🔒

POSSESSION: <1oz- M/Conditional probation; <1oz- second offense- M/1 yr/\$1,000; >1oz- F/1 yr- 10 yrs;

SALE, CULTIVATION OR TRAFFICKING: <10 lbs- F/1 yr- 10 yrs/ 10 lbs to 2,000 lbs- F/MMI 5 yrs/ \$100,000; 2,000 lbs to 10,000 lbs- F/MMI 7 yrs/ \$250,000; >10,000 lbs- F/15 yrs/\$1,000,000; near specified location- F/Up to 20 yrs/\$20,000

HAWAII: ✚🔒

POSSESSION: <1 oz- M/Up to 30 days/\$1,000; >1 oz- M/Up to 1 yr/\$2,000; 2 lbs to 25 lbs- F/Up to 10 yrs/\$25,000; >25 lbs- F/Up to 20 yrs/\$50,000

SALE AND TRAFFICKING: <1 oz- M/1 yr/\$2,000; 1 to 5 lbs- F/Up to 10 yrs/\$25,000; >5 lbs- F/Up to 20 yrs/ \$50,000; any amount to minor- F/Up to 10 yrs/\$25,000

THE MARIJUANA LAWS IN ALL 50 STATES CONT'D

IDAHO:

POSSESSION:<3 oz- M/1 yr/\$1,000; Using/Under the Influence publicly- M/Up to 6 mos/\$1,000; by a minor- M/Up to 90 days/\$1,000; >3 oz- F/Up to 5 yrs/\$10,000;

TRAFFICKING OR SALES:1 lb to 5 lbs- F/MMI 1yr/\$5,000; 5 lbs. to 25 lbs- F/MMI 3 yrs/ \$10,000; >25 lbs- F/MMI 5 yrs/ \$15,000

PARAPHERNALIAPossession- M/1 yr/\$1,000

ILLINOIS:

POSSESSION:<2.5g- M/30 days/\$1,500; 2.5g to 10g- M/6 mos/\$1,500; 10g to 30g- M/1 yr/\$2,500; 30g to 500g- F/1 yr- 3 yrs/\$25,000+; 500g to 2,000g- F/2yrs to 5 yrs/\$25,000+; 2,000g to 5,000g- F/3yrs- 7yrs/\$25,000+; >5,000g- F/4 yrs-15 yrs/\$25,000+

CULTIVATION:<5 plants- M/1 yr/Up to \$2,500; 6 to 20 plants- F/1 to 3 yrs/\$25,000+; 21 to 50 plants- F/2yrs- 5yrs/\$25,000+; 51 to 200 plants- F/3yrs- 7yrs/\$25,000+; >201 plants/4 yrs- 15 yrs/\$25,000+

SALE/DELIVERY: <2.5g- M/6 mos/\$1,500; 2.5g to 10g- F/1 yr/\$2,500; 10g to 30g- F/1 yr- 3 yrs/\$25,000+; within 1,000 ft. of school grounds- F/2 yrs- 5 yrs/\$25,000+; 30g to 500g- F/2 yrs- 5 yrs/\$25,000+; within 1,000 ft. of school grounds- F/3 yrs- 7 yrs/\$25,000+; 500g-2,000g- F/3 yrs- 7 yrs/\$25,000+; within 1,000 ft. of school grounds- F/4 yrs-15yrs/\$25,000+; 2,000g-5,000g- F/4 yrs-15yrs/\$25,000+; >5,000g- F/6 yrs-30 yrs/\$25,000+; to minor- F/Doubled/Doubled

*Any person who delivers not more than 10 grams of any substance containing marijuana without monetary exchange will be charged as a possession offense.

INDIANA:

POSSESSION:<30g- M/1 yr/\$5,000; >30g- F/2 yrs-8yrs/\$10,000

SALE/CULTIVATION:<30g- M/1 yr/\$5,000; 30g to 10 lbs- F/6 mos-3yrs/\$10,000; >10lbs- F/2yrs-8yrs/\$10,000; to minor-any amount- F/6 mos-3yrs/\$10,000; in restricted area- F/2yrs-8 yrs/\$10,000

PARAPHERNALIAPossession- civil infraction/\$500; reckless possession- M/180 days/\$1,000; Sale- M/180 Days/\$1,000; 2nd offense- F/6 mos-3 yrs/\$10,000; reckless sale- M/1 yr/\$5,000; 2nd offense- F/6 mos-3yrs/\$10,000

IOWA:

POSSESSION: Any amount-1st offense- M/6 mos/\$1,000- 2nd offense- F/1 yr/\$1,500- 3rd offense- F/2 yrs/\$500-\$5,000; Possession on restricted property would result in 100 hrs. Of Community Service for public agency in addition to penalties acquired

SALE/CULTIVATION:<50 kg- F/5 yrs/\$750-\$7,500; 50 kg to 100 kg- F/10 yrs/\$1,000-\$10,000; 100 kg to 1,000 kg- F/25 yrs/\$5,000-\$100,000; >1,000kg- F/50 yrs/\$1,000,000; on restricted property- F/ additional 5 yrs

KANSAS:

POSSESSION: Any amount- 1st offense- M/1 yr/\$2,500; subsequent offense- M/1 yr-3 yrs/\$100,000

CULTIVATION:>5 plants- F/11.5 yrs-17yrs;

SALE:Any amount- F/12 mos- 51 mos/\$300,000; in restricted area- F/4yrs-7yrs/\$300,000

KENTUCKY:

POSSESSION:<8 oz. - M/1 yr/\$500; <8 oz- 2nd subsequent offense- F/1 yr-5 yrs/\$1,000-\$10,000

CULTIVATION:<5 Plants- M/1 yr/\$500; <5 Plants- 2nd or subsequent offense- F/1 yr- 5 yrs/\$1,000-\$10,000; >5 or more plants- F/1 yr-5 yrs/\$1,000-\$10,000; >5 Plants- 2nd or subsequent offense- F/5 yrs-10yrs/\$1,000-\$10,000

TRAFFICKING/SALE:<8 oz- M/1 yr/\$500; 2nd or subsequent offense- F/1 yr-5yrs/\$1,000-\$10,000; 8 oz to 5 lbs- F/1yr-5yrs/\$1,000-\$10,000; 2nd or subsequent offense- F/5 yrs-10yrs/\$1,000-\$10,000; >5 lbs- F/5 yrs-10yrs/\$1,000-\$10,000; 2nd or subsequent offense- F/10 yrs-20- yrs/\$1,000-\$10,000; transaction with a minor- F/1 yr-5yrs/\$1,000-\$10,000

PARAPHERNALIApossession- M/1 yr/\$500; 2nd offense- F/1 yr-5 yrs/\$1,000-\$10,000

LOUISIANA:

POSSESSION:Any amount- M/6 mos/\$500; 2nd offense- M/5 yrs/\$2,000; 3rd or subsequent offense- F/20 yrs/\$5,000

SALE:<60 lbs- F/5 yrs-30 yrs/\$50,000; 60 lbs to 2,000 lbs- F/5 yrs to 30 yrs/\$50,000 to \$100,000; 2,000 lbs to 10,000 lbs- F/10 yrs-40 yrs/\$100,000-\$400,000; >10,000 lbs- F/25 yrs-40 yrs/\$400,000-\$1,000,000

PARAPHERNALIApossession/sale- M/6 mos/\$500; 2nd offense- M/1 yr/\$1,000; 3rd or subsequent offense- F/5 yrs/\$5,000

MAINE:

POSSESSION:<1.25 oz- civil violation/\$350-\$600; 2nd or subsequent offense- civil violation/\$550

CULTIVATION:<5 plants- M/\$1,000; 5 to 100 plants- M/1 yr/\$2,000; 100 to 500 plants- F/5 yrs/\$5,000; >500 Plants- F/10 yrs/\$20,000

SALE:<1 lb- M/1 yr/\$2,000; 1 lb to 20 lbs- F/5 yrs/\$5,000; >20 lbs- F/10 yrs/\$20,000; sale in restricted zone- F/5 yrs/\$5,000

PARAPHERNALIApossession- civil violation/\$300; sale- M/6 mos/\$1,000; sale to a minor- M/1 yr/\$2,000;

MARYLAND:

POSSESSION:Medical Use- civil violation/\$100; any amount- M/1 yr/\$1,000;

SALE:<50 lbs- F/5 yrs/\$15,000; >50 lbs- F/MMI 5 yrs/\$100,000

TRAFFICKING:5kg to 45kg- F/10 yrs/\$10,000; >45kg- F/25 yrs/\$50,000

PARAPHERNALIApossession- M/\$500; possession/use/sale (2nd offense)- F/2 yrs/\$2,000

MASSACHUSETTS:

POSSESSION:Any amount- M/6 mos/\$500;

Possession of marijuana penalties become increasingly serious for second and third offenses, which can include drug treatment programs.

TRAFFICKING/SALE/CULTIVATION:<50 lbs- F/2 yrs/\$5,000; 50 lbs to 100 lbs- F/MMI 1 yr, 2.5 yrs-15yrs/\$500-\$10,000; 100 lbs-2,000lbs- F/MMI 3yrs, 3yrs-15 yrs; 2,000 lbs-10,000 lbs- F/MMI 5 yrs, 5 yrs- 15 yrs/\$5,000-\$50,000; >10,000 lbs- F/MMI 10 yrs, 10 yrs-15 yrs/\$20,000-\$200,000; near restricted property- F/MMI 2 yrs, 2.5 yrs-15 yrs **PARAPHERNALIA**sell, possess, manufacture- F/1 yr-2yrs/\$500-\$5,000; to minor- F/3 yrs-5 yrs/\$1,000-\$5,000

MICHIGAN:

POSSESSION:any amount- M/90 days/\$100; within 1,000 ft. of school or library- M/2 yrs/\$2,000

TRAFFICKING:without monetary exchange- M/1 yr/\$1,000; <5kg- F/4 yrs/\$20,000; 5kg to 45 kg- F/7 yrs/\$500,000; >45kg- F/MMI 1 yr, 2.5 yrs-15 yrs/\$500-\$10,000

PARAPHERNALIAsale- M/90 days/\$5,000; to a minor- M/1 yr/\$7,500

MINNESOTA:

POSSESSION:<42.5g- M/\$200; 42.5g to 10kg- F/5 yrs/\$10,000; 10 kg to 50 kg- F/20 yrs/\$250,000; 50kg to 100 kg- F/25 yrs/\$500,000; >100kg- F/30 yrs/\$1,000,000

SALE/TRAFFICKINGDistribution (without monetary exchange) - M/\$200; <5kg- F/5 yrs/\$10,000; 5kg to 25 kg- F/20 yrs/\$250,000; 25kg to 50 kg- F/25 yrs/\$500,000; >50kg- F/30 yrs/ \$1,000,000

PARAPHERNALIApossession/sale- M/\$200; sale to a minor- M/\$200

MISSISSIPPI:

POSSESSION:<30g- M/\$100-\$250; <30g (2nd conviction)- M/5 days-60days/\$250; <30g (3rd or subsequent conviction)- M/5 days-6 mos/\$250-\$500; in a vehicle- M/90 Days/\$1,000; 30g to 250g- F/3 yrs/\$3,000; 250g to 500g- F/2 yrs-8 yrs/\$50,000; 50g-1kg- F/4

yrs-16 yrs/\$250,000; 1kg to 5 kg- F/6 yrs-24 yrs/\$500,000; >5kg- F/10 yrs-30yrs/\$1,000,000

SALE:<1 oz- F/3 yrs/\$3,000; 1 oz to 1kg- F/20 yrs/\$30,000; 1 kg to 10 lbs- F/30 yrs/\$5,000-\$1,000,000; >10 lbs/life without parole; sale to a minor- initial penalties and fines will be doubled; in a restricted area- initial penalties and fines will be doubled

PARAPHERNALIAsale/possession- M/6 mos/\$500

THE MARIJUANA LAWS IN ALL 50 STATES CONT'D

MISSOURI:

POSSESSION:<35g- M/1 yr/\$1,000; 35g to 30kg- F/7 yrs/\$5,000; 30kg to 100kg- F/5 yrs-15 yrs/\$5,000-\$20,000; >100kg- F/10 yrs-life/\$5,000-\$20,000

SALE/TRAFFICKING:<5g- F/7 yrs/\$5,000; 5g to 5 kg- F/5 yrs-15yrs/\$5,000-\$20,000; 5kg to 30kg- F/20 yrs/\$250,000; 30 kg to 100 kg-F/10 yrs-life/\$5,000-\$20,000; >100kg- F/10 yrs-life, \$5,000-\$20,000; sale to minor- F/5 yrs-15 yrs/\$5,000-\$20,000; sale near restricted zone- F/10 yrs-life/\$5,000-\$20,000

PARAPHERNALIA:use- M/1 yr/\$1,000; delivery/manufacturing- F/4 yrs/\$5,000

Note: If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender's gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.

