

Medical Marijuana Dispensaries

This report is respectfully presented to you with the following disclaimers;

- This report does not attempt to address the merits of Medical Marijuana (MMJ) or the concept of its use as an alternative medicine as discussed or proposed in Proposition 215.
- This report contains compilations of data collected by others in Law Enforcement as well as media coverage and this data is identified as such.

Areas that currently act as a hindrance to a true study of this topic are;

Under Reporting: With few exceptions, agencies contacted stated that they felt that the crimes related to Medical Marijuana Dispensaries were under reported, if reported at all. Confidential informants have provided information that these additional crimes (Robberies, Assaults and Burglaries involving Marijuana or large amounts of cash) are not reported so as to not draw additional Law Enforcement and Media scrutiny to this very lucrative trade. This is not unlike the thought processes employed by the Cosa Nostra and organized street gangs here in California.

Crime Classification: Another barrier to collection of this data is the lack of classification of this data as MMJ related. In years past, statistical analysis of domestic violence and hate crimes was difficult. These crimes now receive their own classification so tracking them is much easier. However until such time as MMJ crimes receive their own classification, separating these crimes from non MMJ related crimes is very difficult.

Over Reliance on Straight Statistical Data: Gathering statistical data on this topic would appear to be a simple task. One would imagine that you would look at crime in a given location prior to the arrival of a MMJ Dispensary and then look at crime after its arrival. This presents several difficulties. First, based on Internet research, there appears to be approximately 240 MMJ Dispensaries (www.canorml.org) located in almost as many jurisdictions. No one agency can access data from all these locations and not all agencies compile this data. I spoke with several agency representatives and each had information regarding this issue, however few had specific crime statistics. Secondly, not all crimes related to MMJ take place in or around a dispensary. Some take place at the homes of the owners, employees or patrons. Lastly, not all the “secondary issues” related to MMJ Dispensaries are crimes. Loitering, additional vehicle and pedestrian traffic, use of MMJ at or near the facilities are described as quality of life issues and are only really quantified when they appear in the newspaper or the complainants appear at a City Council meeting.

Prior to discussing the reports of other Law Enforcement agencies, I would like to present some information from our Department. While our City does not currently have a MMJ Dispensary, this does not mean that we are immune from their effects.

On January 7, 2004 a resident of El Cerrito was arrested for possession of marijuana for sale. The subject was found to be in possession of 133 grams (4.6 ounces) of marijuana, a small amount of cash, a “replica handgun” pellet gun and three MMJ Dispensary cards (Oakland Cannabis Buyers Collective, Cannabis Buyers Collective of Marin and “Compassionate Caregivers” of Oakland)

On February 25, 2005, the same subject mentioned above was discovered to be growing marijuana in his house. He was found to be in possession of 15 adult plants, 72 starter plants, 505 grams (1.10 lbs) of processed marijuana, 50 grams (1.75 oz) of hashish packaged for sale and two assault rifles as well as \$6,000.00 in cash. The subject claimed that these plants were MMJ. An investigation was conducted with the assistance of the West Contra Costa County Narcotic Enforcement Team and resulted in the conviction of the resident for Unauthorized Possession of Cannabis and Possession of an Assault Weapon.

On July 9, 2005, during a suspicious vehicle check, one of our Officers determined that a resident (Who is a member of the Oakland Cannabis Buyers Cooperative) possessed 55 immature plants with the intent of cultivating them and selling them to a MMJ Dispensary. The District Attorney has filed a complaint containing two felony charges of possession and cultivation of Marijuana. This case is awaiting adjudication as the subject has failed to appear in court (it is believed he has fled to the state of Oregon) and a bench warrant has been issued for his arrest.

On December 11, 2005, a traffic stop for speeding resulted in the arrest of the occupants for the possession on Marijuana packaged for sale and \$3,365.00 in cash.

On March 8, 2006 our School Resource Officer received information that several students were ill after eating a cookie. The investigation revealed that a student had made cookies with a butter obtained outside (secondary sale) a MMJ Dispensary containing a highly concentrated form of Tetrahydrocannabinol (THC the active ingredient in Marijuana). The student used the “butter” to bake and then sell these cookies to other students. After the student discovered that the cookies were so potent that some of his fellow students had to be treated at local hospitals, instead of throwing them away, he gave them to other students without telling them what they were laced with. This incident resulted in at least four students requiring hospitalization and it is suspected at least two or three others were intoxicated to the point of sickness.

From March of 2004 to May of 2006, this Department has conducted seven investigations at El Cerrito High School and Portola Junior High School resulting in the arrest of eight juveniles for selling or possessing with intent to sell Marijuana on or around the school campuses.

Gathering the data from these incidents required hours of research and examination. Many agencies have neither the available resources nor the inclination to gather data of this kind. This makes presenting the data for consideration in this matter very difficult.

Another area of importance is the possession of firearms in conjunction with large quantities of cash and marijuana. Those who have the money and drugs want to keep them and arm themselves to prevent robberies. Those who wish to relieve those in possession of cash and drugs use firearms and other deadly weapons to accomplish their task. When speaking to those involved in the drug trade, they will tell you violence and greed are “all just part of the game.”

With the exception of those entries identified from other sources, I contacted and interviewed representatives from each of the listed agencies. I have included newspaper articles that either further describe events or provide additional information regarding some of the “secondary issues”.

ANAHEIM

May 19, 2004 a MMJ Dispensary “420 Primary Caregivers” obtained a business license and began operations.

Fall 2004, The Police Department began to receive complaints from neighboring businesses in the complex. The complaints centered around the ongoing sales of Marijuana to subjects who did not appear to be physically ill, the smell of Marijuana inside the ventilation system off the building and the repeated interruption to neighboring businesses.

January 2005, The MMJ Dispensary was robbed at gunpoint by three masked subjects who took both money and marijuana from the business.

April 5, 2005, The Department met with the property Management Company, owners and representatives from the businesses in the complex which housed the MMJ Dispensary. The meeting focused on the safety of the employees and patrons of adjacent businesses. Many neighboring businesses complained of Marijuana use on the premises and in the surrounding area as well as a loss of business based on the clientele of the MMJ Dispensary “hanging around the area”.

Since this meeting, two businesses have ended their lease with the property management company. A law firm that had been in that location for ten years left citing “Marijuana smoke had inundated their office....and they can no longer continue to provide a safe, professional location for their clientele and employees.” A health oriented business terminated their lease after six years and moved out of the complex citing “their business is repeatedly interrupted and mistaken multiple times a day for “the store that has the marijuana.” The owner fears that “he or his employees may be shot if they are robbed by mistake and the suspects do not believe they do not have Marijuana.” The Property Management Company indicated “at least five other businesses have inquired about terminating their lease for reasons related to 420 Primary Caregivers.” Arrests have been made supporting the belief that some “qualifying patients” purchase Marijuana with a doctor’s recommendation, then supply it to their friends for illicit use.

Criminal investigations have revealed the business is obtaining its Marijuana from a variety of sources including Marijuana smuggled into the United States from South and Central America. The Police department has conservatively estimated the “420 Primary Caregivers” business to be generating approximately \$50,000.00 a week in income. (Source Declaration of Sgt. Tim Miller Anaheim P.D. Street narcotic Unit)

ALAMEDA COUNTY

January 12, 2005 a MMJ customer was robbed after leaving the “The Health Center” MMJ Dispensary (San Leandro). The victim was accosted by two subjects who possibly followed the victim away from the dispensary.

February 6, 2005 a MMJ Dispensary, the “Compassion Collective of Alameda County” was robbed by two subjects armed with handguns. The robbery took place at 4:50 pm in the afternoon and the suspects took an unspecified amount of cash and Marijuana.

April 27, 2005 a MMJ Dispensary, “The Health Center” (San Leandro) was burglarized at approximately 3:05 am. No specifics were provided as to the loss sustained as a result of the burglary. Many investigators believe that the victims do not truthfully report the loss of cash or marijuana.

