

Defense of Medical Marijuana Cases

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I. THE APPLICABLE STATUTES

- Health & Safety Code § 11362.5: also known as **Proposition 215**, the **Compassionate Use Act** and/or the CUA
- Health & Safety Code §§ 11362.7 – 11362.83: also known as **SB 420**, the **Medical Marijuana Program Act**, or the “MMP”

I. THE APPLICABLE STATUTES - 11362.5

- To ensure that seriously ill Californians have the right to access and use MMJ
- (d) Section 11357 . . . and Section 11358, . . . shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

I. THE APPLICABLE STATUTES - 11362.7

- Definitions - including “**Attending Physician**”
- “**Qualified patient**” is a person who is entitled to the protections of Section 11362.5, but who does not have an identification card
- “**Identification card**” is a document issued by the State (through the counties) and ID’s a person authorized to medically use of marijuana and the person's designated primary caregiver, if any.

I. THE APPLICABLE STATUTES - 11362.7(h)

- “**Serious Medical Condition**” Defined:
- AIDS, Anorexia, Arthritis, Cachexia, Cancer, Chronic Pain, Glaucoma, Migraine, Persistent Muscle Spasms (including MS), Seizures (Incl. Epilepsy), Severe Nausea
- AND

I. THE APPLICABLE STATUTES - 11362.7(h)(12)

(12) **Any other chronic or persistent medical symptom** that either:

(A) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336).

(B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health.

I. THE APPLICABLE STATUTES - 11362.765

- Section 11362.765 provides exemptions for marijuana charges for qualified patients, identification card holders and caregivers and those aiding patients, specifically from violations of code sections 11357, 11358, 11359, 11360, 11366, 11366.5, and 11370.

I. THE APPLICABLE STATUTES - 11362.775

- Section 11362.775 makes exemptions from cultivation, transportation, and furnishing for a valid collective or cooperative.
- Key phrase: “In order collectively or cooperatively to cultivate marijuana for medical purposes.”

II. STATUTORY INTERPRETATION

- The CUA's purpose is to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes upon the recommendation of a physician. (Health & Saf. Code, § 11362.5, subd. (b)(1)(A); *People v. Tilehkooh* (2003) 113 Cal.App.4th 1433, 1436.)

II. STATUTORY INTERPRETATION

- “Medical marijuana” is an affirmative defense
- The defendant is required to assert the affirmative defense and **raise a reasonable doubt** that the possession was unlawful. (*People v. Mower* (2002) 28 Cal.4th 457, 473)

II. STATUTORY INTERPRETATION

- The affirmative defense per *Mower* (2002) 28 Cal.4th at 473 can be raised at the preliminary hearing or any time after the filing of an information
- The defendant has a “fundamental right” to raise the defense at a preliminary hearing. (*People v. Konow* (2004) 32 Cal.4th 995)

II. STATUTORY INTERPRETATION (CONCENTRATED CANNABIS)

- The meaning of the term “marijuana,” as used in the CUA, also includes concentrated cannabis or hashish. (Ops.Atty.Gen. 03-411 (October 21, 2003.)
- See also Penal Code section 11018
- Federal law has a similar definition of marijuana. (21 U.S.C. § 802(16))

II. STATUTORY INTERPRETATION (CONCENTRATED CANNABIS)

- See also (*People v. Bergen* (2008) 166 Cal.App.4th 161, 167.) The statutory definition of “marijuana” includes its resin containing the tetrahydrocannabinol (THC).
- *Bergen* stands for the proposition that using the butane method of extracting hash could subject one to H&S 11379.6; not just 11358 (processing marijuana).

II. STATUTORY INTERPRETATION (IMPACT UPON PAST DEFENSES)

- The defense of **Medical Necessity** was abolished by the CUA.
- (*People v. Galambos* (2002) 104 Cal.App.4th 1147, 1162.) “[W]e conclude that a medical necessity defense is inconsistent with the more limited statutory exception established by Proposition 215 [the CUA], which affords only a limited immunity to prosecution for the cultivation or possession of marijuana.”