MONTANA: +

POSSESSION:<60g- M/6 mos/\$100-\$500; <60g (2nd or subsequent offense)- F/3 yrs/\$1,000; >60g- F/20 yrs/\$50,000

SALE:any amount- F/1 yr-life/\$50,000; on school grounds- F/3 yrs-life/\$50,000

CULTIVATION:<1lb- F/10 yrs/\$50,000; >1 lb. - F/2 yrs-life/\$50,000

PARAPHERNALIA:possession/sale- M/\$500; to a minor- M/1 yr/\$1,000;

NEBRASKA: *

POSSESSION:<1 oz- infraction/\$100; <1 oz (2nd offense)- M/5 days/\$200; <1 oz (3rd or subsequent offense)- M/7 days/\$300; 1 oz to 1 lb- M/7 days/\$500; >1 lb- F/5 yrs/\$10,000;

SALE:any amount- F/MMI 1 yr, 1 yr-20 yrs/\$25,000; sale to minor- F/MMI 3 yrs, 3yrs-20 yrs/\$50,000; in a restricted area- MMI 3 yrs, 3 yrs-50 yrs/\$50,000

PARAPHERNALIA:possession- infraction/\$100; sale- M/6 mos/\$1,000

NEVADA: *

POSSESSION:<1 oz- M/\$600; <1 oz (2nd of fense)- M/\$1,000; <1 oz (3rd offense)- M/1 yr/\$2,000; <1 oz (4th or subsequent offense)- F/1 yr-4yrs/\$5,000

SALE:<100 lbs- F/1 yr-6yrs/\$20,000; <100 lbs (2nd offense)- F/2 yrs-10 yrs/\$20,000; <100 lbs (3rd or subsequent offense)- F/3 yrs-15yrs/\$20,000; 100 lbs to 2,000 lbs- F/5 yrs/\$25,000; 2,000 lbs to 10,000 lbs- F/2 yrs-10yrs/\$50,000; >10,000 lbs- F/Life/\$200,000; sale to a minor- any amount- F/20 yrs/\$50,000; sale in restricted area- any amount- F/1 yr-5yrs/\$10,000

PARAPHERNALIA:possession- M/6 mos/\$1,000; sale- F/1 yr-4yrs/\$5,000

NEW HAMPSHIRE:

POSSESSION:any amount- M/1 yr/\$2,000;

SALE:<1 oz- F/3 yrs/\$25,000; 1 oz to 5 lbs- F/7 yrs/\$100,000; >5 lbs- F/20 yrs/\$300,000

PARAPHERNALIA:possession/sale- M/1 yr/\$2,000

NEW JERSEY: *

POSSESSION:<50g/6 mos/\$1,000; >50g- F/18 mos/\$25,000

SALE/CULTIVATION:<1 oz- M/1 yr/\$25,000; 1 oz to 5 lbs- F/5 yrs/\$25,000; 5 lbs to 25 lbs- F/10 yrs/\$150,000; >25 lbs- F/20 yrs/\$300,000; to minor/pregnant female- F/Doubled/Doubled; in restricted area- <1 oz -F/MMI of 1/3 or 1/2 of sentence imposed or 1 yr/\$150,000; >1 oz -F/MMI 1/3-1/2 of sentence imposed or 3 yrs/\$150,000

PARAPHERNALIA:possession- M/6 mos/\$1,000; sale- F/1.5 yrs/\$10,000; sale to a minor- F/5 yrs/\$25,000

NEW MEXICO:

POSSESSION:<1 oz- M/15 days/\$50-\$100; <1 oz (2nd or subsequent offense)- M/1 yr/\$100-\$1,000; 1 oz to 8 oz- M/1 yr/\$100-\$1,000; >8 oz- F/18 mos/\$5,000

SALE/TRAFFICKING:without monetary exchange- M/15 days/\$150-\$1,000; <100 lbs- F/18 mos/\$5,000; <100 lbs (2nd offense)- F/3 yrs/\$5,000; >100 lbs- F/3 yrs/\$5,000; >100 lbs (2nd offense)- F/9 yrs/\$10,000; sale to a minor: any amount- F/3 yrs/\$5,000; any amount (2nd offense)- F/9 yrs/\$10,000

PARAPHERNALIA:possession/use- M/1 yr/\$50-\$100; sale- M/1 yr/\$1,000; sale to a minor- F/18 mos/\$5,000

NEW YORK: *

POSSESSION:<25g-civil citation/\$100; <25g (2nd offense)- civil citation/\$200; <25g (3rd or subsequent offense)- M/15 days/\$250; 25g to 2 oz- M/3 mos/\$500; 2 oz to 8 oz- M/1 yr/\$1,000; 8 oz to 16 oz- F/1 yr-18 mos/\$5,000; 16 oz to 10 lbs- F/1 yr-30 mos/\$5,000; >10 lbs- F/1 yr-66 mos/\$5,000

SALE/TRAFFICKING:without monetary exchange- M/3 mos/\$500; <25g- M/1 yr/\$1,000; 25g to 4 oz- F/1 yr-18 mos/\$5,000; 4 oz to 16 oz- F/1 yr-18 mos/\$5,000; >16 oz- F/1 yr-66 mos/\$5,000; sale to a minor- F/1 yr-30 mos/\$5,000

NORTH CAROLINA: *

POSSESSION:<1/2 oz- M/30 days/\$2,000;

1/2oz to 1.5 oz- M/120 days/\$500; >1.5 oz- F/1 yr/\$5,000;

SALE/TRAFFICKING:without monetary exchange- M/30 days/\$200; <10 lbs- F/1 yr/\$5,000; 10 lbs to 50 lbs- F/25mos-30 mos/\$5,000; 50 lbs to 2,000 lbs- F/35 mos-42 mos/\$25,000; 2,000 lbs-10,000 lbs- F/70 mos-84 mos/\$50,000; >10,000 lbs- F/179 mos-219 mos/\$200,000; sale to a minor (aged 13-16) or pregnant woman- F/ becomes more severe/becomes more severe; sale to a minor (aged 13 and under)- F/becomes more severe/becomes more severe; sale in restricted area- F/becomes more severe/becomes more severe

PARAPHERNALIA:possession/use- M/6 mos/\$500; sale- M/1 yr/\$1,000; sale to a minor- F/1 yr/\$1,000

NORTH DAKOTA: *

POSSESSION:<1/2 oz- M/30 days/\$1,000; <1/2 oz- (while operating a motor vehicle)- M/1 yr/\$1,000; 1/2 oz to 1 oz- M/1 yr/\$2,000; >1 oz- F/5 yrs/\$5,000

SALE:<100 lbs- F/10 yrs/\$10,000; >100 lbs- F/20 yrs/\$10,000; sale to a minor- F/becomes more severe/becomes more severe; sale in restricted area- F/becomes more severe/becomes more severe

PARAPHERNALIA:possession/use- M/1 yr/\$2,000; sale- M/1 yr/\$2,000; sale to a minor- F/5 yrs/\$5,000

OHIO: *

POSSESSION:<100g- M/\$100; 100g to 200g- M/30 Days/\$250; 200g to 1,000g- F/1 yr/\$2,500; 1,000g to 5,000g- F/5 yrs/\$10,000; 5,000g to 20,000g- F/1 yr-5yrs/\$10,000; >20,000g- F/MMI 8 yrs/\$15,000

SALE/TRAFFICKING:<20g- without monetary exchange- M/\$100; <200g- F/1 yr/\$2,500; 200g to 1,000g- M/18 mos/\$5,000; 1,000g to 5,000g- F/5 yrs/\$10,000; 5,000g to 20,000g- F/1 yr-5 yrs/\$10,000; >20,000g- F/MMI 8 yrs/\$15,000

PARAPHERNALIA:possession/use- M/30 days/\$250; sale- M/90 Days/\$750; sale to a minor- M/6 mos/\$1,000

OKLAHOMA: *

POSSESSION:any amount- M/1 yr/\$10,000; any amount- (2nd offense)- F/2 yrs-10yrs/\$20,000; in a restricted area- F/doubled/doubled

SALE:<25 lbs- F/2 yrs-life/\$20,000; 25 lbs to 1,000 lbs- F/4 yrs- life/\$25,000-\$100,000; >1,000 lbs- F/4 yrs-life/\$100,000-\$500,000

CULTIVATION:<1,000 kg- F/2 yrs-life/\$20,000; >1,000kg- F/20 yrs-life/\$50,000

PARAPHERNALIA:possession/use- M/1 yr/\$1,000

THE MARIJUANA LAWS IN ALL 50 STATES CONT'D

OREGON: 🍓🍓🍓

POSSESSION: <1 oz- violation/\$500-\$1,000; <1 oz- in a restricted area- M/30 days/\$500; >1 oz- F/2 yrs-10 yrs/\$20,000

SALE/TRAFFICKING 5g to 1 oz- no monetary exchange- M/1 yr/\$5,000; any amount- F/10 yrs/\$100,000; any amount- to a minor- F/20 yrs/\$100,000; in a restricted area- F/20 yrs/\$100,000

PARAPHERNALIA sale- M/1 yr/\$5,000

PENNSYLVANIA: 🍓

POSSESSION: <30g- M/30 days/\$500; >30g- F/1 yr/\$5,000; Note: If you are arrested and charged with more than 30 grams of marijuana, the police may charge you with possession with intent to distribute.

SALE/TRAFFICKING small amount (exact amount not specified)-without monetary exchange- M/30 days/\$500; <1 lb- F/1 yr/\$2,500; 1 lb to 10 lbs- F/1 yr/\$5,000; 10 lbs to 50 lbs- F/3 yrs/\$15,000; 50 lbs to 1,000 lbs- F/3 yrs/\$25,000; >1,000 lbs- F/10 yrs/\$100,000

PARAPHERNALIA possession/sale- M/1 yr/\$2,500

RHODE ISLAND: 🍓

POSSESSION: <1 kg- M/1 yr/\$200-\$500; 1 kg to 5 kg- F/MMI 10 yrs, 10-50 yrs/\$10,000-\$500,000; >5 kg- F/MMI 20 yrs, 20 yrs-life/\$25,000-\$1,000,000

SALE/TRAFFICKING <1 kg- F/30 yrs/\$100,000; 1 kg to 5 kg- F/MMI 10 yrs, 10 yrs-50 yrs/\$10,000-\$500,000; >5 kg- F/MMI 20 yrs, 20 yrs-life/\$25,000-\$1,000,000; in a restricted area- F/doubled/doubled; to a minor- F/2 yrs- 5 yrs/\$10,000

PARAPHERNALIA sale- F/2 yrs/\$5,000; sale to a minor- F/5 yrs/\$5,000

SOUTH CAROLINA: 🍓🍓

POSSESSION: <1 oz- M/30 days/\$100-\$200; <1 oz- (2nd or subsequent offense)- M/1 yr/\$200-\$1,000; >1 oz- M/1 yr/\$1,000

SALE/TRAFFICKING <10 lbs- F/5 yrs/\$5,000; 10 lbs to 100 lbs- F/1 yr- 10 yrs/\$10,000; 100 lbs to 2,000 lbs- F/MMI 25 yrs/\$25,000; 2,000 lbs to 10,000 lbs- F/MMI 25 yrs/\$50,000; >10,000 lbs- F/MMI 25 yrs/\$100,000; in a restricted area- F/10 yrs/\$10,000;

SOUTH DAKOTA: 🍓

POSSESSION: <2 oz- M/1 yr/\$1,000; 2 oz to ½ lb- F/2 yrs/\$2,000; ½ lb to 1 lb- F/5 yrs/\$5,000; 1 lb to 10 lbs- F/10 yrs/\$10,000; >10 lbs- F/15 yrs/\$15,000

SALE/TRAFFICKING <1 oz- F/2 yrs/\$2,000; 1 oz to ½ lb- F/5 yrs/\$5,000; ½ lb to 1 lb- F/10 yrs/\$10,000; >1 lb- F/15 yrs/\$15,000; to a minor- F/MMI 30 days, 30 days-10 yrs/\$10,000

PARAPHERNALIA possession/use- M/30 days/\$200; trafficking- M/2 yrs/\$2,000

TENNESSEE:

POSSESSION: any amount- M/1 yr/\$2,500

SALE/CULTIVATION/TRAFFICKING <1/2 oz- M/1 yr/\$2,500; ½ oz to 10 lbs- F/1 yr-6yrs/\$5,000; 10 lbs to 70 lbs- F/2 yrs-12 yrs/\$50,000; 70 lbs to 300 lbs- F/8 yrs-30 yrs/\$200,000; >300 lbs - F/15 yrs-60 yrs/\$500,000

PARAPHERNALIA use- M/1 yr/\$2,500; sale- F/1 yr- 3yrs/\$3,000

TEXAS

POSSESSION: <2 oz- M/180 days/\$2,000; 2 oz to 4 oz- M/1 yr/\$4,000; 4 oz to 5 lbs- F/180 days-2 yrs/\$10,000; 5 lbs to 50 lbs- F/2 yrs-10 yrs/\$10,000; 50 lbs to 2,000 lbs- F/2 yrs-20 yrs/\$10,000; >2,000 lbs- F/5 yrs-life/\$50,000

SALE/TRAFFICKING <1/4 oz- without monetary exchange- M/180 days/\$2,000; <1/4 oz- M/1 yr/\$4,000; ¼ oz to 5 lbs- F/180 days-2yrs/\$10,000; 5 lbs to 50 lbs- F/2 yrs-20 yrs/\$10,000; 50 lbs to 2,000 lbs- F/5 yrs- life/\$50,000; >2,000 lbs- F/MMI 10 yrs, 10 yrs-life/\$100,000; to a minor- F/2 yrs-20 yrs/\$10,000

PARAPHERNALIA possession/use- M/\$500; sale- M/1 yr/\$4,000; sale to a minor- F/180 days-2 yrs/\$10,000

UTAH:

POSSESSION: <1 oz- M/6 mos/\$1,000; 1 oz-1 lb- M/1 yr/\$2,500; 1 lb to 100 lbs- F/5 yrs/\$5,000; >100 lbs- F/1 yr-15yrs-\$10,000;

SALE: any amount- F/5 yrs/\$5,000

Note: Second or subsequent offenses result in much harsher fines and/or penalties than noted for this state. Possession/sale/distribution of marijuana within a school zone and/or to minors results in much harsher penalties in this state.