May 24, 2005 a patron of a MMJ Dispensary, “A Natural Source” (San Leandro) was robbed by three subjects in the parking lot of the dispensary after making a purchase of Marijuana.

August 19, 2005: Five subjects armed with assault rifles conducted a take over robbery of a MMJ Dispensary “A Natural Source” (San Leandro). They engaged in a shoot out with two employees and one of the suspects was killed in the exchange of gun fire.

Sept. 12, 2005: Both money and marijuana were stolen from the Alameda County Resource Center (16250 East 14th St.) when burglars chopped through the wall of an adjacent fellowship hall during the night.
(Source Declaration by Lt. Dale Amaral Alameda County Sheriff’s Department)

Calls for Service Related to MMJ Dispensaries (Unincorporated San Leandro and Hayward)

Officer Initiated events may be vehicle stops or on-view arrests.
16043 East 14th Street: 2003: 2 Officer Initiated activity events, 2004: 1 Officer Initiated activity events. This business is now closed.

21227 Foothill Blvd “Garden of Eden” 2003: 1 Officer initiated activity events, 2004: No calls for service, 2005: 1 Theft call, 4 alarm calls, 1 Officer Initiated activity events.

913 E. Lewelling Blvd. “We are Hemp” 2003: 1 Officer initiated activity event, 2004: 1 Assault call, 2 Officer Initiated activity events, 2005: 1 Assault call, 1 Officer Initiated activity event.

16250 East 14th Street: 2003: 11 Officer initiated activity events, 2004: 3 loitering calls, 9 Officer initiated activity events, 2005: 5 Officer initiated activity events.

15998 East 14th Street: "The Health Center" 2003: 1 Officer initiated activity event, 2004: 1 Trespassing call, 1 Assault, 2 Disturbance calls, 2 Miscellaneous, 26 Officer initiated events, 2005: 1 Robbery, 1 Aggravated Assault, 1 Grand Theft, 3 Petty Thefts, 2 Vehicle Thefts, 4 Trespassing calls, 5 Loitering calls, 1 Weapons Possession, 2 Controlled Substance cases, 4 Alarm calls, 9 Disturbance calls, 3 Miscellaneous calls and 21 Officer Initiated events.

16360 Foothill Blvd: 2003: 1 Officer initiated activity event, 2004: 2 Officer initiated activity events, 2005: 1 Homicide, 2 Aggravated Assaults, 1 Grand Theft, 1 Controlled Substance case, 13 alarm calls, 2 Officer Initiated events.

21222 Mission Blvd: "Compassionate Collective of Alameda County" 2003: 2 Officer Initiated events, 2004: 5 Officer Initiated events, 2005: 1 Attempted Homicide, 2 Robberies, 2 Burglaries, 2 Controlled Substance cases, 10 Alarm calls, 2 Disturbance calls, 1 Miscellaneous calls and 2 Officer Initiated events.
(Source Alameda County Sheriff's Department Report)

Car Jacking Latest Pot Club Crime

Linda Sandsmark [San Leandro Times](#)

San Leandro, CA Sept 29, 2005 -- A woman was carjacked and robbed Monday afternoon after she left The Health Center (THC) marijuana club at 15998 East 14th Street. Citizens in the area saw the crime occur about four blocks from THC and called police on their cell phones..... The unidentified woman, who is from Garberville in Humboldt County, walked back toward the clinic and her car was found on nearby Liberty Street. "She doesn't want to pursue a criminal complaint in spite of the fact she was carjacked," says Alameda County Sheriff's Department spokesman Lt. Dale Amaral. "When you have this kind of drug distribution center it's an absolute magnet for every thug in the nine Bay Area counties. We're running from call to call." Amaral points out that no matter how armored the clinic buildings are, the people entering and exiting are still targets. He advises them to be aware of their surroundings and to drive to the nearest police station or flag down an officer if they think they are being followed. Crimes including burglaries and robberies at many of the dispensaries have caused widespread community concern.It's a target-rich environment," says Amaral. "The sheriff's department is devoting a tremendous amount of resources to these clubs.....Clinic location has also had an impact on neighborhoods. Though the clubs may not be selling directly to students, the county's School Resource Officers report a 36-percent increase in arrests on nearby school campuses for minors possessing marijuana, possibly due to increased supply in the area.

(Source http://www.hempevolution.org/thc/dispensary_robbed040514.htm)

ARCATA

- There are two dispensaries in town that share a building.
- The two dispensaries have an ongoing disagreement with each other that has resulted in numerous calls for police services to settle disputes.
- The facilities do not have the correct electrical support and continuously blow out the electricity in the area. They have not complied with upgrading their electrical systems or responded to fire department concerns regarding proper exits and signage.
- There have been numerous instances where people have purchased marijuana at the dispensary and then resold it at a nearby park.
- A doctor has come to the dispensaries and, for a fee, will provide a medicinal marijuana recommendation for just about any complaint the patient makes.

(Source Staff Report to Davis City Council: Medical Marijuana June 13, 2005)

BAKERSFIELD

Sep 8th, 2005. DEA arrested three subjects in raid on the Free and Easy cannabis dispensary. Kern County sheriffs summoned the DEA after being called to investigate a robbery at the facility. Police found plants growing at one subject's home plus 20 lbs of marijuana, and illegally possessed firearms. .

(Source) <http://www.canorml.org/news/fedmmjcases.html>

BERKELEY

March 30, 2000: Two males armed with sawed off shotguns forced entry into a residence and forced the occupant at gun point to turn over a safe. A subsequent investigation revealed that a second resident who was not home at the time was a former director of a MMJ Dispensary and was the intended target of the robbery.

October 2001, December 2001 and June 2002: The MMJ Dispensary on University was robbed. Large sums of money and Marijuana taken.

March 2003: A home invasion robbery over marijuana cultivation escalated into a homicide.

December 2003: The MMJ Dispensary on Telegraph was robbed. (No further info provided)

April 2004: A home invasion robbery investigation resulted in the seizure of \$69,000.00, ten pounds of Marijuana and a "Tech 9" machine pistol.

"While recognizing the medical needs of the cannabis using patients, staff is concerned about the potential for crime and violence associated with the distribution and cultivation of Marijuana"

(Source) City Manager's report to the Berkeley City Council

Excerpts from:

Pot club robbed for third time in a year

By David Scharfenberg, Daily Planet staff (06-07-02)

Club had promised to limit amount of cash, marijuana stashed there

Four men stole \$1,500 and \$3,500 worth of marijuana from the Berkeley Medical Herbs pot club yesterday after two of them were allowed on site without proper identification. The afternoon heist renewed concerns about the integrity of the club's security and reignited some anger in the neighborhood. "I think it's a public nuisance and I think it needs to be closed," said City Councilmember Linda Mayotte incident marks the third time in a year robbers have stormed the medicinal marijuana club, located in a small brick building at 1627 University Avenue. The last robbery, in December, prompted a rash of concern from city officials about security at the club. Medical Herbs responded to that by closing at 4 p.m. so it would only be open during daylight hours. The club hired a licensed security guard, installed video cameras, and it agreed to limit the amount of cash and pot on the premises, among other measures....Two Latino men approached the front gate on University Avenue Wednesday about 2:30 p.m., said Geshuri. The men failed to show the identification cards that are required of every patient but were let through the gate because they claimed to know owner Ken Estes. The security guard relayed the message to general manager Randy Moses, who opened the building's main door to confirm the story, then closed the door without turning the lock, Geshuri said. At that point, one suspect pulled a gun and the other a knife, forcing their way into the building. The suspects told everyone to lie on the ground. They took the cash and marijuana and fled, Geshuri said. Geshuri said the club's security cameras were out for repairs Wednesday. Police who had been scouting the premises to prevent robberies had left only minutes before the incident, Geshuri said..... One neighbor who did not want to be identified said he saw the two men meeting two other men waiting outside in a late model, tan vehicle in which they all got away. "The guys who robbed it ran out with a big satchel," the neighbor said, adding that he disapproves of the marijuana club. "This is a very attractive place for other drug dealers to rob. It's not something we want in our neighborhood." Geshuri acknowledged that a few neighbors are opposed to the club, but said most of the residents support Medical Herbs in its mission. The club had pledged after the December robbery to keep no more than \$1,000 and one pound of marijuana on site. But Geshuri said the robbers on Wednesday made off with \$500 more than that and as much as a pound-and-a-half of marijuana. The witness opposed to the club said theft proves that management is not keeping its pledge to prevent robberies and ensure safety. But Geshuri said the incident was an aberration. "It's rare that we have that much product on site," she said, arguing that the club had just received a shipment and was in the process of dividing it up for patients. She said Medical Herbs keeps most of its supply off-site, at secure locations.