II. STATUTORY INTERPRETATION (IMPACT UPON PAST DEFENSES)

- The defense of “**Religious Use**” was NOT abolished by the CUA.
- The defense of religious use is still available, as long as a defendant provides adequate evidence to trigger its use. (*People v. Trippet* (1997) 56 Cal.App.4th 1532, 1542)

II. STATUTORY INTERPRETATION (PAST DEFENSES-Religious Use)

- **Religious Use – hard defense to win:**
- *Trippet* - "I use it for spiritual and meditative needs." – we lose
- The use of marijuana must be an indispensable practice of one's faith.
(*People v. Collins* (1969) 273 Cal.App.2d 486.)

II. STATUTORY INTERPRETATION (PAST DEFENSES-Religious Use)

- It also seems clear that genuine membership in the Ethiopian Zion Coptic Church (**Rastafarians**) would lead to the availability of the defense of religious use.
- *United States v. Bauer* (9th Cir. 1996) 84 F.3d 1549, 1556; *People v. Mitchell* (1966) 244 Cal.App.2d 176, *People v. Peck* (1996) 52 Cal.App.4th 351; *Guam v. Guerrero* (9th Cir. 2002) 290 F.3d 12 10

II. STATUTORY INTERPRETATION (PAST DEFENSES-Religious Use)

- The federal statute on religious use of drugs is the Religious Freedom Restoration Act ('RFRA'). (42 U.S.C. § 2000bb et seq.)
- RFRA provides that government, 'shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability," unless it passes the strict scrutiny test

II. STATUTORY INTERPRETATION (PAST DEFENSES-Religious Use)

- The “RFRA is unconstitutional and does not trump California statutes prohibiting the sale or possession of marijuana for sale. ‘When the exercise of religion has been burdened in an incidental way by a law of general application, it does not follow that the persons affected have been burdened any more than other citizens, let alone burdened because of their religious beliefs.’ (*City of Boerene v. Flores*, (1997), 521 U.S. at p. 535 [138 L.Ed.2d at p. 648].)

II. STATUTORY INTERPRETATION (STATE V. FEDERAL LAW)

- The “Ogden Memo” is illusory and weak
- It did not say the Feds cannot or will not prosecute MJ cases in MMJ states
- It said “As a general matter, pursuit of these priorities **should not** focus federal resources in your States on individuals whose actions are in **clear and unambiguous compliance with existing state laws** providing for the medical use of marijuana.”

II. STATUTORY INTERPRETATION (STATE V. FEDERAL LAW)

- There are two leading cases on this topic: *Gonzales v. Raich* (2005) 545 U.S. 1, 26-29 and *United States v. Oakland Cannabis Buyers' Cooperative* ["OCBC"], (2001), 532 U.S. at 491-495.)

II. STATUTORY INTERPRETATION (STATE V. FEDERAL LAW)

- *Raich* said that the Controlled Substances Act of 1971 (“CSA”) is a rational law within the power of congress. Whereas the minority said marijuana regulation is a state’s rights issue, the *Raich* majority says it is time to revise the CSA; so 8 of the 9 justices, Scalia being the exception, would agree that the DEA action was not justified for one reason or another.

II. STATUTORY INTERPRETATION (STATE V. FEDERAL LAW)

- Scalia subscribed to the view that the DEA raids are justified under the Constitutional provision for “necessary and proper” laws made by Congress.

II. STATUTORY INTERPRETATION (STATE V. FEDERAL LAW)

- In *OCBC*, 532 U.S. 483, 493, the Court held that no medical necessity exception existed (**IN FEDERAL LAW**) to the CSA's prohibition on manufacturing and distributing marijuana. Notwithstanding California state law authorizing possession and cultivation of marijuana for claimed medical purposes, Congress' clear determination that all schedule I controlled substances, including marijuana, have no currently accepted medical use forecloses any argument as to whether such drugs can be dispensed and prescribed for medical use.

II. STATUTORY INTERPRETATION (STATE V. FEDERAL LAW)

- There is no right in a Federal court to an instruction of government estoppel, or “entrapment by estoppel” even if you are operating with a business license authorized by a municipality. (*U.S. v. Rosenthal* (9th Cir. 2006) 454 F.3d 943 [City of Oakland].)