VERMONT:

POSSESSION: <2 oz- M/6 mos/\$500; <2 oz- (2nd offense)- F/2 yrs/\$2,000; 2 oz to 1 lb- F/3 yrs/\$10,000; 1 lb to 10 lbs- F/5 yrs/\$100,000; >10 lbs- F/15 yrs/\$500,000

SALE/TRAFFICKING <1/2 oz- F/2 yrs/\$10,000; ½ oz to 1 lb- F/5 yrs/\$100,000; 1 lb to 50 lbs- F/15 yrs/\$500,000; >50 lbs- F/30 yrs/\$1,000,000; to a minor- F/varies/up to 10 additional yrs; in a restricted area- F/varies/up to 10 additional yrs

CULTIVATION 3 to 10 plants- F/3 yrs/\$10,000; 10 plants to 25 plants- F/5 yrs/\$100,000; >25 plants- F/15 yrs/\$500,000

PARAPHERNALIA sale- M/1 yr/\$1,000; sale to a minor- F/2 yrs/\$2,000

VIRGINIA: 🍓+

POSSESSION: any amount- M/30 days/\$500; any amount- (2nd offense) - M/1 yr/\$2,500

SALE/TRAFFICKING <1/2 oz- M/1 yr/\$2,500; ½ oz to 5 lbs- F/1 yr-10yrs/\$2,500; >5 lbs- F/5 yrs-30 yrs/\$100,000; to a minor- <1 oz- F/MMI 2 yrs/ varies; to a minor->1 oz- F/MMI 5 yrs/varies; in a restricted area- F/1 yr-5yrs/\$100,000

PARAPHERNALIA sale- M/1 yr/\$2,500; to a minor- F/1 yr-5 yrs/\$2,500

WASHINGTON: 🍓🍓🍓

POSSESSION: Adults 21 and over may legally possess up to an ounce;<40g-M/MMI 1 day-90 days/\$250-\$500; >40g F/ 5 yrs/\$10,000

SALE/TRAFFICKING <40g- F/6 mos/\$10,000; >40g-F/5 yrs/\$10,000; sale to a minor- any amount- F/doubled/doubled; in a restricted area- F/doubled/doubled

WEST VIRGINIA: 🍓🍓

POSSESSION: <15g- conditional discharge/\$250

SALE/TRAFFICKING without monetary exchange- conditional discharge/\$250; any amount- F/1 yr-5yrs/\$15,000; in a restricted area- F/MMI2 yrs/\$15,000; sale to a minor- F/MMI 2 yrs/\$15,000

PARAPHERNALIA sale- M/6 mos-1 yr/\$5,000; sale to a minor- F/1 yr-5 yrs/\$15,000

Note: Second or subsequent offenses result in much harsher fines and/or penalties than noted for this state. Possession/sale/distribution of marijuana within a school zone and/or to minors results in much harsher penalties in this state.

WISCONSIN: 🍓

POSSESSION: any amount- M/6 mos/\$1,000; any amount- (2nd offense)- F/42 mos/\$10,000

SALE/TRAFFICKING <200g- F/42 mos/\$10,000; 200g to 1,000g- F/6 yrs/\$10,000; 1,000g to 2,500g- F/10 yrs/\$25,000; 2,500g to 10,000g- F/150 mos/\$25,000; >10,000g- F/15 yrs/\$50,000; in a restricted area- F/additional 5 yrs/varies

PARAPHERNALIA possession/use- M/30 days/\$500; sale- M/90 days/\$1,000; sale to a minor- M/9 mos/\$10,000

Note: Second or subsequent offenses result in much harsher fines and/or penalties than noted for this state. Sale/distribution of marijuana within a school zone results in much harsher penalties in this state.

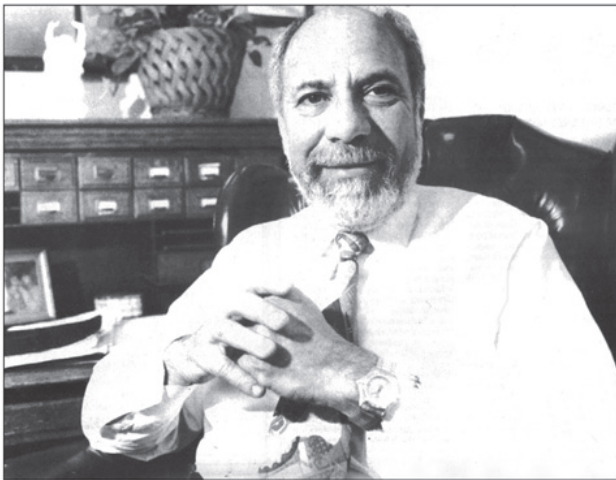
WYOMING: 🍓

POSSESSION: <3 oz- M/1 yr/\$1,000; >3 oz- F/5 yrs/\$10,000

CULTIVATION any amount-M/6 mos/\$1,000

SALE/TRAFFICKING any amount- F/10 yrs/\$10,000; sale to a minor- F/doubled/varies; in restricted area- F/MMI 2 yrs/additional \$1,000

PARAPHERNALIA sale- M/6 mos/\$750; sale to a minor- F/5 yrs/\$2,500



Hip Helper

West Hollywood criminal **defense attorney**
Bruce M. Margolin no longer defends
drug cases in exchange for yoga lessons
as he did back in the 1960s, but he's
still dedicated to **helping others**.

When Bruce M. Margolin graduated from law school in 1967, the time was right for a criminal defense practice specializing in drug charges. "It was the advent of all these middle-class, hippie bippies getting busted for marijuana cases, and I started getting some because I was a young lawyer," says Margolin, who still practices in West Hollywood just off the Sunset Strip. "I saw that this was so unfair and unjust, putting these young kids in jail along with the murderers, robbers and rapists, and I decided that they needed some kind of fight back." Besides the time period, another plus in his practice was the U.S. Supreme Court decision in *Mapp v. Ohio*, 81 S.Ct. 1684. In the case, the court held that evidence obtained by an unconstitutional search was inadmissible as criminal evidence. "In those days, the judges wanted to negotiate these cases away or

grossed \$400,000. "The practice mushroomed. We tried 50 to 100 cases a day, mostly marijuana and drug related cases," says Margolin, who then represented clients on a sliding fee. If a person had no money, sometimes they would offer him different services, such as yoga lessons or their thoughts on cosmic law. "The feedback I had from representing that kind of defendant was so powerful and spiritually awakening," he says, adding that he "knows it sounds a little outrageous, but that's how it was." That same year, however, Margolin had some second thoughts about his practice, triggered in part by his studies of yoga and cosmic law. "I loved the prestige of being a well respected lawyer and very successful criminal attorney," he says, "but I wanted to know whether or not this was really the way to live one's life and if it was an honorable thing to do." Also, he says he never had the time to be a true hippie, because he had to work the same through Southwestern School of Law classes about

Daily Journal, September 2, 2003 (Excerpt)

Margolin's plan includes using the state attorney general's office to mount a challenge to federal drug laws, using a state's rights argument. Next up would be to take a careful look at other drugs to see whether they should be decriminalized. Drug abusers would be funneled through drug court-type rehabilitation programs, (instead of incarceration). "We have to look at all drug laws and evaluate whether we are getting the right effect".

He stresses that he isn't promoting marijuana, just a change in the laws and an end to the marijuana prohibition.

"Criminal enforcement of drug laws are expensive, and the money could be better spent elsewhere," Margolin said. "For instance, enforcement dollars could go toward a school program that, as early as third grade, educates children about the consequences of criminal actions, including drug laws."

"In the meantime, marijuana is potentially the largest cash crop in California," says Margolin. "If it were legalized, the states sales tax alone would bring in a tremendous amount of tax revenue

Daily Journal, January 8, 1996

When Bruce M. Margolin graduated from law school in 1967, the time was right for a criminal defense practices specializing in drug charges.

"It was the advent middle-class hippies getting busted for marijuana and I started getting hundreds of cases," says Margolin, who still practices in West Hollywood just off the Sunset Strip, saw that the law was so unfair and unjust; putting these young kids in jail along with the murderers, robbers, and rapists and I decided that they needed a defense beyond the courts."

"The feedback I got from representing that kind of defendant was powerful and spiritually awakening."

Another plus for his practice was the Supreme Court decision in *Mapp v. Ohio* (81 S.Ct. 1684).

"I was very up on constitutional law," says Margolin, who during his first three years in practice handled as many as four cases a day regarding search and seizure issues. "Police officers often didn't know the new cases laws, and the courts almost always granted dismissals."



More About Bruce

L.a. Yoga Magazine, 2003

Win or lose, Attorney Bruce Margolin, a yoga practitioner for 30 years, is making a case for issues few serious politicians are even willing to talk about. And Mr. Margolin, despite the twinkle in his eye and the chaos in his West Hollywood law office, is very serious indeed. A fiscal conservative and a social liberal, he puts individual rights and human rights at the top of his political agenda, meditation and yoga class at the end of his day.

Yoga Candidate runs for Governor

by Bob Bellenoff



We don't know how many of the 135 candidates running for Governor practice yoga, odds are there are more than a few. But meet a candidate who is making a calm mind and an open heart two of the attributes he would bring to the statehouse if elected Governor in the recall election.

Win or lose Attorney Bruce Margolin, a yoga practitioner for 30 years, is making a case for issues few serious politicians are even willing to talk about. And Mr. Margolin, despite the twinkle in his eye and the chaos in his West Hollywood law office, is very serious indeed. A fiscal conservative and a social liberal, he puts individual rights and human rights at the top of his political agenda, meditation and yoga class at the end of his day.

The candidate's yoga practice today still mainly focuses on meditation, which he does nightly and before all meals. He is a longtime student of Mas Vidal and he also practices at Yoga Works.

One of the things Margolin would do, given his knowledge of Constitutional law, is to help turn California into a Haven for the Billion Dollar Holistic Healthcare industry by providing protection from the FDA for both patients and practitioners of yoga and Ayurveda.

Phones ring, interns and assistants rush in and out, suddenly with his name on the ballot there are interviews, press arrangements and a campaign to put together, despite the campaign he's been running for 30 years - to reform unjust drug laws.

Margolin is the criminal defense attorney

who handled the Timothy Leary case. His relationship to Leary stemmed from his friendship with Ram Dass, with whom Margolin traveled in India in the 1970's. Like Ram Dass, Margolin gave up his successful professional practice and came back from India re-incarnated, so to speak, as a man with a mission.

Margolin's platform is built on individual rights, prison reform,

"It may not be a new take on quietly sneaking into politics lately."

of marijuana. Margolin, "are incarcerated over this benign, mislabeled, mis-scheduled, and misunderstood medicinal herb... the drug war is a waste of tax dollars." Those dollars should be spent on rehabilitation and education. Drug laws and the enforcement of them, including maintaining non-violent offenders in prison, costs billions. And billions more, more, Margolin believes, could become State income, instead of income for drug dealers, if marijuana was taxed. "It may not be a movement, but yoga and a new take on how to govern has been quietly sneaking into politics lately."