Berkeley

- Has four facilities operating in the City currently (last 3-4 years).
- There have been several take over robberies of the dispensaries.
- There have been arrests where legitimate purchasers have resold marijuana on the street to well individuals.
- Obvious young people entering and purchasing marijuana from the dispensary.

- Recommended that if we did not currently have the dispensaries, we should not allow them.
- Police department has been given explicit instructions by their City Council not to take any kind of enforcement action against the dispensaries or people going in or out of the facility.
- Facilities will accept any Health Department cards, even those obviously forged or faked.

(Source Staff Report to Davis City Council: Medical Marijuana June 13, 2005)

BUTTE COUNTY

Butte County does not track statistics related to MMJ Dispensaries, however a Detective in the Investigations Unit knew of;

At least six robberies or attempts, one of which involved a shoot out between the suspect and victim occurred during the months of August to October 2005. Each of these robberies took place at the victim's residence and the target was the victim's marijuana cultivation. He stated that this is the busy time of year for these activities as it is harvest time for the Marijuana grows.

(Source Det. Jake Hancock Butte County Sheriff's Department)

CALAVARAS COUNTY

Jan. 2005. Federal government files forfeiture suit after local sheriff finds 134 marijuana plants. Government seeks to forfeit a home and five acres of land. The defendant says he was growing for half a dozen friends and family members and had checked with local authorities to make sure he was within legal guidelines.

(Source <http://www.canorml.org/news/fedmmjcases.html>)

CHERRYLAND

Cherryland, CA June 30, 2005 -- An employee of a marijuana dispensary narrowly escaped with his life after a gunman opened fire as he waited outside the establishment for co-workers to arrive. The employee, whom authorities declined to identify, was sitting inside his car in the rear parking lot of the Collective Cannabis Club at 21222 Mission Boulevard on Tuesday morning when a masked gunman appeared, said Lt. Dale Amaral, spokesman for the Alameda County Sheriff's Department.

(Source http://www.hempevolution.org/media/santa_cruz_sentinel/scs041213.htm)

CLEAR LAKE

There have been a few reported robberies of medical marijuana patients away from the dispensaries. One significant case involved home invasion robbery. Multiple suspects entered the home of a person who was known to be a MMJ user. During the robbery, one resident was beaten with a baseball bat while the suspects made inquires regarding the location of the marijuana.

Two of the suspects were shot and killed by the homeowner.

(Source Clear Lake P.D. Inv. Clawson)

CLOVIS

In December of 2005 the Clovis Police Department in conjunction with the Fresno County Sheriff's Department conducted an investigation which resulted in the arrest of a subject for possession of 120 pounds of marijuana. The subject of the investigation was found to have a medical marijuana card which helped facilitate his possession and sales of marijuana.

(source www.ci.clovis.ca.us/PressRelesaseDetail.asp?ID=838)

DAVIS (Excerpts from Staff Report to Davis City Council: Medical Marijuana June 13, 2005)

In summary, the experiences of other cities that already have dispensaries are bad. Dispensaries have experienced robberies themselves; legitimate patients have been robbed of their marijuana as they leave the facility; people purchasing marijuana at the dispensaries have been caught reselling the marijuana nearby; street level dealers have begun selling marijuana and other drugs nearby in an effort to undersell the dispensary; some dispensaries have doctors present in their facility who will recommend marijuana as a course of treatment for just about any patient complaint; and many dispensaries do not take serious steps to ensure they are selling only to legitimate patients or their caregivers. When asked, many of the police departments that already have facilities in their cities said that if Davis did not already have a dispensary, we should take steps to prohibit one from opening in the city.

EL DORADO COUNTY

MMJ Dispensary operated medical marijuana clinic in Cool, California with 6000 patients; DEA raided Sep. 28, 2001; seized patient records. Indicted Jun 22, 2005 for marijuana found on premises.

(Source <http://www.canorml.org/news/fedmmjcases.html>)

FAIRFAX

- Chief of Police Ken Hughes, advised the following:
- Fairfax has one marijuana dispensary
- Fairfax has had some problems with patients selling to non-patients
- They have had problems with purchasers from dispensary congregating at a baseball field to smoke their marijuana
- Fairfax police arrested one person who purchased marijuana at the dispensary and then took it to a nearby park where he tried to trade it to a minor for sex
- Very small town and low crime rate

(Source Rocklin P.D. report)

HAYWARD P.D.

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

(Information provided by Rocklin P.D. report)

HUMBOLDT COUNTY

One subject arrested in Humboldt County Aug 01, 2001 growing 204 plants for the Salmon Creek patients' collective; case turned over to the feds, pled guilty Dec 6; sentenced to 15 months for possession. Released from prison May 2003. Meanwhile, in a separate case, this subject won a landmark [federal lawsuit](#) for return of one ounce of pot seized by the DEA at the request of the Humboldt sheriff after the latter was ordered to return under Prop. 215. This subject is now missing and presumed dead since Aug 2003; police suspect foul play.

(Source <http://www.canorml.org/news/fedmmjcases.html>)

12/12/2003 Subject: Attempted Murder Suspects Arrested

Contact: Brenda Gainey, Case No#: 200308180, Location: Garberville

Humboldt County Sheriff's Deputies arrested two Garberville men last night wanted in connection with an attempted murder case from Mendocino County. Yesterday afternoon the Mendocino Sheriff's Office received a report of a shooting in Willits. Detectives from Mendocino learned that the victim, Jarron Jackson, 38 of Antioch, had been shot once in the arm during a robbery at a residence in Willits. Mendocino County Sheriff's Detectives learned the identities of the two suspects and issued a "Be On the Lookout" bulletin to Northern California police agencies. The bulletin also indicated that the two suspects were residents of Garberville. Late yesterday evening Humboldt County Sheriff's Deputies and officers from the California Highway Patrol went to the suspects' residence on the 1400 block of Redwood Dr. in Garberville.

Arrested at the house were Charles Magpie, 26, and Rudolph King, 28. Both men were taken into custody without incident. While waiting for Mendocino County Officials to arrive at the scene, Humboldt County Deputies received consent to search the house from one of the residents. Deputies found a sophisticated indoor commercial marijuana grow. Members of the Sheriff's Drug Enforcement Unit were called and found the following:

- Twenty-eight pounds of processed marijuana; estimated street value of \$100,000.
- One thousand growing marijuana plants ranging in size from six inches to two feet; estimated street value of \$875,000.
- Two shotguns
- Approximately \$16,000 in cash

Date Released: 6/2/2006 Subject: Marijuana Investigation Contact: Deputy Campbell
Case No#: 200603240 Locations: Swayback Ridge

On 6/1/06, Sheriff's deputies were conducting follow up to a residential burglary that occurred in the Swayback Ridge area of Humboldt County. While attempting to contact persons who may have had knowledge about the burglary, a commercial indoor marijuana operation was discovered. The Sheriff's Drug Enforcement Unit, assisted by the Drug Enforcement Administration and the Bureau of Narcotics Enforcement, served a search warrant on the property. Law Enforcement seized 570 marijuana plants, 1.5 pounds of processed marijuana, and three rifles. Suspect information was obtained, and warrants are being sought at this time.

