

## LOCAL

# Pot delivery charges to be refiled

## Prosecutors say driver shouldn't have delivered medical marijuana

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Ventura County prosecutors plan to refile charges against a Woodland Hills man, alleging he should not have sold medical marijuana to an undercover narcotics agent even though the

agent had a doctor's recommendation for the drug.

"This case represents an outrageous misuse of resources, and the public should be aware of it," said attorney Jay Leiderman, who is representing Hilton Gurfinkiel. Prosecutors allege Gurf-

inkiel, 33, violated a law prohibiting the sale and transportation of marijuana.

Gurfinkiel was working as a delivery driver for a medical marijuana delivery service, 805 Delivery.

The service provides medical marijuana to people in Ventura, Oxnard, Camarillo, Thousand Oaks and other areas of the county. Marijuana delivery services are allowed under Proposi-

tion 215.

Approved by California voters in 1996, Prop. 215 allows medical marijuana to be distributed by either a primary caregiver, a cooperative or a collective, which is what 805 Delivery is.

Leiderman said Gurfinkiel delivered medical marijuana to an undercover agent with the Ventura County Sheriff's Department on May 27 and again on June 18.

Gurfinkiel was arrested Sept. 8 on suspicion of conspiracy to sell marijuana and later released on bail. His case was dismissed at a preliminary hearing Sept. 28, after the undercover agent failed to appear in court because of an illness.

Prosecutors have declined to comment on the case, saying only that they plan to refile the charges.

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# Prop. 215 allows medical delivery

## MARIJUANA

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es against Gurfinkiel.

Leiderman said prosecutors claim the undercover agent had not signed a membership agreement with 805 Delivery and was not a member of the collective.

Prop. 215 does not require that members sign an agreement before joining a collective. Nevertheless, Leiderman said, Gurfinkiel assumed the person had signed such an agreement.

Agents also arrested Kim Lurie, 44, of Perris, whom Leiderman said is an owner of 805 Delivery. Lurie, also arrested on suspicion of conspiracy to sell marijuana, is scheduled to appear in Ventura County Superior Court later this month.

She is being represented by Monica Cummins, an attorney with the Ventura County Public Defender's

Office. Cummins could not be reached for comment.

Leiderman said he is preparing a letter he will send to Ryan Wright, a prosecutor in the district attorney's narcotics division, stating why he thinks it would be in everyone's best interest to not prosecute Gurfinkiel.

"My client was acting in good faith," Leiderman said. While prosecutors allege Gurfinkiel profited from the sale of the drug, Leiderman said he received "a very low salary" to deliver the medical marijuana.

David Kopel, a Colorado attorney specializing in drug legislation and a former New York City prosecutor, questioned the case against Gurfinkiel.

"It certainly calls into question the effective use of public resources," said Kopel, research director for the Independence Institute, a nonprofit public policy organization.