"Why should you be elected Governor?" I ask him. "My whole life has been dedicated to service... and I know how to get things done." "It may not be a movement, but yoga and a new take on how to govern has been quietly sneaking into politics lately."

Interestingly enough the subject is becoming more and more "touchable". Former New Mexico Governor Gary Johnson, a Republican, came out loud and strong for repeal of unjust drug laws last year with national support from his political aide.

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M-

LA YOGA

Is Politics Ready for This?

SPECIAL SECTION: The Yoga Teacher Population & Expansion

Subject: Yoga, Meditation, Health, Wellness, Politics, California & Co. Authors

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Margolin's platform is built on individual rights, prison reform, and legalization of marijuana. "Californians," says Margolin, "are tired of seeing

people incarcerated over this benign, mislabeled, mis-scheduled, and misunderstood medicinal herb... the drug war is a waste of tax dollars."

Those dollars should be spent on rehabilitation and education, he believes. Drug laws and the enforcement of them, including maintaining non-violent offenders in prison, costs billions. And billions more, Margolin believes, could become State income, instead of income for drug dealers, if marijuana was taxed.

"This is an issue no one wants to touch," Margolin says, "not even my friend Jerry Brown when he was Governor in the 70's." "Why should you

be elected Governor?" I ask him. "My whole life has been dedicated to service... and I know how to get things done."

It may not be a movement, but yoga and a new take on how to govern has been quietly sneaking into politics lately. by Bob Bellenoff

LA WEEKLY

October 22-28, 2010

Dreams Of Legal Weed

By: David Futch (Excerpt)

Barely on the legal side of 21, The Kid was facing a felony conviction, four months in jail, thousands of dollars in fines, expulsion from his upscale university, severely teed-off parental units, and a pouty girlfriend. And The Kid's lawyer wasn't just anybody, his name is synonymous with fighting weed busts in California: Bruce Margolin. All this for selling a 10-Pack of marijuana plants to an undercover LAPD officer?

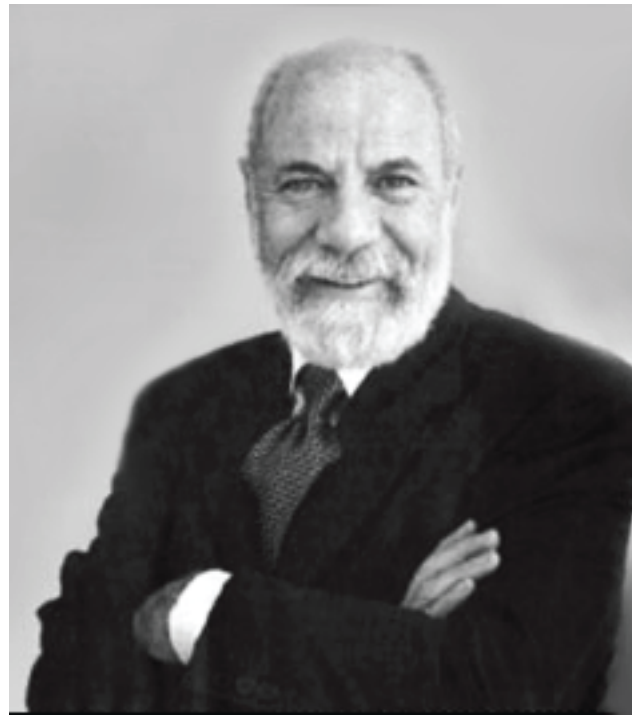
As for The Kid, his future was being decided this day in a San Fernando Valley courthouse by Superior Court Judge, Lloyd Nash, who has a reputation for handing out serious jail time for the same offense that might get you probation on L.A.'s Westside.

The Kid was scared. His parents were terrified. So they asked around, which is how they came to write a check to hire Southern California's undisputed champ of marijuana defense.

Bruce Martin Margolin: State Bar of California membership No. 39755, was born in Cleveland in the midst of World War Two. By war's end, Margolin's dad, a U.S. Marine Drill Instructor, moved to California and started an ice plant and later a paint business in the San Fernando Valley.

Margolin, 69, looks like a slim, shorter, version of Mr. French, the quintessential 1960's sitcom butler, but, back in 1967, when the LAPD chief, Ed Davis, vowed to preserve law and order from the throngs of pot smoking hippies roaming and ruling Sunset Boulevard.

Margolin was a 25-year-old graduate of South-



Dean Of Weed Defense Attorney

western School of Law. His first reefer client paid him \$25, Margolin got him off on illegal search and seizure.

Margolin, working in a converted, 1920's era house just off Sunset Blvd., squeezed in between Mirabelle restaurant and another house from the same era. One of his most notable clients was: Timothy Leary, the late Harvard professor-turned psychedelic guru, who was busted in Santa Ana in 1973 for possessing two ounces of pot.

Leary thought his sentence was unfair and jail wasn't to his liking. So he decided to escape. He climbed a fence, shimmied over power lines, shaved his head, and with the help of the radical Weathermen, flew to Algeria to join Black Panther Eldridge Cleaver in exile. Leary still felt like a prisoner. He was captured in Kabul, Afghanistan, and extradited to California to face trial.

Margolin took the Leary escape case. In a novel defense, he set about trying to convince the jury that, if an unconscious prisoner were unable to understand he was committing a criminal act, then the same should hold true for his client.

LA Weekly – October 22-28, 2010 (cont'd)

Leary was not guilty of fleeing jail, Margolin explained, because he was in the grip of a “super conscious” state brought on by LSD flashbacks.

Margolin went on to defend hundreds just like The Kid he’s defending today, eventually becoming the oft-quoted L.A. director of NORML, the National Organization for the Reform of Marijuana Laws.

“Unfortunately, this kid is not holding good cards. He sold pot to a cop, I just want to get him in and out of here and get his life going.” - Margolin

In California, circa 2009, 1,639 state prison inmates were behind bars primarily for pot possession with intent for sale, possessing hashish, selling pot or other marijuana related offenses, according to the California Department of Corrections and Rehabilitation. The yearly cost to taxpayers: 85 million, mostly for room and board. The cost to those inmates, of course, is much higher. Eighty-five million dollars isn’t a ton of money in Governmentland, which is not what bothers Margolin. The life stories get to him. Why should this kid have a felony conviction for selling 10 pot seedlings? Let The Kid go back to college and grow up.

Out in the real world, beyond this crowded San Fernando Courthouse, most Southern Californians consider pot on par with alcohol: Fine to take a few hits, just don’t overdo, and for heaven sake don’t drive when you partake. But, Margolin says justice is holding the line even as social attitudes about pot become more permissive.

“Pursuing these cases is a burden on the system, people’s lives are ruined. In some cases, California’s 3rd Strike rule has sent people to jail for life for felony possession of marijuana,” says the lawyer whose shingle is topped with a rendering of a marijuana leaf.

Margolin adds: “Let people come out of the closet and deal with their drug problems in a sensible way; treatment, for example. There seems to be no money for treatment but plenty for incarceration.”

While The Kid waits his turn in the courtroom, Margolin pays a visit to Assistant D.A., Jeff Boxer, who’s prosecuting a case 2 floors up. He strides into the courtroom, past the rail, and sits on the edge of a chair at the prosecutor’s table. Margolin does most of the whispering, Boxer, most of the nodding.

A couple minutes, tops, and Margolin in huddling with The Kid, his parents, and girlfriend, advising them he can dodge jail time and a felony conviction. He can have his record expunged. When judge Nash’s clerk calls The Kid’s name, everything goes pretty much the way Margolin had outlined. And then Margolin makes his move.

“One final thing your honor,” Margolin says. He asks for a judicial allowance to let The Kid continue to smoke marijuana, due to a medical condition. “What kind of condition?” Nash asks, sitting straight up, leaning forward and looking flushed.

“Agoraphobic Anxiety.”

Nash’s voice rises by at least 10 decibels. “If you can produce a doctor who will testify to your client’s condition, I will think about it. Gavel down. Outside the hallway, The Kid shakes Margolin’s hand. “This is the best that could be expected. Thanks”

Margolin is punching numbers in his Blackberry while he rushes to get to his car and his next client. “He got very lucky,” Margolin says of The Kid.

BRUCE M. MARGOLIN

LIST OF RECENT SUCCESSES



**The following are past cases that represent some of our successes.
These cases are mostly Marijuana and drug related, however, others involving
other criminal offenses may not be listed.**

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Partial List of Recent Successes