(Source <http://www.co.humboldt.ca.us/sheriff/pressreleases>)

KERN COUNTY

July 20, 2005. The director of American Kenpo Kungfu School of Public Health was arrested for cultivating over 2,000 plants at three different locations. He was charged with conspiracy to distribute and possess more than 1,000 plants (10 year mandatory minimum).

(Source <http://www.canorml.org/news/fedmmjcases.html>)

LAKE COUNTY TASK FORCE: (Bureau of Narcotic Enforcement)

One recent case currently in federal litigation involves the seizure of 32,000 plants from one grow. The cultivator claims that he is a "provider" for Medical Marijuana patients and therefore exempt from prosecution for cultivation. The subject was arrested and released on bail pending trial on marijuana charges with possible sentence of 12 years to life. On Feb 16, 2005 this subject was re-arrested along with another subject after allegedly selling one pound of marijuana to DEA agents, who claim they did not mention medical purposes.

(Source) Lake County Narcotic Enforcement Team

One pound of high grade Marijuana sells for approximately \$4,000.00 dollars in the Bay Area. In the Mendocino area that price drops to approximately \$2,700 per pound based on availability.

It is estimated that one plant can yield one to three pounds of Marijuana. Based on this information 32,000 plants times 1- 3 pounds = 32,000 – 96,000 pounds at \$2,700 per pound = \$86,400,000 to 259,200,000.

LAKE COUNTY IMPACTS

Sheriff Rod Mitchell, advised the following:

- Lake County has one marijuana dispensary in Upper Lake (Two as of this writing)
- The biggest problem is the doctor, close by the dispensary who is known across the state for being liberal in his recommendations to use marijuana for a fee of \$175
- Many “patients” come from hours away and even out of state, Oregon specifically, to get a marijuana recommendation from the doctor
- Upper Lake has been impacted by the type of people coming for the marijuana doctor and dispensary. Citizens report to the Sheriff that the people coming to Upper Lake for marijuana look like drug users (“dopers”).
- One quilt shop owner has told the sheriff that she does not feel safe anymore because of the type of people drawn to the marijuana doctor and the dispensary, which are located close together in the very small town.
- They also have a notorious marijuana grower who beat prosecution for cultivation by making a medical claim. Law enforcement has taken a hands off approach even though he is blatantly violating the law.
- The Marijuana grower has recently claimed to be a church to avoid paying taxes.

(Source Rocklin P.D. report)

LAYTONVILLE

Crane by QUINCY CROMER/The Daily Journal (Excerpts from the article)

The owner of Mendo Spiritual Remedies in Laytonville and Hemp Plus Ministry in Ukiah -- who says he provides medical marijuana to more than a thousand people in Mendocino County -- will be in court next week to face charges for cultivation of marijuana.

Les Crane, founder and self-proclaimed reverend of the two churches where medical marijuana is available locally, said some 5,000 cannabis plants and his life savings -- about \$6,000 converted into gold -- were seized by the Mendocino County Sheriff's Office on May 16. "They came here because a guy was coming to rob my house.

I called them to come and solve the problem and then they found out about the grow. We showed them all the documentation and they left and went and got a search warrant and came back and searched my church," Crane said.

(Source) <http://www.hightimes.com/ht/news/content.php?bid=1203&aid=10>

Laytonville marijuana guru shot to death

2 others beaten in home; no suspects, but officials believe killing related to pot growing Saturday, November 19, 2005

By GLENDA ANDERSON
THE PRESS DEMOCRAT

A Laytonville pot guru who founded two Mendocino County medicinal cannabis dispensaries was shot to death during an apparent robbery in his home early Friday morning. Les Crane, who called his pot dispensaries churches and referred to himself as a reverend, said he was in the business to help ailing people, not to make money. He had said he had nearly 1,000 patients. He was killed at about 2:30 a.m. Friday in his home, which is about a mile from the center of Laytonville.... Two other people in Crane's home at the time of the shooting were beaten....Crane's death is believed to be related to his marijuana-growing and dispensing activities, Mendocino County authorities said. "I am totally surprised we haven't had more robberies and violent crimes associated with these things because of the amount of money involved and the value of the product," Sheriff Tony Craver said. Crane's Ukiah cannabis dispensary, Hemp Plus, offered exotic varieties of pot that sell for as much as \$350 an ounce. He also had a dispensary in Laytonville. He called marijuana "the tree of life" and said God placed it on Earth to benefit man. His religious credentials were issued by the Universal Life Church, which supplies certificates through the mail and the Internet. Sheriff's Lt. D.J. Miller provided few details of the crime, pending further investigation, including how many times Crane was shot or if any money or items were taken. Mendocino County officials had doubts about Crane's purpose for growing pot, and in May he was arrested for marijuana cultivation and several thousand pot plants were confiscated from his home. The criminal case was pending when he was killed....

(Source)<http://www1.pressdemocrat.com/apps/pbcs.dll/article?AID=/20051119/NEWS/511190303>

LOS ANGELES COUNTY

January 2004, Approximately six to eight known MMJ Dispensaries operating in West Hollywood. Several of the MMJ Dispensaries have generated calls for service.

January 10, 2004, An Assault with a Deadly Weapon and a Vandalism are reported at one of the MMJ Dispensaries as well as calls generated reporting obstruction of the street or sidewalk.

February 19, 2005, A MMJ Dispensary "LA Patients and Caregivers" reported that two subjects armed with handguns robbed the dispensary.

May 6, 2005, A search warrant was served at one of the dispensaries by L.A.P.D. (no further information provided)

May 15, 2005, A MMJ Dispensary "Alternative Herbal Health Services" four to five subjects armed with handguns entered the business at 4:25 pm, one of the employees was "pistol whipped" as the suspects demanded access to the dispensary's safe.

(Source Declaration of Sgt. Robert McMahon Los Angeles County Sheriff's Department)

LOS ANGELES

RECENT INVESTIGATIONS

The County Ordinance does not specify who may dispense medical marijuana and what dosage is appropriate for a particular illness. Furthermore, many dispensaries contract with physicians who issue the recommendations without examining the individual to verify they are in fact ill and using the marijuana for the illness. In May 2005, the LAPD began investigating Compassionate Caregivers Group (CCG) Inc., a medical marijuana dispensary located in West Hollywood, that bordered the City of Los Angeles. The dispensary was one of seven CCG medical marijuana dispensaries throughout the state. The owner of CCG, a marijuana trafficking fugitive from another state, also owned Green Medicine Group (GMG) that referred prospective patients to their group of doctors throughout the state. One of the GMG doctors saw as many as 49 patients a day charging from \$150-\$250 per patient. The same doctor saw 293 patients in one week. The doctor allegedly examined each patient from a closed-circuit television monitor and a clerk in another office where the patient was, handed out pre-signed medical recommendations. Because there is no ordinance, procedure, guideline or anything to regulate dispensaries and to whom or how they disperse drugs, they are free to distribute as much marijuana as they want and to anyone, whether they are adults or young people. Young people from all over Los Angeles County flocked to CCG to buy marijuana and then returned to their respective communities to conduct street sales of the drug. No one on the premises had medical or pharmaceutical training or licensing to distribute marijuana, edibles, plants and liquids. There was no first aid kit, defibrillator or trauma kit present at the location in case of a medical emergency. Furthermore, the business promoted the sale and cultivation of 60 strains of marijuana, of which, only six strains were for medical purposes. Evidence was also recovered at the scene that showed the dispensary was in business to make a profit. Over \$1.7 million in cash alone was received during the month of March 2005. And, most importantly, only three medical marijuana recommendations were found for patients residing in Los Angeles County, yet they provided medical marijuana to an average of 300 patients per week. The County Ordinance provides for the sales and consumption of edible marijuana. Edibles are food products, i.e. soda pop, peanut butter, candy, bakery items, jam and other liquids that contain various levels of Tetrahydrocannabinol (THC), the psychoactive agent of marijuana. There were no regulations in the ordinance for the quality control, potency, dosage and legality of the products sold. There is no Food and Drug Administration approval of the products. On March 23, 2006 in Oakland, "Beyond Bomb," one of a handful of manufacturers and distributors of edible marijuana products, who distribute edibles to medical marijuana dispensaries in California and the US, was searched by the Drug Enforcement Administration (DEA). The owner was arrested for marijuana trafficking. The area of the company used for processing and packaging edibles was atrocious. No sanitary precautions were taken whatsoever and the area was absolutely filthy and vermin was present. In addition, the company sold edibles in packaging resembling copyrighted and trademarked food items. Beyond Bomb used the same logo, candy wrapper colors and derivatives of the names of legal products, i.e. "Buddafinga" had the similar color wrapper and logo as the NestleUSA candy bar "Butterfinger." Over 20 different legitimate products were found that had infringed copyrights and trademarks in this manner.