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- Only the seriously ill may use medical marijuana. (*U.S. v. Rosenthal* (N.D.Cal. 2003) 266 F.Supp.2d 1068, aff'd in part, rev'd in part 445 F.3d 1239, amended and superseded on denial of reh'g 454 F.3d 943, on remand 2007 WL 801647.)
- Seriously ill is defined in Section 11362.7, subdivision (h)

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- Only a doctor may determine if a patient is seriously ill, not a trier of fact (a judge or a jury).
(*People v. Spark* (2004) 121 Cal.App.4th 259 [back pain])

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- A recommendation or approval to use medical marijuana may be **oral or written** (Health & Saf. Code, § 11362.5 subd. (d).) The word “prescription” is not used in medical marijuana cases or statutes – one receives a **recommendation** or an **approval**. (*People v. Jones* (2003) 112 Cal.App.4th 341, 347.)

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- Jones' testimony that his doctor told him that use of marijuana for migraine headaches "might help, go ahead" was sufficient evidence to raise a reasonable doubt over whether Jones had his doctor's approval, and thus Jones could raise a CUA defense at trial on a charge of cultivating marijuana, even though his doctor would not admit to having approved of Jones's marijuana use.

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- A recommendation or approval must be obtained prior to lawful use.
(*People v. Rigo* (1999) 69 Cal.App.4th 409, 414 [post-arrest approval is insufficient to allow application of the compassionate use statute])

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- Even so, an after acquired recommendation or approval from a physician is often useful in mitigating the crime or even having the case dismissed in the interests of justice, (Pen. Code, § 1385) if the client suffered from the ailment at the time of the arrest.

III. PATIENT ISSUES (WHO MAY USE MARIJUANA)

- A recommendation or approval does not expire after one year. (*People v. Windus* (2008) 165 Cal.App.4th 634, 641 (“Based on our examination of the CUA, we see nothing in the statute that requires a patient to periodically renew a doctor's recommendation regarding medical marijuana use. The statute does not provide, as the Attorney General asserts, that a recommendation ‘expires’ after a certain period of time.”).)

III. PATIENT ISSUES (HOW MUCH CAN THEY HAVE)

- “[A] person may assert, as a defense in court, that he or she possessed or cultivated an amount of marijuana reasonably related to meet his or her current medical needs.”
- (*People v. Kelly* (2010) 47 Cal.4th 1008, 1049.)

III. PATIENT ISSUES (HOW MUCH CAN THEY HAVE)

- *People v. Kelly* (2010) 47 Cal.4th 1008 invalidated the limits imposed by H&S 11362.77
- Now, if you have no more than 8 oz. dried MJ, 6 mature or 12 immature plants you are presumptively immune from arrest if you have a state issued identification card.

III. PATIENT ISSUES (PROBATION AND PAROLE)

- The court cannot automatically prohibit probationers, parolees or the like from using or possessing medical marijuana. (See *People v. Tilehkooh* (2003) 113 Cal.App.4th 1433.)
- See also **H&S 11362.795**

III. PATIENT ISSUES (PROBATION AND PAROLE)

- 1362.795 (a) (1) A defendant who is eligible to use marijuana pursuant to Section 11362.5 may request that the court confirm that he or she is **allowed to use medical marijuana while he or she is on probation or released on bail.**

III. PATIENT ISSUES (PROBATION AND PAROLE)

- 11362.795(a)(2) The court's decision and the reasons for the decision shall be **stated on the record** and an entry stating those reasons shall be **made in the minutes** of the court.

III. PATIENT ISSUES (PROBATION AND PAROLE)

- (a)(3) During the period of probation or release on bail, if a physician recommends that the probationer or defendant use medical marijuana, the probationer or defendant may **request a modification of the conditions of probation or bail** to authorize the use of medical marijuana.

III. PATIENT ISSUES (PROBATION AND PAROLE)

- 11362.795(b) (1) Any person who is to be released on parole . . . and who is eligible to use medical marijuana pursuant to Section 11362.5 may request that he or she be allowed to use medical marijuana during the period he or she is released on parole.
- A parolee's written conditions of parole shall reflect whether or not a request for a modification of the conditions of his or her parole to use medical marijuana was made, and whether the request was granted or denied.