CLIENT NAME:	DATE:	COURTHOUSE:	CHARGES:	RESULTS:
PEOPLE V. N.H CASE	9/7/2012	PASADENA JUDICIAL DISTRICT	DEFENDANT ARREST AND CHARGED WITH 11359 H&S AND 11358 H&S. CLIENT HAD IN HIS POSSESSION 120 MATURE PLANTS AND 22 MEDICAL RECOMMENDATIONS AND COLLECTIVE AGREEMENT	CASE DISMISSED: MEDICAL MARIJUANA COLLECTIVE DEFENSE AT THE PRELIMINARY HEARING BY THE PRESIDING JUDGE.
PEOPLE V. A.V.	2012	CCB COURTHOUSE	DEFENDANT WAS ARRESTED FOR PURCHASING MARIJUANA AND RESELLING TO A UNDER COVER COP IN FRONT OF A DISPENSARY.	REDUCED TO WOBBLER (MISDEMEANER) AND 45 DAYS OF CAL TRANS. NO JAIL TIME
PEOPLE V. H.W	2012	SAN FERNANDO COURTHOUSE	DEFENDANT ARRESTED FOR POSSESSION OF 60 ECSTASY, A FIRE ARM, AND 10 LBS OF MARIJUANA IN DEFENDANTS HOME.	CASE REJECTED, DEFENSE PROVIDED A LETTER TO D.A PRE-ARRAIGNMENT, REQUESTING REJECTION.
PEOPLE V. T.A	2012	LANCASTER	DEFENDANT WAS ARRESTED IN A VEHICLE WITH 10 LARGE BAGS OF MARIJUANA.THEY DISCOVERED ON HIS CELL PHONE SEVERAL TEXT MESSAGES INDICATING THAT HE WAS DEALING THE MARIJUANA TO CUSTOMERS AND ALSO CASH ON HIS PERSON.	THE CLIENT HAD BEEN PERVIOUSLY CONVICTED IN SAN DIEGO FOR POSSESSION FOR SALE IN 1999 AND GOT 9 MONTHS, AND IN 2003 OAKLAND POSSESSION OF CONTROLLED SUBSTANCE CONVICTED GOT 3 YEARS STATE PRISON. PLEA AGREEMENT REACHED IN THIS CASE; NO TIME IN JAIL, COMMUNITY SERVICE.
PEOPLE V. D.H	2012	BELLFLOWER COURTHOUSE	DEFENDANT PULLED OVER IN CAR FOR EXPIRED TAGS, OFFICER SMELLED THE MARIJUANA, CHARGED WITH POSSESSION	DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. D.G	2012	EAST LOS ANGELES COURTHOUSE	DEFENDANT PULLED OVER IN CAR FOR CRACKED WINDSHIELD, OFFICER SMELLED THE MARIJUANA.	DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. M.P	2012	GLENDALE COURTHOUSE	POSSESSION OF CONCENTRATED CANNABIS	DETAILED LETTER SENT TO DISTRICT ATTORNEY'S OFFICE REGARDING DISMISSING CHARGES. DIMISSED- MEDICAL MARIJUANA DEFENSE
PEOPLE V. M.A	2012	BAUCHET (Los Angeles Superior Court)	DEFENDANT WAS ACCUSED BY VICTIM TO HAVE TRIED TO RUN HIM OVER WITH HIS CAR, AND AFTER WHICH HE PHYSICALLY ASSAULTED HIM	THE PROSECUTION AGREED TO REDUCE THE CHARGE TO DISTURBING THE PEACE 415 PC. NO TIME, NO FINES
PEOPLE V. M.J	2012	CENTRAL CRIMINAL BUILDING	TRANSPORTION OF CONTROLLED SUBSTANCE	NOT GUILTY PLEA, 400 COMMUNITY SERVICE HOURS. NO TIME SERVED.
PEOPLE V. A.T	2012	MURRIETA COURTHOUSE	POSSESSION FOR SALES OF MARIJUANA AND CULTIVATION	PLEA TO MISDEMEANOR OF POSSESSION OF LESS THAN 30 GRAMS
PEOPLE V. A.R	2012	RANCHO CUCAMONGA COURTHOUSE	CLIENT WAS FOUND IN POSSESSION OF PACKING MATERIALS AND DIGITAL SCALE	CASE DISMISSED
PEOPLE V. Z.P .	2012	BELLFLOWER COURTHOUSE	DEFENDANT WAS PULLED OVER FOR SPEEDING 85 mph. BUSTED WITH 19 CANISTERS OF MARIJUANA IN THE CAR WHICH WERE SAMPLES TO PROVIDE DISPENSARIES \$900 CASH AND 3 CELL PHONES	REJECTED: AFTER OUR OFFICE PROVIDED THE DISTRICT ATTORNEY WITH DOCUMENTATION OF HIS COLLECTIVE
PEOPLE V. M.L	2012	POMONA SUPERIOR COURT	POSSESSION OF CONCENTRATED CANNABIS	CASE DISMISSED, MEDICAL MARIJUANA DEFENSE
PEOPLE V. B.H	2012	VAN NUYS COURTHOUSE	POSSESSION OF SCALE, MULTIPLE PACKAGES AND CONTAINERS IN THE DEFENDANTS HOTEL ROOM	PLEA AGREEMENT REACHED TO REDUCE TO POSSESSION AND DEFENDANT GRANTED DEJ WITH DISTRICT ATTORNEYS AGREEMENT; CHARGES TO BE DISMISSED IN 18 MONTHS
PEOPLE V. B.D.	2012	VAN NUYS COURTHOUSE	POSSESSION FOR SALES OF MARIJUANA AND CULTIVATION INVOLVING HUNDREDS OF MARIJUANA PLANTS SEIZED AT A WAREHOUSE	(Prosecution rejected pre arraignment) WROTE A DETAILED LETTER TO THE FILLING DEPUTY. DISMISSED ON THE COLLECTIVE DEFENSE
PEOPLE V. G.N	2012	MALIBU COURTHOUSE	DEFENDANT STOPPED IN VEHICLE COMING FROM NORTHERN CALIFORNIA. COP SMELLED WEED AND SEARCHED AND SIEZED 10 POUNDS. DEFENDANT STATED HE AND THE CO DEFENDANT, PASSENGER, HAD PURCHASED IT "FORM SOME GUY IN HUMBOLT "AND THAT "THEY WERE BRINGING IT TO LOS ANGELES TO SELL TO A DISPENSARY ". HE TOLD THE COP THAT HE DID NOT KNOW WHICH DISPENSARY. FOUND \$600. CO DEFENDANT TOLD COP THAT IT COST ONLY \$120 AN OZ. IN NORTHERN CALIFORNIA BUT IN L.A. GOES FOR \$400 AN OZ. BOTH DEFENDANTS WERE UNEMPLOYED.	CASE DISMISSED AT PRELIMINARY HEARING ON MEDICAL MARIJUANA DEFENSE AND THE JUDGE ORDERED THE RETURN OF THE 10 POUNDS AND IT WAS RETURNED TO THE CLIENTS BY THE POLICE DEPARTMENT PURSUANT TO THE COURT'S ORDER
PEOPLE V. V.K	2012	BEVERLY HILLS JUDICIAL DISTRICT	DEFENDANT HAD FAILED TO REPORT FOR EXTENDED PERIOD OF TIME TO PROBATION ON VARIOUS OCCASIONS; BENCH WARRANT ISSUED, WAS ARRESTED AND RELEASED ON BOND, AND FAIL TO PROVIDE CURRENT CONTACT INFORMATION	VIOLATION OF PROBATION DISMISSED, PROBATION REINSTATED WITH ORIGNAL CONDITIONS DUE TO EXPIRE 01/24/13
PEOPLE V. H.G	11/30/12	SAN FERNANDO	DEFENDANT TRANSPORTED 37 LB IN HIS VEHICLE AND \$3,000 CASH. CHARGED WITH TRANSPORTATION FOR SALE 11360 H&S AND POSSESSION FOR SALE 11359 H&S.	AGREED TO PLEA BARGIN BY THE D.A TO DISMISS BOTH CHARGES AND REDUCE TO 11366 H&S; MAINTINAG A PLACE WHERE MARIJUANA IS USED. A WOBBLER, 30 DAY OF CAL TRANS, NO JAIL TIME, NO FINE, AND CHAGRES TO BE REDUCED TO MISDEMEANER AND PROBATION TERMINATED IN 18 MONTHS
PEOPLE V. M.S	11/30/12	SAN FERNANDO	DEFENDANT TRANSPORTING APPROXIMATELY 1 ½ POUND OF MULTIPLE CONTAINERS FROM SAN FRANCISCO TO SAN DIEGO. \$1,900 ON HIS PERSON. HE HAD MULTIPLE PACKAGES AND IN HIS VEHICLE HE HAD ANOTHER \$4,500.	UPON PRESENTATION TO THE DISTRICT ATTORNEY OF THE MEDICAL MARIJUANA DEFENSE (HIS DOCTOR EUGENE SCHOENFIELD AND DEFENSE EXPERT BILL BRITT) , THE PROSECUTION MOVED TO DISMISS IN THE INTEREST OF JUSTICE.

Partial List of Recent Successes

Client Name:	Date:	Courthouse:	Charges:	Results:
PEOPLE V. M.S.	7/08/11	LAX COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA (9OZ AND SCALE IN VEHICLE)	DISMISSED AT PRELIMINARY HEARING DUE TO THE POLICE OFFICERS LACK OF EXPERTISE ON MEDICAL MARIJUANA LAWS.
PEOPLE V. T.B. & D.I.	7/01/11	TORRANCE COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA & CULTIVATION (1100 PLANTS, MONEY, GUNS, SCALES)	REDUCED TO MISDEMEANOR, \$5,000 FINE + PAYMENT TO POLICE DEPARTMENT FOR INVESTIGATION, SUMMARY PROBATION FOR 24 MONTHS. RECORD TO BE EXPUNGED
PEOPLE V. L.A.	6/15/11	RANCHO CUCAMONGA COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA, CULTIVATION AND GRAND THEFT ELECTRICITY (OVER 700 PLANTS)	REDUCED TO WOBBLER, IMMEDIATE RELEASE AT TIME OF PLEA (10 DAYS TIME SERVED) CHARGES TO BE REDUCED TO A MISDEMEANOR UPON COMPLETION OF PROBATION, BAIL HAD BEEN SET AT \$250,000
PEOPLE V. E.J.	6/14/11	SANTA CLARITA COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA (WITH CONFESSION)	PLEA BARGAIN TO DISMISS FELONY SALES TO A WOBBLER OF POSSESSION OF HASH, NO JAIL, COMMUNITY SERVICE, OFFENSE TO BE REDUCED TO A MISDEMEANOR, ABLE TO KEEP MARIJUANA LIC.
PEOPLE V. C.J.	6/07/11	LAX COURTHOUSE	SALE OF MARIJUANA TO A POLICE OFFICER (W/ PRIORS)	PLEA BARGAIN TO REDUCE CHARGE TO MISDEMEANOR POSSESSION, NO JAIL TIME, COMMUNITY SERVICE
PEOPLE V. M.T.	5/03/11	VAN NUYS COURTHOUSE	POSSESSION OF MARIJUANA WITH INTENT TO SELL AND PROBATION VIOLATION (6LBS. IN VEHICLE)	NARCOTICS ANONYMOUS AND MUST SHOW PROOF OF ENROLLMENT FOR DEJ DISMISSAL
PEOPLE V. M.J.	7/12/11	BURBANK COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA	DISMISSED DUE TO DENIAL OF RIGHT TO A SPEEDY TRIAL
PEOPLE V. L.J.	5/26/11	PASADENA COURTHOUSE	POSSESSION FOR SALE & CULTIVATION (80 PLANTS)	CASE DISMISSED, MEDICAL MARIJUANA DEFENSE
PEOPLE V. C.R.	5/12/11	MALIBU COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA AND CULTIVATION (58 PLANTS & \$3,000 CASH ON HAND)	DISMISSED, MEDICAL MARIJUANA DEFENSE
PEOPLE V. I.A.	5/06/11	EL MONTE COURTHOUSE	CONCENTRATED CANNABIS	DISMISSED, MEDICAL MARIJUANA DEFENSE
PEOPLE V. B.D.	4/19/11	LAX COURTHOUSE	POSSESSION FOR SALE AND TRANSPORTATION (3LBS IN VEHICLE, WITH PRIORS)	PLEA BARGAIN NO JAIL TIME
PEOPLE V. H.S.	4/19/11	VICTORVILLE COURTHOUSE	POSSESSION FOR SALES AND CULTIVATION (APPROX 40 PLANTS)	DISMISSED BEFORE PRELIMINARY HEARING BECAUSE OF COLLECTIVE AFFIRMATIVE DEFENSE
PEOPLE V. B.M.	4/12/11	CCB COURTHOUSE	POSSESSION OF MARIJUANA FOR SALE (3LBS)	VERDICT ON BOTH FELONY COUNTS FOLLOWING JURY TRIAL: NOT GUILTY
PEOPLE V. H.B.	4/01/11	BEVERLY HILLS COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA AND TRANSPORTATION (25LBS IN VEHICLE)	DISMISSED PER MOTION OF THE DISTRICT ATTORNEY UPON PRESENTATION OF THE MOBILE DELIVERY SERVICE COLLECTIVE PAPERWORK
PEOPLE V. W.G.	3/30/11	UKIAH COURTHOUSE	POSSESSION OF MARIJUANA, INTENT TO SELL, CULTIVATION AND FIRE ARM (OVER 100 PLANTS)	PLEA BARGAIN AND REDUCTION AT TIME OF SENTENCING TO A MISDEMEANOR, NO JAIL TIME, 100 HOURS OF COMMUNITY SERVICE, NON REPORTING PROBATION.
PEOPLE V. W.A.	3/13/11	RIVERSIDE COUNTY COURTHOUSE	POSSESSION FOR SALES OF MARIJUANA (300LBS PURCHASED FROM LAW ENFORCEMENT)	WRIT TO THE COURT OF APPEAL GRANTED TO REQUIRE IN CAMERA HEARING TO PRODUCE INFORMANT.
PEOPLE V. S.R.	6/22/11	VENTURA COURTHOUSE	POSSESSION FOR SALES AND TRANSPORTATION OF MARIJUANA (1.25LBS IN VEHICLE AFTER MEETING W/ UNDERCOVER OFFICER, ADMITTED TO \$300 PROFIT. DEFENDANT BELIEVED HE WAS MEETING HIS FRIEND WHO HAD MEDICAL MARIJUANA DELIVERY SVC.)	MR. MARGOLIN ARGUED THAT THE LAW IS CONFUSING AND THE EQUITIES SHOULD NOT SUBJECT THE DEFENDANT TO JAIL AND THE JUDGE AGREED OVER DISTRICT ATTORNEYS OBJECTION TO (THE FIRST TIME IN HER LONG CAREER ON SIMILAR CASES PER THE JUDGE) NO JAIL, ONLY HOUSE ARREST
PEOPLE V. E.S.	2/03/11	LAX COURTHOUSE	TRANSPORTATION OF MARIJUANA	CASE DISMISSED, DEFENDANT HAD MANY MEMBERS OF THE COLLECTIVE COME INTO COURT AND WRITE DECLARATIONS IN SUPPORT OF THE COLLECTIVE DEFENSE. DA AGREED TO DISMISS
PEOPLE V. J.E.	2011	TORRANCE COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA (3LBS W/ PRIORS FOR POSSESSION/SALE OF ECSTASY)	SENTENCE REDUCED TO A WOBBLER TO BECOME A MISDEMEANOR AFTER PROBATION IS COMPLETED.
PEOPLE V. H.R.	2011	WHITTIER COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA WITH FIRE ARM (INITIAL ARREST IN VEHICLE LED TO SEIZURE OF 'ILLEGAL GUNS AND MARIJUANA' FROM HOTEL ROOM)	DISTRICT ATTORNEY OFFICE AGREED TO REJECT CHARGES AFTER OUR OFFICE SENT LETTER BEFORE THE ARRAIGNMENT DESCRIBING THE ILLEGALITY OF THE SEARCH.
PEOPLE V. G.R.	2011	LOS ANGELES COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA (\$12,000 CASH ON HAND, 1/4LB OF MARIJUANA, RUNNING FROM POLICE)	MOTION TO SUPPRESS EVIDENCE BY GRANTED DUE TO UNLAWFUL DETENTION.
PEOPLE V. W.M.	2011	LAX COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA (8LBS, LEDGER CITING OVER \$50,000 IN TRANSACTIONS)	PLEA BARGAIN MISDEMEANOR PC 32, 12 MONTHS SUMMARY PROBATION, 15 DAYS OF BEACH CLEANUP
PEOPLE V. G.	2011	HOLLYWOOD COURTHOUSE	BATTERY AGAINST HOLLYWOOD BOWL EMPLOYEE	DISMISSED AT CITY ATTORNEY HEARING
PEOPLE V. S.	2011	BEVERLY HILLS COURTHOUSE	MULTIPLE CONTROLLED SUBSTANCES WITHOUT VALID PRESCRIPTION	CASE DISMISSED BY INFORMAL ATTENDANCE TO COUNSELING
PEOPLE V. D.	2011	BEVERLY HILLS COURTHOUSE	GRAND THEFT AUTO, DEFENDANT ALLEGED TO HAVE FAILED TO RETURN RENTED VEHICLE	CASE TO BE DISMISSED CIVIL COMPROMISE, 40 HOURS OF COMMUNITY SERVICE
PEOPLE V. K.K.	2011	VAN NUYS COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA, CULTIVATION DISPENSARY	WOBBLER TO BE REDUCED TO MISDEMEANOR WITHIN YEAR UPON COMPLETION OF COMMUNITY SERVICE AND PAYMENT OF FINE AND THEN DISMISSED