In addition, legitimate candy bars were opened and the chocolate was laced with THC and then repackaged in the new labeling. There was no explanation for “3X,” “6X,” or “10X” markings on the wrappers of edible products (according to operators of dispensaries the markings indicate the potency of THC in the product). Lastly, there are no directions on the edible packages for the uses, dosage, warnings (allergy alerts, stomach bleeding and alcohol), drug facts, expiration date and other information, as required for over the counter drugs.

Lastly, the ordinance called for a security system and guards for each location. This requirement has not been an issue in the past. Medical marijuana dispensaries typically have had more extensive security systems than Sav-On, Rite Aide or Walgreen drug stores, and yet they still have been robbed and assaults and murders have occurred because they keep exorbitant amounts of cash and marijuana on hand. In addition, the security systems and guards do nothing for the surrounding businesses or area. Many of the dispensaries locally employ street gang members with extensive criminal histories as security guards and many of them are armed. In addition, where medical marijuana dispensaries have sprung up, the surrounding area has seen a 50 percent increase in Part I crime. Several unincorporated areas within the County of Los Angeles border the City of Los Angeles. Compounding this issue, the Los Angeles County Sheriff’s Department has a policy of not enforcing the law at medical marijuana dispensaries. Therefore, if the City of Los Angeles does adopt the same ordinance, crime will significantly increase in these areas making it extremely difficult to enforce the law.

(Source Det. Dennis Packer Asset Forfeiture/Narcotics Vice Division L.A.P.D.)

MENDOCINO COUNTY

Marijuana: Marijuana Crop Worth \$1.5 Billion in One California County Alone, Paper Estimates 12/2/05

Northern California's Mendocino County has been known for marijuana growing for at least 30 years. Part of the state's legendary Emerald Triangle of high-grade pot production along with neighboring Humboldt and Trinity counties, Mendocino has long profited from the underground economy. Last week, a local newspaper, the Willits News, tried to gauge just how large the profits may be, and the result is startling.

According to the News, the local marijuana industry will add \$1.5 billion to the county's economy this year. With Mendocino's legal economy estimated at about \$2.3 billion, that means the pot economy is almost two-thirds as large as all other legal economic activities combined. When combining the aboveground and underground economies, the marijuana industry is responsible for roughly 40% of all Mendocino County economic activity, a figure approaching the proportions of the Afghan opium economy. As the News is quick to acknowledge, because marijuana is an illicit commodity, no one really knows how big the industry in the county is, so the paper relied on extrapolations based on the number of plants seized and on information it acquired about current wholesale (pound level and up) marijuana prices in the area. The County of Mendocino Marijuana Eradication Team (COMMET) seized 144,000 plants this year, and District Attorney told the paper COMMET normally seized between five and eight percent of the crop, a little less than the 10% rule of thumb for estimating all drug seizures.

The paper more than compensated for the lowball seizure rate by also factoring in a 20% crop loss to spoilage. Following the formula, the News estimated 1.8 million plants were sown in the county this year, with 1.32 million surviving droughts, floods, bugs, mold, and cops. And while both the DEA and Mendocino County law enforcement like to say that one plant produces one pound, the newspaper consulted local grower "Dionysius Greenbud," who said the average yield is closer to a half pound -- a very rough estimate, given a local crop that consists of both high-yielding outdoor plants and smaller, lower-yielding indoor plants. The paper's in-the-ballpark estimate for total pot production in the county is thus some 662,000 pounds. The paper assumed a wholesale price of \$2200 a pound, based on reports from local growers, and a simple multiplication yields a total of \$1.5 billion. Is that figure out of line? It's hard to say. In last year's "Reefer Madness: Sex, Drugs, and Cheap Labor in the American Black Market," Eric Schlosser quoted former DEA officials as estimating the value of all marijuana grown nationwide at \$25 billion. While it is difficult to believe that one California County accounts for nearly 5% of all pot grown in the US, who is to say different? (Source <http://stopthedrugwar.org/chronicle/413/mendocino.shtml>)

March 16, 2006 Three suspects enter a MMJ Dispensary (Mendocino Remedies), pepper spray the employees and attempt to take property. A fight between the suspects and victims ensues and the suspects flee the scene.
(Source <http://www.co.mendocino.ca.us/sheriff/pressreleases.htm>)

MODESTO

July 18th, 2005. DEA arrests three subjects on charges stemming from a raid by Stanislaus Co sheriffs, who reported discovering 49 plants and 235 pounds of marijuana there. The main subject of the investigation and his wife had been providing medical marijuana for patients at a San Francisco dispensary.
(Source <http://www.canorml.org/news/fedmmjcases.html>)

Soap store a front for pot outfit, cops say

Patrick Giblin [Modesto Bee](#)

Modesto, CA June 17, 2006 -- Drug agents looked past the soaps and lotions at The Healthy Choice on McHenry Avenue in Modesto and sniffed out a marijuana store in the back, law enforcement officials said Friday. Narcotics officers arrested Michael O'Leary, 37, of Modesto at the store, 4213 McHenry Ave. They are looking for his brother, Shannon O'Leary, 34, of Modesto, agent Kelly Rea said. "The second store was just like a legitimate store, with shelves, prices listed and receipts given to the customers," said Rea, an agent with the Stanislaus Drug Enforcement Agency. "I've never seen anything like it." There were prescription bottles filled with pre-weighed amounts of marijuana. There also were 50 to 100 pre-wrapped, marijuana-laced brownies and an equal number of marijuana-laced cookies. The store had a menu of prices and types of marijuana, with the different varieties neatly packed in Tupperware containers, Rea said. "They offered full customer service," Rea said. Local, state and federal drug agents raided the store about 9 a.m. Friday and stayed until about 1 p.m., seizing property and cataloging the inventory, sheriff's spokeswoman Gina Legurias said.

They also seized about \$20,000 in cash. Approximately 30 people came to the store looking to buy marijuana while officers were there, Rea said. About half of them had California medical marijuana cards, indicating they were suffering from cancer, glaucoma or other ailments. Marijuana is believed to help relieve the symptoms. However, the store isn't a licensed medical marijuana dispensary. The rest of the potential customers didn't have cards, Rea said. "They sold to anyone and everyone," he said. No customers were arrested. They were interviewed to give officers an idea of how much business the store did, Rea said. Michael O'Leary was booked into the Stanislaus County Jail in Modesto on charges of possession of marijuana for sale and criminal conspiracy. He was released on \$25,000 bail Friday afternoon.

OAKLAND

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

(Source) Rocklin P.D. report

ROBBERS INVADE OAKLAND POT CLUB

Oakland Tribune by Susan McDonough, (Excerpts from)

November 10, 2003 A medical marijuana club in Oakland's so-called Oaksterdam district was the target of an invasion-style armed robbery Sunday morning. Four men, one with a gun, tied up a bouncer outside Compassionate Caregivers at about 8:10 a.m. and barreled their way to where the cannabis club is located on the top floor of the three-story building, police said.