III. PATIENT ISSUES (PROBATION AND PAROLE)

- (2) During the period of the parole, where a physician recommends that the parolee use medical marijuana, the parolee may request a **modification** of the conditions of the parole to authorize the use of medical marijuana.
- (3) Any parolee whose request to use medical marijuana while on parole was denied may **pursue an administrative appeal of the decision**. Any decision on the appeal shall be in writing and **shall reflect the reasons for the decision**.

III. PATIENT ISSUES (PROBATION AND PAROLE)

- The use of medical marijuana while on probation can be banned when it is reasonably related to the defendant's rehabilitation. (*People v. Moret* (2009) 180 Cal.App.4th 839) That decision can be revisited at any time.

III. PATIENT ISSUES (PROBATION AND PAROLE)

- In *People v. Beaty* (2010) 181 Cal.App.4th 644, the court determined that **without proof that the medical marijuana caused Beaty to not participate in earnest in his Prop 36 treatment or that a doctor believed him to be using it abusively Beaty was not unamenable to treatment.**

IV. PRIMARY CAREGIVER ISSUES

- Primary caregiver defenses were largely excoriated by *People v. Mentch* (2008) 45 Cal.4th 274

IV. PRIMARY CAREGIVER ISSUES

- “[A] defendant asserting primary caregiver status must prove at a minimum that he or she (1) consistently provided **caregiving**, (2) **independent of** any assistance in taking **medical marijuana**, (3) **at or before the time** he or she assumed responsibility for assisting with medical marijuana.” (*Id.* at p. 284.)

IV. PRIMARY CAREGIVER ISSUES

- So, unless it is a true caregiver situation, evaluate the problem in terms of **collectives** and **cooperatives**, not in terms of “**caregivers**”

V. COLLECTIVES AND COOPERTAIVES

- The idea of collectives and cooperatives comes from the MMP, sec 11762.775
- Cooperatives have two types: consumer or agricultural cooperatives
- Collectives are loose associations
- Collectives and cooperatives operating lawfully are exempt from certain H&S laws listed in 11362.775

V. COLLECTIVES AND COOPERTAIVES (Collectives)

- “California law does not define collectives, but the dictionary defines them as ‘a business, farm, etc., **jointly owned and operated by the members of a group.**’
- A collective should be an organization that merely facilitates the collaborative efforts of patient and caregiver members – **including the allocation of costs and revenues.**
- As such, a collective is not a statutory entity, but as a practical matter it **might have to organize as some form of business** to carry out its activities.”

V. COLLECTIVES AND COOPERTAIVES (Collectives)

- “storefront dispensaries that qualify as ‘cooperatives’ or ‘collectives’ under the CUA and MMPA, and otherwise comply with those laws, may operate legally....”
- *People v. Hochanadel*, (2009) 176 Cal.App.4th at 1002

V. COLLECTIVES AND COOPERTAIIVES

- Given the *Hochanadel* court's confirmation of the legality of dispensaries (under California law) is dependent on the dispensary (or delivery service) complying with the laws that govern collectives, **it is imperative that collective operators familiarize themselves with certain aspects of California corporate law.**

V. COLLECTIVES AND COOPERTAIVES

- The Guidelines state: “[n]othing in Proposition 215 or the MMP authorizes collectives, cooperatives, or individuals to profit from the sale or distribution of marijuana. (See, e.g., § 11362.765(a)).” (AG Guidelines, Aug 2008. at Art. IV, Sec. B, para. 1.)

V. COLLECTIVES AND COOPERTAIIVES

- Other AG Guidelines:
- Business Licenses, Sales Tax, and Seller's Permits
- Membership Application and Verification
- Collectives Should Acquire, Possess, and Distribute Only Lawfully Cultivated Marijuana

V. COLLECTIVES AND COOPERTAIIVES

- Other AG Guidelines Cont'd:
- Distribution and Sales to Non-Members are Prohibited
- There are Permissible Reimbursements and Allocations of Monies
- There are Possession and Cultivation Guidelines
- And Recommended Security

V. COLLECTIVES AND COOPERTAIIVES

- Other AG Guidelines Cont'd:
- Guidelines to Law Enforcement Include .
. . . Look Out For
- Excess MMJ, Excess Cash, Weapons,
Illicit Drugs, Sales Outside of CA, Sales
to Non-Members