Partial List of Recent Successes

Client Name:	Date:	Courthouse:	Charges:	Results:
PEOPLE V. J. R.	8/04/10	SANTA ROSA COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA (60LBS)	CASE DISMISSED ON MEDICAL DEFENSE
PEOPLE V. D.G.	6/14/10	RIVERSIDE COUNTY COURTHOUSE	WAREHOUSE FULL OF MARIJUANA	DISMISSED ON CONDITION DEFENDANT COMPLETE A DRUG PROGRAM
PEOPLE V. J.H.	6/22/10	SAN BERNARDINO COURTHOUSE	RESISTING ARREST BY USE OF FORCE	REDUCED TO AN INFRACTION, DISTURBING THE PEACE, NO JAIL TIME
PEOPLE V. R.C.	7/29/10	POMONA JUVENILE COURTHOUSE	6 COUNTS OF CHILD MOLESTATION	PETITION DISMISSED AT CONCLUSION OF TRIAL
PEOPLE V. S.C.	6/28/10	BURBANK COURTHOUSE	POSSESSION OF MARIJUANA AT THE BURBANK AIRPORT	REDUCED TO AN INFRACTION (NOT A MISDEMEANOR) AND DISTURBING THE PEACE (NOT NARCOTIC OFFENSE)
PEOPLE V. R.M.	6/18/10	LANCASTER COURTHOUSE	EVADING THE POLICE, WRECKLESS DRIVING	REDUCED TO AN INFRACTION, \$150.00 FINE AND NO PROBATION
PEOPLE V. P.M.	6/17/10	BURBANK COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA	DISMISSED DUE TO DENIAL OF RIGHT TO A SPEEDY TRIAL
PEOPLE V. L.J.	6/17/10	SAN FERNANDO COURTHOUSE	POSSESSION OF MARIJUANA, LESS THAN ONE OUNCE	CASE DISMISSED
PEOPLE V. V.N.	6/14/10	LAX COURTHOUSE	CULTIVATION & POSSESSION FOR SALE (48 PLANTS, 2.5 LBS, SEEDS, \$432.00 & A HANDGUN)	PROBATION WITH NO JAIL TIME, TO BE REDUCED TO A MISDEMEANOR POSSESSION CHARGE IN 24 MONTHS UPON COMPLETION OF COMMUNITY SERVICE HOURS
PEOPLE V. L.D.	6/15/10	SAN FERNANDO COURTHOUSE	CULTIVATION OF 30+ PLANTS	CASE DISMISSED MOTION TO SUPPRESS DUE TO USE OF LADDER TO LOOK OVER FENCE
PEOPLE V. M.K.	6/14/10	SAN BERNARDINO COURTHOUSE	POSSESSION OF MARIJUANA	CASE SETTLED FOR SPEEDING TICKET
PEOPLE V. G.P.	6/14/10	LOS ANGELES CRIMINAL COURTHOUSE	CULTIVATION & POSSESSION FOR SALE OF MARIJUANA, 500 PLANTS	PLED TO CULTIVATION CHARGE, 5 YEARS FORMAL PROBATION, 30 DAYS CAL TRANS AND NO JAIL TIME
PEOPLE V. F.K.	6/14/10	BURBANK COURTHOUSE	POSSESSION OF HASH & MARIJUANA	CASE DISMISSED ON MEDICAL DEFENSE AFTER MEDICAL RECORDS SUBPOENAED TO THE COURT
PEOPLE V. K.J.	6/04/10	RIVERSIDE COUNTY COURTHOUSE	CULTIVATION OF MARIJUANA, 31 PLANTS, POSSESSION OF SEMI-AUTOMATIC GUN, & CHILD ENDANGERMENT	CASE DISMISSED ON MEDICAL DEFENSE
PEOPLE V. A.J.	5/28/10	MALIBU COURTHOUSE	POSSESSION OF HASH (OVER 1OZ)	CASE DISMISSED ON MEDICAL DEFENSE
PEOPLE V. C.A.	4/28/10	VAN NUYS COURTHOUSE	POSSESSION OF THC BUTTER FOR SALE AND TRANSPORTATION (ALLEGEDLY ADMITTED INTENT TO SELL LARGE AMOUNTS TO DISPENSARIES)	DEFENDANT'S CASE DISMISSED AFTER COMPLETING DRUG CLASSES
PEOPLE V. L.M.	5/27/10	SAN FERNANDO VALLEY COURTHOUSE	DUI	CASE REJECTED BY CITY ATTORNEYS OFFICE
PEOPLE V. L.C.	5/26/10	MURRIETA COURTHOUSE	VIOLATION OF PROBATION FOR USE OF MEDICAL MARIJUANA	DISMISSED BY THE COURT AND INSTRUCTED PROBATION DEPT. TO CHANGE THEIR POLICY ON MEDICAL MARIJUANA VIOLATIONS
PEOPLE V. J.E.H.D.	6/28/10	NEWPORT BEACH COURTHOUSE	POSSESSION OF MARIJUANA	CASE DISMISSED ON MEDICAL DEFENSE
PEOPLE V. P.R.	5/28/10	LOS ANGELES CRIMINAL COURTHOUSE	POSSESSION OF METHAMPHETAMINE (SCALE, BAGGIES AND PAY/OWE SHEETS)	DEFENSE GRANTED, MOTION TO DISMISS AS WE REFUSED TO WAIVE TIME, PEOPLE UNABLE TO PROCEED, CASE DISMISSED
PEOPLE V. A.V.	5/18/10	ALHAMBRA COURTHOUSE	FELONY POSSESSION OF HASH AND MISDEMEANOR POSSESSION OF MARIJUANA IN VEHICLE	CASE DISMISSED ON MEDICAL DEFENSE
PEOPLE V. S.E.	1/18/10	VAN NUYS COURTHOUSE	POSSESSION OF MARIJUANA FOR SALE	DISMISSAL AT PRELIMINARY HEARING OF MARIJUANA POSSESSION FOR SALE CASE WITH MEDICAL DEFENSE, INVOLVING TESTIMONY THAT THE CLIENT GAVE HIMSELF AN HOURLY WAGE OF \$35/HOUR TO CULTIVATE MARIJUANA FOR HIS GROWING COLLECTIVE, AND POSSESSED MARIJUANA AND EDIBLES, AFTER SELLING A POUND OF MARIJUANA TO A DISPENSARY IN LOS ANGELES TO WHICH HE BELONGED.
PEOPLE V. L.D.	5/12/10	MODESTO COURTHOUSE	CULTIVATION OF 35 PLANTS, INDOOR GROW HOUSE, NON MEDICAL	CASE DISMISSED DEJ GRANTED
PEOPLE V. P.J.	5/07/10	LOS ANGELES CRIMINAL COURTHOUSE	CHARGED WITH SALES TO A POLICE OFFICER CONTACTED THROUGH CRAIGS LIST	PLEA TO 30 DAYS COMMUNITY SERVICE AT ANY NON-PROFIT EXCEPT DISPENSARIES, NO DRUG TESTING, NO JAIL TIME AND CAN CONTINUE TO USE MEDICAL MARIJUANA WHILE ON PROBATION
PEOPLE V. D.T.	3/11/10	BEVERLY HILLS COURTHOUSE	POSSESSION OF HASH & MARIJUANA	CASE DISMISSED BASED ON AG GUIDELINES
PEOPLE V. P.N.	2/18/10	VAN NUYS COURTHOUSE	TRANSPORT AND POSSESSION FOR SALE OF MARIJUANA	PLEA BARGAIN TO MISDEMEANOR POSSESSION OF LESS THAN AN OUNCE AND DEJ GRANTED FOR DISMISSAL
PEOPLE V. J.L.	2/24/10	MOJAVE COURTHOUSE	POSSESSION OF MARIJUANA (22 PLANTS)	DISMISSAL BEFORE PRELIMINARY HEARING OF A 22-PLANT CASE BY THE DISTRICT ATTORNEY AFTER SUCCESSFUL PRESENTATION OF DEFENSE TO DISTRICT ATTORNEY