Several medical marijuana patients and staff members were inside the club at 1740 Telegraph Ave.....The gunmen tied up another person inside the dispensary and took several ounces of marijuana and a significant amount of cash before fleeing, police said..... Oakland Police Sgt. Hugh Kidd said no one was injured and no patrons or staff members were robbed individually. Oakland was one of the first U.S. cities to legitimize the use of medical marijuana by deputizing a former club on Broadway as a distributor. That dispensary was shut down by the U.S. Drug Enforcement Agency in 1998, but a number of marijuana-related businesses have sprung up in the neighborhood to replace it. Cannabis clubs in Berkeley and Sacramento have been hit by similar armed robberies in recent years.

(Source) <http://www.mapinc.org/newscmc/v03/n1750/a02.html>

June 30, 2004: Five subjects were arrested by DEA following a CHP raid on a warehouse where 4,000 plants were found. The subjects claim that the plants were for a licensed dispensary. Police gave conflicting accounts of the incident; **the CHP says it called on the DEA after Oakland police declined to help.** Two defendants have pled not guilty to manufacturing charges bearing a 10-year to life sentence.

March 16, 2006. DEA raids cannabis candy manufacturer, "Beyond Bomb," at three different East Bay sites, seizing over 5,000 plants, \$150K cash, and the company's stash of cannabis candies & soda pop. Arrested are the owner and 11 other employees. DEA says products were packaged in eye-catching candy wrappers that might pose danger to kids. Supporters say that products were distributed for use by medical marijuana patients. (Source) <http://www.canorml.org/news/fedmmjcases.html>

One Department representative was willing to speak with me, but did not wish to be quoted for this report. They advised me of a recent carjacking. This event involved an owner and three employees of a MMJ Dispensary.

None of the four could agree on any fact relating to the case other than while property of the dispensary was stolen, no Marijuana or cash was taken. This leads us to believe that either a large quantity of Marijuana or cash was the target of the attack.

PLEASANTON

The City of Pleasanton does not have any dispensaries operating in Pleasanton, whether legally or illegally. Pleasanton has a moratorium on dispensaries in place, has not prepared any reports on a ban, and staff will request that Council extend the moratorium for another 12 months. In support of the moratorium, the following health / safety / welfare information was cited;

Juveniles in Pleasanton found with marijuana which was re-sold to them after having been obtained from a dispensary.

A dispensary employee was the victim of a robbery at his home after he brought more than \$100,000.00 in cash from a MMJ Dispensary back to his home to Pleasanton.

(Source Larissa Seto Assistant City Attorney)

ROSEVILLE:

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

(Source Rocklin P.D. report)

On January 13, 2006 the proprietor of the Roseville's MMJ Dispensary was indicated by a Federal Grand Jury on 19 counts of marijuana trafficking and money laundering. The indictment alleges that in an eight month period the defendant made approximately \$2,750,849.00 from the sale of MMJ and of that figure \$356,130.00 was traced to money laundering activities. The U.S. Attorney handling the case stated, "This case is a perfect example of a person using medical marijuana as a smokescreen to hide his true agenda, which is to line his pockets with illegal drug money."

(Source Press release California State Attorney Generals Office)

SACRAMENTO

Sacramento has four dispensaries. Relatively few crimes other than at least two burglary attempts. Most of the complaints came to the council via citizens regarding quality of life issues i.e. loitering, traffic and use of marijuana in or near the dispensaries.

July 7, 2005. The director of Alternative Specialties dispensary, charged by feds following raid by Sacramento County Sheriff that uncovered two indoor gardens with an alleged 800 plants. Sheriffs say the subject had a criminal record for embezzlement and failed to file for a business license. He was charged with the manufacture of marijuana and illegal possession of weapons.

(Source <http://www.canorml.org/news/fedmmjcases.html>)

SAN DIEGO

Dec 12, 2005 - Interagency task force raids 13 of 19 San Diego dispensaries. Task force led by DEA with state police. Raids conducted under state, not federal search warrant. No arrests, investigation ongoing.

(Source <http://www.canorml.org/news/fedmmjcases.html>)

July 7, 2006: Medical marijuana dispensaries charged with drug trafficking

ALLISON HOFFMAN Associated Press

Federal prosecutors accused six people Thursday of illegally trafficking pot under the cover of California's medical marijuana laws - in some cases processed into baked goods, "Reefer's" peanut butter cups and "Splif" peanut butter. Federal and state search warrants were executed at more than 11 locations throughout San Diego in a morning raid, and at least five people were arrested, authorities said. Federal charges were expected to be filed Friday, according to U.S. Attorney Carol Lam.

"They made thousands of dollars every day," Lam said. "Their motive was not the betterment of society. Their motive was profit." One federal indictment accuses John Sullivan, 38, of growing more than 100 marijuana plants for distribution and distributing marijuana or processed marijuana-based goods from his two dispensaries, the Purple Bud Room in Pacific Beach and THC in San Diego. Five managers of the Co-op San Diego were indicted separately on similar allegations. Wayne Hudson, 42; Christopher Larkin, 34; and Ross McManus, 39, are alleged to have distributed marijuana products through the co-op. Scott Wright, 40, and Michael Ragin, 34, are accused of growing hundreds of plants for the co-op at their homes. Messages left at the dispensaries were not immediately returned. Also, the San Diego County District Attorney has filed state charges against one of the men named in the federal indictment and nine others for selling marijuana and possessing marijuana for sale. State charges were filed against Sullivan's THC dispensary and four other independent operations in San Diego. Prosecutors alleged that these dispensaries sold marijuana or marijuana-based products with little concern for legitimate medical need. "The party is over," District Attorney Bonnie Dumanis said at a news conference with federal prosecutors. She added that Proposition 215, the ballot measure that legalized marijuana for medical purposes, has been "severely abused by neighborhood pot dealers opening up storefronts." Complaints from residents living near dispensaries precipitated an investigation beginning in September 2005 by the San Diego police, the county sheriff's department, the Drug Enforcement Administration, Dumanis said. Dumanis said that her office has "no intention" of preventing people who suffer chronic illnesses like AIDS, glaucoma or cancer from using medically prescribed marijuana to ease their pain. But San Diego County has fought an ongoing battle to limit the impact of the medical marijuana law, which was approved in 1996 by 55 percent of voters. San Diego has ignored a state requirement that counties issue identification cards to registered medical marijuana users and maintain a registry of people who apply for the cards. In December, county supervisors sued the state of California and its director of health services in federal court, saying federal law that prohibits marijuana use trumps the state law. The county moved that lawsuit to state court in February to avoid bringing the case to the 9th U.S. Circuit Court of Appeals, which has sided in recent rulings with medical marijuana supporters. That suit is still pending. The men indicted by the federal grand jury face a maximum of 40 years in prison and \$2 million in fines for each of the allegations listed in the indictment, authorities said. The San Diego County District Attorney's office released a complaint sent last week to the state medical board against four physicians alleging that they wrote "recommendations" for medical marijuana use - doctor's notes required by state law - to apparently healthy individuals.

(Source:

[Http://www.mercurynews.com/mld/mercurynews/news/breaking_news/14982395.htm](http://www.mercurynews.com/mld/mercurynews/news/breaking_news/14982395.htm))

City hopes to close legal pot dispensary

July 8, 2006 By Linda Lou UNION-TRIBUNE STAFF WRITER SAN MARCOS – An existing medical-marijuana dispensary here survived a City Council vote in February that banned any more dispensaries from opening.