V. COLLECTIVES AND COOPERTAIIVES

- Other AG Guidelines Cont'd:
- Guidelines to Law Enforcement Include .
. . . Look Out For (Cont'd) . . .
- A **failure to follow local and state laws** applicable to similar businesses, such as maintenance of any **required licenses** and payment of any **required taxes**, including sales taxes

VI. IMPACT OF THE CUA & MMP ON SEARCH AND SEIZURE

- The limited immunity contemplated in *Mower* is not immunity from search and seizure where an officer has probable cause to search
- (*People v. Strasburg* (2007) 148 Cal.App.4th 1052, 1060, as modified, rev. denied, cert denied 128 S.Ct. 672, 169 L.Ed.2d 527)

VI. IMPACT OF THE CUA & MMP ON SEARCH AND SEIZURE

- Is *Strasburg* still good law?
- Strasburg was sitting in his parked car smoking.
- The officer located some marijuana in the cockpit fairly quickly.
- He searched the whole car to see if Strasburg had more than 8 oz.
- Strasburg had 13 oz.

VI. IMPACT OF THE CUA & MMP ON SEARCH AND SEIZURE

- Because *Strasburg* turned upon whether or not the officer could continue searching Strasburg's car to see if he had more than the legal 8 ounces of marijuana, there are questions about how this case and the principle for which it stands survives the California Supreme Court's ruling in *People v. Kelly, supra*.

VI. IMPACT OF THE CUA & MMP ON SEARCH AND SEIZURE

- Has *Strasberg* also been abrogated by the federal decision in *United States v. \$186,416.00* (9th Cir. 2009) 583 F.3d 1220?
- Because the LAPD failed to inform the magistrate of the facts relating to MMJ when seeking a warrant to raid a collective, the search was without probable cause. (*Id.* at 1225.)
- *\$186,416.00* turned a on state law probable cause analysis

VI. IMPACT OF THE CUA & MMP ON SEARCH AND SEIZURE

- The police cannot enter homes without a warrant or exigent circumstances for minor crimes like Section 11357, subdivision (b).
- *People v. Hua* (2008) 158 Cal.App.4th 1027.

VII. PROCEDURAL ISSUES IN MEDICAL MARIJUANA DEFENSE

- Evidence - *Opinion of the police officer*
- Must an officer who qualifies as an expert in marijuana possession for sales also qualify as an expert in MMJ to render an opinion that the MMJ was unlawfully possessed or sold?
- Split of authority: *People v. Chakos* (2007) 158 Cal. App. 4th 357; *People v. Dowl* (2010) 183 Cal.App.4th 702

VII. PROCEDURAL ISSUES IN MEDICAL MARIJUANA DEFENSE

- **Defenses**
- A **good faith belief in the medical marijuana defense** is a defense to conspiracy to sell marijuana, since that offense requires a specific intent to violate the law. (*People v. Urziceanu, supra*, 132 Cal.App.4th 747).

VII. PROCEDURAL ISSUES IN MEDICAL MARIJUANA DEFENSE

- **Defenses**
- **Entrapment by estoppel** “applies when an official tells the defendant that certain conduct is legal and the defendant believes the official.” (*U.S. v. Chen* (9th Cir. 1985) 764 F.2d 817, 825,)
- How about when the city licenses your business? The Federal courts say no, (See *U.S. v. Rosenthal, supra*, 454 F.3d 943), but the issue has not been decided in California.

VII. PROCEDURAL ISSUES IN MEDICAL MARIJUANA DEFENSE

- **Jury Instructions and Verdict Issues**
- A defendant is entitled to a jury instruction on a good faith belief in the medical marijuana defense if the facts of the case so warrant.
- (*People v. Urziceanu, supra*, 132 Cal.App.4th at 747)

VII. PROCEDURAL ISSUES IN MEDICAL MARIJUANA DEFENSE

- **Jury Instructions and Verdict Issues**
- A defendant must seek a special verdict on whether transportation was for personal use or for sale.
- (See *People v. Harris* (2009) 171 Cal.App.4th 1488. [Not an MMJ Case])

VIII. MISCELLANEOUS APPLICATIONS

- **Work-Related Issues**
- One can be fired (or not hired) from work for being a medical marijuana patient.
- (*Ross v. Raging Wire Telecommunications, Inc.* (2008) 42 Cal.4th 920)
- New bill in the legislature now to statutorily negate *Raging Wire*

VIII. MISCELLANEOUS APPLICATIONS

- **Driver's Licenses**
- The DMV will not take action against a driver's license based upon the responsible use of physician recommended medical marijuana and will treat marijuana as it does all prescription drugs (or so it says).