Partial List of Recent Successes

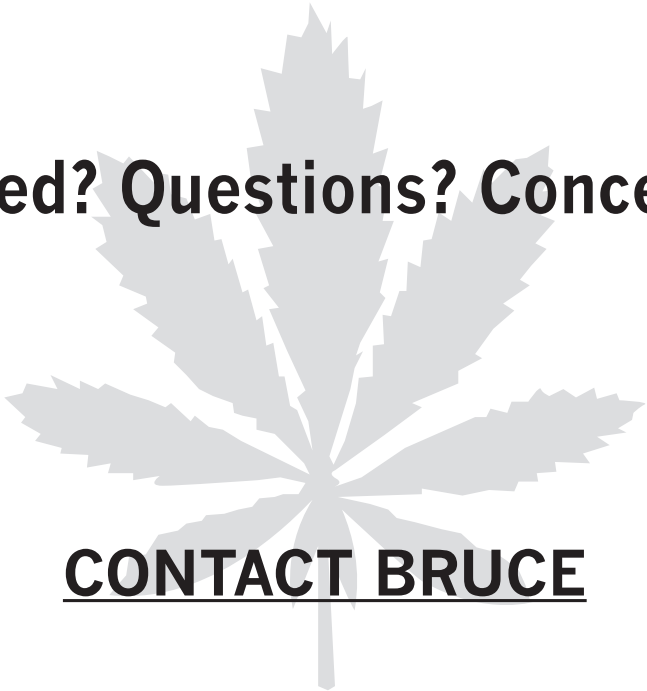
Client Name:	Date:	Courthouse:	Charges:	Results:
PEOPLE V. H.H.	5/11/10	SANTA CLARITA COURTHOUSE	PROBATION VIOLATION FOR CULTIVATING 21 PLANTS, POSSESSION OF 30 OUNCES AND A SCALE	CASE DISMISSED ON MEDICAL MARIJUANA DEFENSE, PROBATION TERMINATED EARLY
PEOPLE V. H.G.	4/28/10	LAX COURTHOUSE	CULTIVATION AND POSSESSION FOR SALE OF MARIJUANA, (35 POUNDS CULTIVATED INCLUDING 20 LBS DRIED)	DISTRICT ATTORNEY ANNOUNCED UNABLE TO PROCEED AFTER GIVEN EVIDENCE OF LEGAL COLLECTIVE PRE-ARREST 35 POUNDS OF MARIJUANA TO BE RETURNED TO THE DEFENDANT
PEOPLE V. L.R.	4/15/10	INDIO COURTHOUSE	POSSESSION AND TRANSPORTATION OF MARIJUANA AND 2 POUNDS HASH FOR SALE	PLED TO POSSESSION OF 2 POUNDS HASH CHARGE WOBBLER TO BE REDUCED TO WOBBLER TO BE MISDEMEANOR, NO JAIL TIME ALL OTHER COUNTS DISMISSED
PEOPLE V. G.A.	4/15/10	SAN FERNANDO COURTHOUSE	POSSESSION OF A FIREARM WARRANT, (SEIZED INDOORS APPROX. 21 PLANTS OUTSIDE 9 PLANTS, \$540.00 AND SCALE)	PROSECUTION REJECTED BY DISTRICT ATTORNEY'S OFFICE
PEOPLE V. D.M.	4/12/10	LANCASTER COURTHOUSE	DRIVING UNDER THE INFLUENCE (MARIJUANA)	PROSECUTION UNABLE TO CONVICT BEFORE A HUNG JURY CASE DISMISSED
PEOPLE V. H.R.	3/23/10	VAN NUYS COURTHOUSE	POSSESSION FOR SALE OF HASH	HASH COUNT DISMISSED - 1538.5 MOTION TO SUPPRESS EVIDENCE ON ILLEGAL SEARCH AND SEIZURE GRANTED
PEOPLE V. S.K.	4/07/10	VAN NUYS COURTHOUSE	POSSESSION FOR SALE OF MARIJUANA	CASE DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. J.J.	4/01/10	SANTA CLARITA COURTHOUSE	MARIJUANA DUI AND HIGH LEVELS OF METABOLITES	DESPITE HIGH LEVEL OF MARIJUANA/METABOLITES, NEGOTIATED DISMISSAL OF DUI PLEA BARGAIN TO DRY RECKLESS NON-PRIOR ABLE
PEOPLE V. B.P.	3/22/10	HOLLYWOOD COURTHOUSE	UNDER THE INFLUENCE OF NARCOTIC, MANDATORY STATUTORY REQUIREMENT OF 90 DAYS	REDUCED TO DRUNK IN PUBLIC, AA MEETINGS, NO JAIL TIME
PEOPLE V. S.R.	3/16/10	RIVERSIDE COUNTY COURTHOUSE	POSSESSION FOR SALE AND CULTIVATION OF MARIJUANA	JURY TRIAL DEFENSE HUNG JURY PROSECUTION FAILED TO CONVICT
PEOPLE V. D.V.	2010	VAN NUYS COURTHOUSE	14 FELONY COUNTS; CONSPIRACY, DEFRAUDING AN INSURER, INSURANCE FRAUD, 2 COUNTS INSURANCE FRAUD, TO FILE FALSE OR FORGED INSTRUMENT WITH BAIL OF \$300,000	PLEA NEGOTIATION 2 COUNTS AS WOBBLERS WHICH ARE TO BE REDUCED TO MISDEMEANORS AND DISMISSED, 90 DAYS COMMUNITY SERVICE, NO JAIL TIME, NO FINE
PEOPLE V. N.H.	2/26/10	BARSTOW COURTHOUSE	DUI WITH A PRIOR, POSSESSION OF MARIJUANA AND ECSTASY	FORMAL DIVERSION GRANTED
PEOPLE V. D.M.	2/24/10	MOJAVE COURTHOUSE	CULTIVATION AND POSSESSION FOR SALE OF MARIJUANA, PATIENT COLLECTIVE 42 PLANTS (COPS LOOKED THRU CRACK IN FENCE AFTER SMELLING WEED)	CASE DISMISSED IN THE INTEREST OF JUSTICE AFTER DEFENSE FILING, MOTION TO SUPPRESS, QUASH WARRANT FOR ILLEGAL SEARCH AND SEIZURE
PEOPLE V. P.N.	2/18/10	VAN NUYS COURTHOUSE	POSSESSION FOR SALE AND TRANSPORTATION OF MARIJUANA	PLEA BARGAINED TO MISDEMEANOR POSSESSION OF LESS THAN AN OUNCE AND DEJ GRANTED FOR DISMISSAL UPON COMPLETION
PEOPLE V. M.R.	2/04/10	LONG BEACH COURTHOUSE	11 FELONY COUNTS OF POSSESSION OF A CONTROLLED SUBSTANCE FOR SALE	PROBATION MODIFIED AT FORMAL PROBATION MODIFICATION HEARING TO ALLOW MEDICAL MARIJUANA USE AGAINST PROSECUTION ARGUMENT THAT 11 FELONY COUNTS HAD ALREADY BEEN PLEADED
PEOPLE V. S.M.	2/02/10	LANCASTER COURTHOUSE	POSSESSION OF MARIJUANA FOR SALE (11 LBS AND \$8,000 IN CASH)	PLEAD TO 11357(A) ELIGIBLE FOR MISDEMEANOR AND SUMMARY PROBATION
PEOPLE V. V.A.	1/21/10	RANCHO CUCAMONGA COURTHOUSE	CHARGED WITH POSSESSION FOR SALE, (1.5 GRAMS OF HASH, 11 OUNCES OF MARIJUANA, \$2,000 CASH, SCALE, BAGGIES, 45 SEMI-AUTOMATIC PISTOL AND 70 ROUNDS OF AMMUNITION)	CASE DISMISSED AT PRELIMINARY HEARING ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. J.D.	1/08/10	VAN NUYS COURTHOUSE	DRIVING UNDER THE INFLUENCE, (FOUND VICODIN PILLS, AND LESS THAN AN OUNCE OF MARIJUANA)	PLED TO A WET RECKLESS, GRANTED DEJ AND COUNT 2 POSSESSION OF VICODIN DISMISSED AFTER PROOF OF PRESCRIPTION

Partial List of Recent Successes

CLIENT NAME:	DATE:	COURTHOUSE:	CHARGES:	RESULTS:
PEOPLE V. N.D.	7/31/09	GLENDALE	POSSESSION OF MARIJUANA	CASE DISMISSED – INFORMAL DIVERSION (10 NARCOTICS ANONYMOUS CLASSES AND 2 PAGE ESSAY)
PEOPLE V. B.J.	7/29/09	AIRPORT	DRIVING UNDER THE INFLUENCE	PLED TO DRY RECKLESS CHARGE-NON PRIORABLE
PEOPLE V. S.Z	7/29/09	TORRANCE	PROBATION VIOLATION FOR TESTING POSITIVE FOR MARIJUANA	PROBATION VIOLATION DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. D.R.	7/27/09	TORRANCE	POSSESSION OF MARIJUANA IN A VEHICLE	CASE DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. M.T.	7/20/09	SAN BERNARDINO	CAMPUS FORM ROOM SEARCHED, MARIJUANA AND SCALE FOUND, CHARGED WITH POSSESSION FOR SALE OF MARIJUANA	CASE DISMISSED NOT A LEGITIMATE SEARCH WARRANT TO SEARCH HIS DORM ROOM AND UPON PROOF OF HIS MEDICAL STATUS
PEOPLE V. G.T.	7/17/09	AIRPORT	SEARCH WARRANT POSSESSION OF NARCOTICS, POSSESSION OF SEVERAL GUNS, 3 COUNTS OF HAVING A CONCEALED FIREARM ON THE PERSON AND POSSESSION OF A DEADLY WEAPON	SUMMARY PROBATION, 15 DAYS CA TRANS NO JAIL TIME
PEOPLE V. T.D.	7/16/09	MALIBU	POSSESSION OF MARIJUANA AND HASH, 1357A HS	CASE DISMISSED UPON PROOF OF HIS MEDICAL STATUS
PEOPLE V. V.N.	7/16/09	ALHAMBRA	WARRANT INVESTIGATION, COCAINE FOUND IN POCKET	DEJ DISMISSAL
PEOPLE V. A.A.	7/14/09	GLENDALE	POSSESSION OF HASH	PLED TO DISTURBING THE PEACE AND \$250 FINE, 415 PC
PEOPLE V. L.S.	7/13/09	TORRANCE	CHARGED WITH DRIVING UNDER THE INFLUENCE 23152A VC	REFUSED TO WET RECKLESS CHARGE
PEOPLE V. W.J.	7/13/09	TORRANCE	TWO COUNTS OF CRIMINAL THREATS AND POSSESSION OF A DEADLY WEAPON	CASE DISMISSED AT TRIAL, PEOPLE CONCEDED THAT THE VICTIM WERE NOT TELLING THE TRUTH
PEOPLE V. B.T.	7/13/09	FONTANA	TRANSPORTATION AND POSSESSION FOR SALE OF MARIJUANA, 11360 HS AND 11359 HS	REFUSED TO ALLOW DISTRICT ATTORNEY ADDITIONAL TIME TO PREPARE, PROSECUTOR NOT READY, CASE DISMISSED
PEOPLE V. Z.E & L.	7/10/09	BURBANK	FOUND IN POSSESSION OF \$17,000 CASH, MARIJUANA AND HASH, CHARGED WITH TRANSPORTATION AND SALES, 11360 HS	CASE DISMISSED IN THE INTEREST OF JUSTICE, MEDICAL MARIJUANA DEFENCE PRESENTED TO DISTRICT ATTORNEY AND MONEY RETURNED
PEOPLE V. M.N.	7/9/09	ORANGE JUVY	CHARGED WITH POSSESSION OF MARIJUANA FOR SALE, 11359 HS	CASE DISMISSED REDUCED TO OBTAIN DEJ PROGRAM
PEOPLE V. B.D.	7/9/09	AIRPORT	POSSESSION OF SALE 11359 H&S, TEXT MESSEGES CONFIRMED SALES	SALES COUNT DISMISSED REDUCED TO WOBBLER/MIS-DEMEANOR COMMUNITY SERVICE
PEOPLE V. P.J.	6/30/09	AIRPORT	CHARGED WITH DOMESTIC VIOLENCE 273.5 P.C. AND 422 P.C. THREATENING A WITNESS	CASE DISMISSED MOTION TO DISMISS GRANTED ON INSUFFICIENT EVIDENCE
PEOPLE V. B.S.	6/25/09	EL MONTE	CHARGED WITH POSSESSION OF MARIJUANA IN VEHICLE AND TRAFFIC VIOLATION 11357 HS	CASE DISMISSED ON MEDICAL MARIJUANA DEFENCE
PEOPLE V. K.M.	6/25/09	LONG BEACH	CHARGED WITH POSSESSION FOR SALE 11359 H&S AND TRANSPORTATION OF MARIJUANA 11360 H&S	CASE REJECTED BY DISTRICT ATTORNEY'S OFFICE AFTER DEFENCE ARROTNEY CONTACT WITH PROSECUTOR PRIOR TO ARRAIGNMENT
PEOPLE V. M.E.	6/23/09	VAN NUYS	2 COUNTS OF PROHIBITED PERSON IN POSSESSION OF FIREARM AND PROBATION VIOLATION, 12200 PC	CHARGED REDUCED TO TRESPASSING , NO JAIL, NO FINES, PROBATION REINSTATED, 415 PC
PEOPLE V. C.E.	6/19/09	RIVERSIDE	HOUSE SEARCHED ON SEARCH WARRANT, APPROXIMATELY 200 PLANTS FOUND, ADMISSION OF SALES BY DEFENDANT, CHARGED WITH CULTIVATION 13358 AND POSSESSION FOR SALE OF MARIJUANA 11359 H&S	HOME DETENTION ONLY, PROBATION GRANTED AND THE COURT AGREED THE CLIENTS USE MEDICAL MARIJUANA WHILE ON PROBATION, NO JAIL
PEOPLE V. C.E.	6/19/09	RIVERSIDE	DUI 32152 A AND B VEHICLE COE3	CASE DISMISSED ON SERNA MOTION GRANTED FOR LACK OF SPEEDY PROSECUTION
PEOPLE V. M.H.	6/16/09	PASADENA	CITED FOR POSSESSION OF MARIJUANA	CASE DISMISSED INFORMAL DIVERSION
PEOPLE V. W.M.	6/15/09	LONG BEACH	SALES OF MARIJUANA 11360 H&S AT REGGAE FESTIVAL TO UNDERCOVER INFORMANT	AT TRIAL ATTORNEY AGREED TO LESS THAN AN OUNCE OF MARIJUANA \$100 FINE
PEOPLE V. M.A.	6/12/09	AIRPORT	CHARGED WITH POSSESSION FOR SALE 11359 H&S	CASE DISMISSED ON MEDICAL MARIJUANA DEFENCE
PEOPLE V. M.M.	6/8/09	WESTMINSTER	FOUND IN CAR HASH AND OXYCONTIN, CHARGED WITH POSSESSION OF CONCENTRATED CANNABIS 11357A H&S AND POSSESSION OF A PRESCRIPTION DRUG	CASE DISMISSED UPON COMPLETION OF INFORMAL DIVERSION (10 NARCOTICS ANONYMOUS CLASSES) AND PROOF OF CAREGIVER STATUS
PEOPLE V. P.P.	6/3/09	MALIBU	POSSESSION OF A CONTROLLED SUBSTANCE 11377 H&S	AFTER ATTORNEY'S PRE-ARRAIGNMENT CONTACT WITH PROSECUTOR REJECTED BY DISTRICT ATTORNEY'S OFFICE
PEOPLE V. D.R.	6/2/09	VENTURA	CAR SEARCH POSSESSINO OF MUSHROOMS 11377 H&S AND MARIJUANA 11357 H&S	CASE REJECTED BY DISTRICT ATTORNEY'S OFFICE AFTER ATTORNEY CONTACT WITH PROSECUTOR
PEOPLE V. L.J.M	6/2/09	HARBOR	POSSESSION OF MARIJUANA AND TRAFFIC VIOLATION	PLED TO TRAFFIC VIOLATIONS, MARIJUANA CHARGE DISMISSED
PEOPLE V. O.M	6/2/09	FULLERTON	POSSESION AND POSSESSION FOR SALE 11359 H&S OF MARIJUANA	CASE DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. S.R.	5/29/09	HOLLYWOOD	POSSESSION OF MARIJUANA 11357 H&S	CASE DISMISSED ON MEDICAL MARIJUANA DEFENSE
PEOPLE V. B.E.	5/28/09	BAUCHET	POSSESSION OF MARIJUANA 11357B H&S	CASE DISMISSED PER INFORMAL DIVERSION (NARCOTICS ANONYMOUS CLASSES)
PEOPLE V. Y.J	5/28/09	PASADENA	POSSESSION OF MARIJUANA, MARIJUANA EDIBLES, AND \$700, CHARGED WITH POSSESSION OF MARIJUANA FOR SALE 11359	PLEA AGREEMENT REACHED TO MISDEMEANOR POSSESION OF LESS THAN AN OUNCE, \$100 FINE