It was able to receive a business license because it called itself a nutritional supplement store, city officials said. But the dispensary's ability to remain open is now uncertain. On Thursday, local and federal law enforcement officers went to the storefront on Rancho Santa Fe Road and seized all of the marijuana and products laced with the drug's byproducts as part of raids of dispensaries countywide. Now the city is intent on shutting down the business, run by Legal Ease Inc. of San Diego, because it's been burglarized several times since the council's vote, said City Manager Rick Gittings. The city contends it's a threat to the community's health, safety and welfare, violating the provisions the city imposed in February when it allowed the dispensary to stay open, Gittings said. The concept of providing medical marijuana to patients who really need it has good intentions, but as indicated by state and federal prosecutors this week, medical marijuana dispensaries are fronts for drug peddling, Gittings said. Recently, Legal Ease asked the city to transfer its business license to a new location on Grand Avenue. The city rejected the request in a letter sent to Legal Ease last month. The letter said that another business near the dispensary's current location was burglarized because it was mistaken for the dispensary. The letter also said Legal Ease had failed at least once to submit security tapes of its premises and has failed to reveal what was stolen in the burglaries. Though the letter didn't say the city wanted to close the business, that conclusion is "painfully obvious," Gittings said. City officials will meet with Legal Ease's representatives next week to discuss the situation, he said. Gittings said he doesn't know when the dispensary would be closed. When reached earlier this week, Henry Friesen, Legal Ease's attorney, said that he hoped to clear up any miscommunication with the city. He said he thought the new location would be approved, based on discussions with representatives from the Sheriff Department's San Marcos substation and the Fire Department. Sgt. Gary Floyd, supervisor of San Marcos' street narcotics and gang unit, said he's not aware that Legal Ease had talked with the Sheriff's Department about relocating. He said that after some recent early-morning burglaries, the dispensary installed roll-up metal security covers over the door and window because thieves had smashed the glass to get inside. In Thursday's raid, dozens of candy bars and cartons of ice cream containing THC, a marijuana byproduct, were confiscated, Floyd said. Bags of packaged marijuana and larger bags of the drug used to refill the smaller ones were also taken, he said. No one was arrested. In December, a federal drug agent said he was able to purchase marijuana at the site with a forged doctor's recommendation.

(Source: <http://www.signonsandiego.com/news/northcounty/20060708-9999-1mi8smmari.html>)

SAN FRANCISCO

May 14, 2005--In a daring home-invasion robbery at around 10PM, the house of the owner of Alternative Health and Healing Services at 442 Haight St was robbed of several pounds of cannabis and the dispensary keys. Details are sketchy, but it is believed that the robbers burst into the owner's home at gunpoint. More on this story as details are known. (Source) http://www.hempevolution.org/thc/dispensary_robbed040514.htm

June 23, 2005 3 S.F. pot clubs raided in probe of organized crime

Medical marijuana dispensaries used as front for money laundering, authorities say. Federal authorities raided three San Francisco medical marijuana dispensaries Wednesday, and investigators arrested at least 13 people as part of an alleged organized crime operation using the clubs as a front to launder money. Agents seized marijuana and other items from two cannabis clubs on Ocean Avenue in the Ingleside district and a third on Judah Street in the Inner Sunset district. The raids were the first in the Bay Area since the U.S. Supreme Court dealt a blow to the medical marijuana movement two weeks ago by ruling that the federal government had the authority to prosecute people whose activities are legal under state law. . . . Twenty people were charged in an indictment that federal authorities planned to unseal today. Authorities would not comment on the specific allegations against them. Authorities said. . . . that the operation controlled at least 10 warehouses where marijuana was grown in large quantities and that those involved were bringing in millions of dollars. One warehouse in Oakland that federal agents raided earlier this month was capable of growing \$3 million worth of marijuana annually, investigators said. The marijuana ostensibly was for cannabis clubs, but the amount being grown was far more than needed to supply the dispensaries, authorities said.

(Source) <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/06/23/MNGRODDG321.DTL>.

Dec. 20, 2005 - DEA raids HopeNet Cooperative after first raiding home of HopeNet directors Steve and Catherine Smith. No arrests. Agents seize cash, medicine, a few hundred small indoor plants, mostly cuttings and clones.

(Source) <http://www.canorml.org/news/fedmmjcases.html>

June 27, 2006: Medical marijuana dispensary robbed during S.F. Gay Pride Parade
Adam Martin [San Francisco Examiner](#)

Thieves apparently took advantage of Sunday's 36th Annual San Francisco Gay Pride Parade and Celebration to commit this year's second robbery of a medical marijuana dispensary. According to police and the club's proprietor, two men entered Emmalyn's California Cannabis Clinic at 1597 Howard St. about 1:30 p.m. Sunday. They held up the clerk and stole cash and inventory while most of the staff was handing out fliers at the Gay Pride Parade. Sunday's holdup marked The City's second pot club robbery of the year. The Purple Heart dispensary at 1326 Grove St. was robbed Feb. 3, San Francisco Police Lt. John Loftus said. There were four such robberies in 2005, Loftus said. Loftus said clubs are attractive to thieves because "it's a big cash business, and marijuana is expensive." He said that so far, none of the victims with whom the department has worked has been able to recover their inventory.

Emmalyn's proprietor John Baumgartner said he and his staff felt safe in their trade until Sunday. "We never felt threatened," he said in an interview Monday. "We usually have two people on duty. Because of the gay pride day, I happened to be out with other staff passing out fliers and left one person in the store. We left ourselves open."

The two men who robbed the dispensary had been in about an hour prior to the crime and bought some marijuana.

When they returned, Baumgartner said, “they put a gun to my clerk’s head, had him lie down on the floor, then they robbed him and the store. They took everything in the place. They emptied out the cash registers and the counters.” Baumgartner said the club will remain closed for the near future while he upgrades security. “They took all the inventory I had,” he said, but he said the crime was captured on security cameras, whose tapes will be reviewed in the investigation.

(Source) <http://www.hempevolution.org/media/examiner/e060627.htm>

SAN JOSE

Murder in a Head Shop

Will David Cruz's killer ever be found? By William Dean Hinton

ON MAY 10, right around 8:30pm, Jonathan Cruz dropped in on his brother at the Rainbow Smoke Shop on West San Carlos Street..... About half an hour later, Jonathan left his brother, who was preparing to close the shop and head over to the Rainbow owner's home for dinner that night. What happened next is still somewhat of a mystery. Shortly after Jonathan departed, someone walked into the shop and killed David Cruz with a single bullet wound to the back of his head, just above the left ear. No money was taken from the register, and the store wasn't ransacked.

When the owner, Suzie Andrews, was allowed back inside, a month after the shooting, everything appeared to be normal except for the bloodstain in the doorway leading to a small body-piercing room. The killing was essentially the end of Andrew's shop. After 10 years as owner, she was afraid to be in her own store. She began carrying a .38 with hollow-point bullets and closed the Rainbow's doors two hours earlier than before David's death. She finally closed the business permanently on New Year's Eve, sticking the remaining bong, handpipes, hookahs, T-shirts and porn tapes into storage, where they might eventually be sold on eBay. David Cruz's killer, meanwhile, has never been identified. Police can usually determine a murder suspect within 48 hours of a shooting, even if they're unable to apprehend him. The Cruz case is approaching the nine month mark with no credible theory why David was shot.

(Source <http://equalrights4all.us/content/view/192/50/>)

SAN LEANDRO

San Leandro does not have any MMJ Dispensaries within their City Limits. They do however have employees of MMJ Dispensaries from other jurisdictions living in their city.

June 19, 2005: Suspects enter an unoccupied residence of a MMJ Dispensary employee taking jewelry and \$10,000.00 in cash.

June 28, 2005: Suspects return to the same residence and begin to force entry when they are confronted by the resident and flee before any loss is sustained.

September 20, 2005: A receptionist of a MMJ Dispensary was accosted by a lone suspect as she walked from her vehicle to her house. The receptionist was able to get into her home and call police before the robbery was completed.

October 26, 2005: A Detective on routine patrol observes a suspicious circumstance and stops two subjects. The stop results in the arrest of the subjects for robbery and possession of stolen property. The house the suspects were watching was the home of a MMJ Dispensary employee.

