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MENDOCINO COUNTY

Proposal takes aim at liberal pot rules 'Criminal element' spurs group to try to get initiative on ballot

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THE PRESS DEMOCRAT

UKIAH -- There was a time when Mendocino County residents winked at the county's relaxed attitude toward "mom-and-pop" marijuana growers.

Cash earned from urban buyers was welcomed in poor, rural communities with long histories of chronic poverty.

But those days are gone.

"It's become a big hoax. The criminal element that so-called medical marijuana has attracted to our neighborhoods is scary," said Dennis Smart, a 31-year resident of a rural area south of Ukiah.

Now in a backlash to the county's national reputation as a haven for bogus medical marijuana growers, a proposed local ballot initiative seeks to sharply limit soaring pot production.

Proponents of "Sensible Medical Marijuana" are circulating petitions countywide to secure the 3,083 signatures necessary to put the measure up for a local vote. County Clerk Marsha Wharff said Thursday the June 2008 primary is the earliest the issue could be placed on the ballot.

Further underscoring county unrest with current medical marijuana enforcement, the state Attorney General's Office is being called on to step in and review conflicting county regulations and assist local law enforcement agencies in implementing uniform guidelines statewide.

County Sheriff Tom Allman said Thursday he'd welcome such state action.

"There is no law of the land now when it comes to medical marijuana. There's 52 variations across the state of California," Allman said.

In Mendocino County, a perennial leader in pot production statewide, the number of marijuana plants seized by law enforcement agencies has nearly doubled in five years to 227,019. The actual amount being grown is estimated to be 10 times higher, accounting for what local authorities have described as an underground \$5 billion-a-year cash crop.

Critics contend local pot problems escalated after state voters in 1996 passed Proposition 215, which sanctioned marijuana use for medical reasons. Four years later, Mendocino County voters took it a step further by becoming the first in the nation to decriminalize pot growing, allowing up to 25 plants per person for medical use.

But for Dennis Smart, his neighbors and even some local users who rely on marijuana to bring them relief from chronic ailments, the county's pot scene has since changed for the worse.

Smart said balmy fall weather used to mean sitting on his deck Sunday mornings enjoying a cup of coffee. But he said this past marijuana harvest season, gunshots growers fired to scare off potential intruders or marauding wildlife in their gardens marred the neighborhood peace.

"We'd have to go inside to protect ourselves," he said.

In May, two Santa Rosa men were arrested and accused of pistol whipping a Ukiah-area woman in her home, and then robbing her of marijuana. Their black BMW crashed during a high-speed chase before the father-and-son team was arrested. At the time, it was the county's third pot-related home invasion within 37 days.

Such incidents have set off alarms, resulting in new pressure on local and state officials to crack down. And high-profile cases are also emerging.

Mendocino County community activist Laura Hamburg is facing felony marijuana-related charges in December

following a raid on her rural home, where authorities say an estimated 50 pounds of processed pot and about \$10,000 in cash were found.

On Nov. 16, sheriff's deputies seized 39 pounds of dried pot from the Redwood Valley home of Sherylin Young, the budget and finance officer for the Mendocino County District Attorney's Office. She remains on leave.

County supervisors have struggled all year with how much medical marijuana to allow individuals to grow. A boardroom showdown looms Dec. 11. Earlier this year, the board voted 3-2 to allow 25 mature plants per licensed local medical marijuana card holder, but it's now reconsidering that action.

The proposed ballot initiative would slash the number of plants to just six, and ban all medical marijuana gardens from residential areas.

County Supervisor Mike Delbar said the initiative drive and the call for state action are understandable.

"A lot of people have had it with what's going on under the guise of medical marijuana," Delbar said. He supports a clampdown in general, whether through county board action, at the state level or in the local voting booth.

"The time has come," he said.

The newly proposed Mendocino initiative doesn't take specific issue with medical marijuana.

"Cannabis sativa (marijuana) is a beneficial plant with respectable medicinal uses," the measure declares.

State authorities recommend the six-plant limit, but they have never acted to implement uniform enforcement statewide.

Adding to the legal confusion surrounding medical marijuana enforcement is a long-standing federal refusal to recognize the state law.

Redwood Valley resident Jimmy Rickel is organizing the new Mendocino initiative drive.

"I believe that a lot of people who supported medical marijuana 11 years ago have changed their minds based on what's going on today," Rickel said.

Ukiah attorney Susan Jordan, widely known in state and federal legal circles for her criminal defense work, said solutions to contentious medical marijuana issues really rest with the state.

"Our legislators and attorney general are avoiding this one like a hot potato," Jordan said.

But Jordan said in fact Proposition 215 empowers the Attorney General's Office to conduct public hearings, solicit medical and scientific opinions, and set "uniform and fair limits" statewide.

"The attorney general should do this soon," Jordan said.

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