VIII. MISCELLANEOUS APPLICATIONS

- **Professional Licenses**
- Section 11362.8 states that a licensing body cannot take any action against professional licenses for being a medical marijuana patient, but beware of *Ross v. Raging Wire, supra*, 42 Cal.4th 920, for other employment effects.

VIII. MISCELLANEOUS APPLICATIONS

- **Professional Licenses: *Teachers***
- Education Code section 44932, subdivisions (a)(11) provides “[n]o permanent employee shall be dismissed except for one or more of the following causes: ... alcoholism or **other drug abuse which makes the employee unfit to instruct or associate with children.**” (Educ. Code, §§ 44932, subd. (a)(8) & (11).)

VIII. MISCELLANEOUS APPLICATIONS

- **Professional Licenses: *Attorneys***
- In the MMJ context, attorneys will need to be convicted of or to have engaged in conduct involving moral turpitude to lose their license. (*People v. Standard* (1986) 181 Cal.App.3d 431, 435. [Involving unlawful possession for sale]).
- How far can one go in advising and setting up MMJ businesses?

VIII. MISCELLANEOUS APPLICATIONS

- **Professional Licenses: *Doctors***
- See *Conant v. Walters* (9th Cir. 2002) 309 F.3d 629 – **Relying upon 1st Amendment**
- “An integral component of the practice of medicine is the communication between a doctor and a patient. Physicians must be able to speak frankly and openly to patients. That need has been recognized by the courts” (309 F.3d at 636.) Physicians may not aid patients in actually obtaining marijuana. (*Id.* at p. 635.)

VIII. MISCELLANEOUS APPLICATIONS

- **Medical Privacy Rights**
- A person does not forfeit his or her right to medical privacy if he or she shows an MMJ recommendation, nor does a patient's doctor have to turn over the patient's private records without patient consent. (*Bearman v. Superior Court* (2004) 117 Cal.App.4th 463)

VIII. MISCELLANEOUS APPLICATIONS

- **When and Where One Can Use Medical Marijuana**
- **Not in jail unless previously approved.** See *People v. Harris* (2006) 145 Cal.App.4th 1456 and H&S 11362.795
- **You cannot toké where you cannot smoke;** not in a car that is *being operated*, not in a boat that *you are operating*. (Health & Safety Code, § 11362.79).

VIII. MISCELLANEOUS APPLICATIONS

- **State Issued Identification Cards**
- In light of *People v. Kelly, supra*, 47 Cal.4th 1008, the possession of the card operates as a protection from arrest for those that possess less than 8 oz. of MMJ or other quantities discussed in section 11362.77. (See 11362.781)
- Cards are voluntary

IX. FINISH WHAT YOU STARTED

- **Return of Property**
- After winning in court on a CUA/MMP defense, it is proper to move for an order from the court to get your or your client's medicine back.
- (*City of Garden Grove v. Superior Court (Kha)* (2007) 157 Cal.App.4th 355)

IX. FINISH WHAT YOU STARTED

- **Destruction of Records**
- All records regarding an action under sections 11357(b), (c), (d), or (e [sort of]), or 11360(b), **must be destroyed after two years from the date of conviction**, or arrest if there was no conviction.” (Health & Saf. Code, § 11361.5.)
- **No record subject to destruction is accurate or relevant**, and that the person involved can deny being arrested or convicted. (Health & Saf. Code, § 11361.7.)

TAKE THESE CASES TO TRIAL

- Juries acquit in MMJ cases, and DA's know it.
- Push these cases to trial, so cops stop arresting and DA's stop filing technical "gotcha's" and law and jury "test cases."
- Good luck!

SHAMELESS SELF PROMOTION

- Buy my book: “**California Medical Marijuana Law**” By Jay Leiderman and James Devine
- Published by the NORML Legal Committee
- Available at **NORML.org** and on **Amazon.com** in early March

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