Partial List of Recent Successes

CLIENT NAME:	DATE:	COURTHOUSE:	CHARGES:	RESULTS:
PEOPLE V. H.K.	5/28/09	WESTMINSTER	POSSESSION OF DEADLY WEAPON, 1201 PC	CASE REJECTED BY DISTRICT ATTORNEY'S OFFICE
PEOPLE V. V.J.	5/27/09	TORRANCE	ARRESTED FOR DUI 23152 VC AND REFUSING TESTS	NO LOSS OF LICENSE, REDUCED TO DRY NON-PRIORABLE RECKLESS DRIVING. NO TIME IN CUTOY
PEOPLE V. M.E	5/27/09	COMPTON	CHARGES WITH 3 COUNTS OF CRIMINAL THREATS, 422 PC	CASE DISMISSED AT PRELIMINARY HEARING
PEOPLE V. C.D.	5/27/09	PASADENA	POSSESSION OF MARIJUANA IN VEHICLE AND PROBATION VIOLATION	PLEA NEGOTIATION RECEIVED DISTURBING THE PEACE INFRACTION 415 PC AND A \$50 FINE, PROBATION FROM PREVIOUS CASE TERMINATED
PEOPLE V. T.L.	5/22/09	AIRPORT	HOUSE SEARCHED ON SEARCH WARRANT, 43 POUNDS OF MARIJUANA FOUND, CHARGED WITH POSSESSION OF MARIJUANA FOR SALE, 11359 HS	PLED TO POSSESSION FOR SALE CHARGE, 9 MONTHS HOUSE, NO JAIL TIME
PEOPLE V. L.I.	5/19/09	SAN DIEGO	SALE OF MARIJUANA TO COP POSING AS PATIENT PER CRAIG LIST ADVERTISEMENT BY CLIENT AND CHILD ENDANGERING, 11360 HS	NO JAIL TIME, 12 WEEK PARENTING CLASS
PEOPLE V. P.C.	5/6/09	METRO	CHARGED WITH FORGERY 470 PC AND GIVING FALSE INFORMATION TO POLICE OFFICER	PLEA BARGAIN AGREEMENT TO 415 P.C. DISTURBING THE PEACE INFRACTION AND A \$50 FINE
PEOPLE V. W.K.	5/5/09	AIRPORT	CHARGED WITH FURNISHING MARIJUANA TO AN UNDERCOVER POLICE OFFICER 11360 H&S	PER PLEA BARGAIN TO WOBBLER REDUCABLE TO MISDEMEANOR POSSESSION OF HAS CHAGE 30 DAYS COMMUNITY SERVICE
PEOPLE V. C.H.	4/30/09	LOS ANGELES CRIMINAL COURTS BLDG	PROBATION VIOLATION FOR FALIURE TO REPORT	PROBATION REINSTATED
PEOPLE V. G.J.	4/29/09	INGLEWOOD	PULLED OVER, POSSESSION OF 4 OUNCES AND A SCALE, CHARGED WITH POSSESSION FOR SALE OF MARIJUANA, 11359 HS	1 YEAR SUMMARY PROBATION AND \$100 FINE
PEOPLE V. I.S.	4/29/09	TORRANCE	PULLED OVER FOR TINTED WINDOWS, CAR SEARCHED, 4 ½ POUNDS FOUND IN TRUNK, ARRESTED AND CHARGED WITH TRANSPORTATION AND POSSESSION OF MARIJUANA FOR SALE, 11360 AND 11359 HS	BOTH CHARGES DISMISSED, PLED TO A WOBBLER POSSESSION OF HASH CHARGE, 3 YEARS PROBATION, 60 DAYS COMMUNITY SERVICE, UPON SUCCESSFUL COMPLETION DISTRICT ATTORNEY WILL NOT OPPOSE REDUCTION TO A MISDEMEANOR IN 1 YEAR
PEOPLE V. M.A.	4/28/09	MALIBU	PULLED OVER, FOUND IN POSSESSION OF APPROXIMATELY A POUND, CHARGED WITH POSSESSION OF MARIJUANA FOR SALE.	PLED TO MISDEMEANOR POSSESSION CHARGE \$300 FINE
PEOPLE V. M.J.	4/27/09	POMONA	CHARGED WITH POSSESSION AND TRANSPORTATION OF MARIJUANA FOR SALE APPROXIMATELY 4 OUNCES, 11360 HS	DEJ GRANTED
PEOPLE V. L.M.	4/27/09	TORRANCE	CHARGED WITH POSSESSION OF COCAINE AND PARAPHERNA LIA, 11350 HS	CASE DISMISSED IN THE INTEREST OF JUSTICE
PEOPLE V. O.O.	4/17/09	CCB	ACCUSED OF STEALING FROM A DEPARTMENT STORE, CHARGED WITH PETTY THEFT, 484 PC	CHARGED REDUCED TO DISTURBING THE PEACE INFRACTION
PEOPLE V. L.J.	4/16/09	AIRPORT	POSSESSION OF MARIJUANA	CASE DISMISSED ON MEDICAL MARIJUANA DEFENCE
PEOPLE V. R.M.	4/16/09	SANTA CLARITA	SPEEDING AND POSSESION OF MARIJUANA	CASE DISMISSED IN THE INTEREST OF JUSTICE
PEOPLE V. R.J.	4/16/09	RIVERSIDE	PULLED OVER, FOUND IN POSSESSION OF 2LBS. OF MARIJUANA, SCALE AND BAGGIES, POLICE THEN SEARCHED HOUSE AFTER OBTAINING A SEARCH WARRANT, PARAPHERNALIA AND GUN FOUND, CHARGED WITH POSSESSION FOR SALE, 11359 HS	PLED TO MAINTAINING A PLACE CHARGE 11366.5 HS, RECEIVED WORK RELEASE, CHARGES TO BE REDUCED TO MISDEMEANOR
PEOPLE V. M.B.	4/3/09	BANNING	POSSESSION OF MARIJUANA	1538.5 MOTION TO SUPRESS EVIDENCE ON ILLEGAL SEARCH AND SEIZURE GRANTED CASE DISMISSED
PEOPLE V. B.E.	4/3/09	RANCHO CUCAMONGA	CHARGED WITH TRANSPORTATION OF MARIJUANA, 11360 HS	PLED TO TRANSPORTATION CHARGE, \$100 FINE, NO JAIL TIME
PEOPLE V. M.M.	4/2/09	LOS ANGELES CRIMINAL COURTS BLDG	TRANSPORTATION AND POSSESSION FOR SALE OF 5,289 LBS, OF MARIJUANA, 11359 HS	PLED TO SALES CHARGE, 1 YEAR JAIL TIME AND PROBATION, ACTUAL TIME SERVED: 16 DAYS AFTER SENTENCING
PEOPLE V. Q.K.	4/2/09	ALHAMBRA	FOUND WITH 11 OUNCES OF MARIJUANA, CHARGED WITH POSSESSION AND TRANSPORTATION AND INTERFERING WITH A POLICE INVESTIGATION	DEJ GRANTED PER PLEA BARGAIN
PEOPLE V. R.R.	3/17/09	HARBOR	FOUND WITH 8 OUNCES OF MARIJUANA, CHARGED WITH POSESSION FOR SALE, 11359 HS	NEGOTIATED TO MISDEMEANOR POSSESSION OF OVER AN OUNCE, NO JAIL TIME, 11357 HS
PEOPLE V. D.W.	3/13/09	SAN FERNANDO	HOUSE SEARCHED ON SEARCH WARRANT, FOUND WITH 280 PLANETS, CHARGED WITH CULTIVATION, POSSESSION FOR SALE OF MARIJUANA, AND UTILITY THEFT, 11359 AND 11360 HS	PLED TO THEFT OF UTILITIES ONLY, 90 DAYS COUNTY JAIL, ALLOWED TO USE MEDICAL MARIJUANA WHIL ON PROBATION
PEOPLE V. K.M.	3/12/09	VAN NUYS	CHARGED WITH CULTIVATION AND POSSESSION FOR SALE OF MARIJUANA, 11358 AND 11359 HS	NEGOTIATED OFFER TO ACCESSORY AFTER THE FACT WHICH IS NON-DEPORTABLE OFFENSE (SUBJECT TO REVIEW)
PEOPLE V. E.J.	3/12/09	LOS ANGELES CRIMINAL COURTS BLDG	GRANTED DEJ PREVIOUSLY, PROBATION MODIFICATION REQUESTED TO USE MEDICAL MARIJUANA WHILE ON DEJ	NO JAIL TIME, PROBATION AND WOBBLER TO BE REDUCED TO MISDEMEANOR IN 2 YEARS, 11366.5 HS, CONVERT TO SUMMARY PROBATION AND TO BE DISMISSED
PEOPLE V. H.H.	3/10/09	LOS ANGELES CRIMINAL COURTS BLDG	ILLEGAL MARIJUANA DISPENSARY, NOT COOPERATIVE, SUBSTATIAL PRODUCT SIEZED, 11359 HS	STATE PRISION CASE NEGOTIATED TO PROBATION WITH COUNTY TIME, PLED TO CULTIVATION CHARGE. CAN CONTINUE TO USE, POSSESS AND CULTIVATE MARIJUANA FOR OWN MEDICAL NEEDS, SENTENCING PENDING



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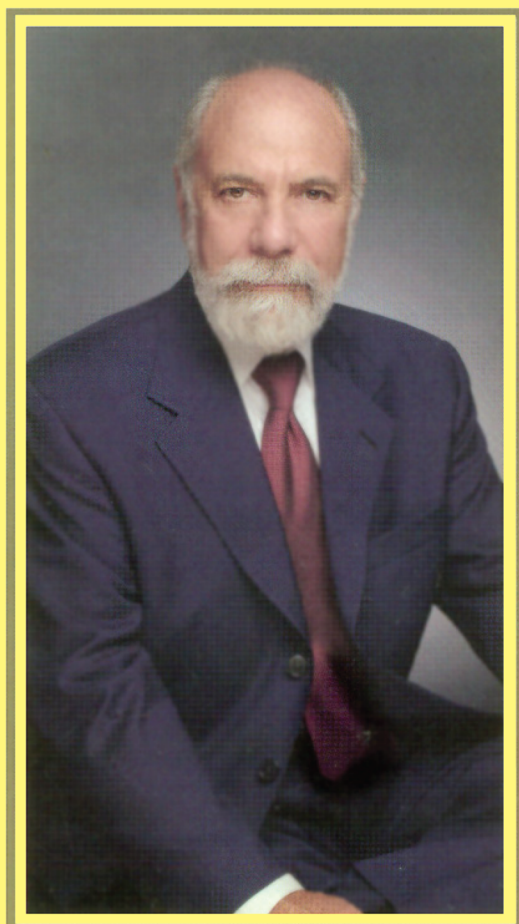
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CRIMINAL DEFENSE ATTORNEY OF THE YEAR*

SELECTED CRIMINAL DEFENSE SUPER LAWYER**



BRUCE M. MARGOLIN, ESQ.

For over 40 years, Bruce M. Margolin has been relentless in his efforts to successfully defend the rights of his clients in all types of criminal matters, including 1000's of Marijuana Cases and to reform laws he believes to be unjust.

As a candidate for Governor of the State of California in 2003 and US Congress in 2012 Mr. Margolin helped establish the credibility of marijuana legalization policies.

Mr. Margolin has served as Chairman of the Ethics Committee for the N.A.C.D.L. (National Association of Criminal Defense Lawyers).

Bruce has been the Director of the Los Angeles chapter of N.O.R.M.L. (National Organization for the Reform of Marijuana Laws) since 1973.

He has been awarded the Certificate of Appreciation from the A.C.L.U. (American Civil Liberties Union), as well as received honors for his work on behalf of the Constitution Rights Foundation.

Mr. Margolin served as chairman for the 2006 Proposition Z (making marijuana offences law enforcements lowest priority in certain cities).

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