December 19, 2005: The same receptionist (9/20/05 event) is robbed as she walks from her vehicle to her home. The suspects took a bag containing receipts from the MMJ Dispensary (Paperwork only, no cash)
(Source Mark Decoulode San Leandro PD)

SANTA CRUZ

Four men sought in home robberies

[Santa Cruz Sentinel](#)

Santa Cruz, CA Dec 13, 2004 -- Santa Cruz Police are asking for the public's help in finding four armed men who took marijuana grown for medicinal uses and electronics from two separate houses on Clay Street. Around 1 a.m. Sunday, a white, Asian and possibly two black males — all wearing masks and dark clothing — broke into two residences, rounded up their tenants, held them at gunpoint and ransacked their homes, all while demanding drugs and cash. Two of the victims were battered during the robbery, resulting in minor injuries not requiring hospital treatment. One of the suspects fired a single shot from a handgun when one of the victims tried to escape. No one was shot.

http://www.hempevolution.org/media/daily_review/dr050824.htm

SANTA CRUZ COUNTY

Capitola 2004: Three suspects entered the victim's home armed with a handgun in search of the residents MMJ grow. The resident and two guests were ordered to the floor. During the robbery the resident was shot and stabbed but managed to fight off the suspects who fled prior to the arrival of the responding Deputies.

Live Oaks October 1, 2005: Four suspects attempted to conduct a home invasion robbery of a home cultivator of MMJ. The homeowner fired a shotgun at the suspects who fled and were later captured by police following a vehicle pursuit and crash.

Ben Lomond March 5, 2006: Two suspects who identified themselves as "Police" forced their way into the victim's residence. The victim was assaulted, robbed and left tied up in his residence until the next day when he was discovered. Subsequent investigation revealed that the motive for the robbery was the victims MMJ supply.

SANTA ROSA

May 29, 2002 Federal agents raided a medical marijuana buyers club here Wednesday and arrested two people. A U.S. Drug Enforcement Administration spokesman said two addresses were searched, including the club near downtown.

Marijuana, cash, a car and a weapon were seized. Authorities declined to identify the arrested pair, saying all information about the case was sealed by a federal judge.
(Source) <http://cannabisnews.com/news/12/thread12999.shtml>

September 29, 2004 The father of the owner of a MMJ Dispensary was followed home from the dispensary and robbed at gunpoint in front of his residence. The owner of the club believed that his business was being “cased” and that “further robberies were eminent.”

January 25, 2005 Suspects force entry into a closed MMJ Dispensary and burglarize the business taking three pounds of Marijuana and cash.

March 3, 2005 Suspects forced entry into a MMJ Dispensary a stole a laptop computer, Marijuana and smoking paraphernalia.

April 15, 2005 Employees of a MMJ Dispensary were robbed by a suspect armed with a shotgun as they were closing the business. The suspect stole a “duffle bag” of Marijuana.

April 18, 2005 Suspects forced entry into a closed MMJ Dispensary and stole a digital scale.

April 19, 2005 Suspects forced entry into a MMJ Dispensary and stolen one half pound of marijuana.

Mar 17, 2006 Suspects forced entry into a closed MMJ Dispensary, loss unknown at this time.
(Source) Lt. Briggs Santa Rosa P.D.

The Vice unit has been involved in the investigation of the following MMJ Dispensary related crimes;

- A homicide, during a residential robbery where the suspects sought Marijuana cultivated for a dispensary.
- Four residential robberies, where the suspects sought Marijuana cultivated for a dispensary.
- Twelve cases where individuals were cultivating Marijuana for dispensaries, but were found to be operating outside MMJ guidelines and in a “for profit” status. Each of these cases resulted in the arrest of the cultivators and disposition is pending.
- Instances where undercover officers have found subjects buying Marijuana from MMJ Dispensaries under the guise of MMJ and then reselling the Marijuana to non MMJ users.

(Source) Sgt. Steve Fraga Santa Rosa P.D.

SONOMA COUNTY

A subject was arrested May 9, 2001 while growing for himself and other patients; convicted by a jury of cultivating more than 100 plants on Feb 11, 2002; sentenced to 5 yrs probation; He was re-arrested July 31, 2002 for cultivating while on probation. Convicted and sentenced to 44 months for growing 920 plants Dec 19, 2002. Released on bail April 2004; awaiting sentencing post-Raich 2005.

The proprietor of Genesis 1:29 club in Petaluma was arrested Sept 13, 2002. Agents uprooted 3,454 plants at the club's garden in Sebastopol. The suspect pled guilty July 2003; sentenced to 41 months, July 2005. Information provided by:
(Source) <http://www.canorml.org/news/fedmmjcases.html>

Friday, February 17, 2006 at 12:13, PM Commercial marijuana operation shut down. On 2/16/05, the Sonoma County Narcotic Task Force, SCNTF, and the County of Mendocino Marijuana Eradication Team, COMMET completed an investigation involving a large-scale commercial marijuana growing operation.

At the first residence on Little Creek Rd., agents located a marijuana growing operation where "starter" plants were being cultivated. These plants would eventually be moved to the larger grow rooms as they matured.

As agents collected evidence, Kenneth D. Brenner, 57 yrs, of Annapolis arrived at the residence. When agents contacted Brenner, they located grow equipment in the bed of his truck. He was detained and returned to his residence. At Brenner's residence, agents seized numerous firearms. Agents also seized an AK47, a Colt AR15, and a .308 sniper rifle. Additional documents linking Brenner to the growing operation were seized. The indoor grow operation included 4 buildings which were located approximately a quarter of a mile off Annapolis Rd. in the thick brush. The grow buildings ranged from 100'X 30' to 30'x 20'. The buildings were constructed of plywood, with the exteriors painted black, and concealed under the thick canopy of trees. The plants were growing in a hydroponics type system, under approximately 120 high intensity lights. The lighting equipment alone is valued at \$48,000.00. Agents located a camouflaged, insulated concrete bunker which housed a 125KW diesel generator. This generator was seized and valued at approximately \$75,000.00. The total number of plants was approximately 1700. Agents determined the plants when harvested would yield approximately 50 pounds of marijuana. The marijuana would have a street value of \$150,000.00. As agents continued their searching, they seized over 3,000 live rounds of ammunition in one of the grow buildings. The ammunition matched the same type of assault rifles seized at Brenner's residence. Agents then discovered numerous metal military type ammunition cans hidden in the area. When the cans were opened, the agents discovered 22 solid bars of silver, and antique silver coins. The bars each weighed 9ozs., with an estimated value of \$30,000.00. The Drug Enforcement Administration was contacted to consider the adoption of this case on a federal level. Mr. Brenner was released at his residence. The case will be under further review by the United States Attorney's Office.

For further information contact Detective Sergeant Chris Bertoli at (707) 565-5441.
Prepared by Detective Sergeant Chris Bertoli.

Thursday, January 5, 2006 at 12:18, PM \$600,000 in marijuana seized.

On 1/4/06, the Sonoma County Narcotics Task Force completed a three month investigation involving the sales of methamphetamine in the City of Cloverdale. Through the use of undercover purchases, Task Force Agents identified a residence on South Cloverdale Boulevard as the source of methamphetamine. When agents served a search warrant at the residence, they located 212 pounds of manicured marijuana. The marijuana had been concealed in various locations on the property. Along with the marijuana, agents seized a half ounce of "crystal" methamphetamine, a scale, packaging material, and pay/owe records. As agents continued their search, they located an AK-47 assault rifle with 3 fully loaded 30 round magazines next to the rifle. A stolen sawed-off 12 gauge shotgun, 2 additional rifles, and one loaded semi-automatic handgun were also located in the same location.

While searching the residence, agents encountered three children living at the residence with their parents. The ages of the children were 6,7, and 8 years. As agents searched, they discovered approximately 3 pounds of marijuana within the same room as the children were discovered sleeping. The estimated street value of the marijuana is \$636,000.00 dollars. The methamphetamine is valued at \$450.00.

For further information contact Detective Sergeant Chris Bertoli at (707) 565-5441.

Prepared by Detective Sergeant Chris Bertoli.

(Source www.sonomasheriff.org)

TEHEMA COUNTY

Two subjects were indicted by federal grand jury on Jan 8, 2004 after trying to assert medical marijuana defense in state court. Arrested with 100s of small seedlings, 33 mature plants, and a few pounds of processed marijuana in Red Bluff and Oakland. Defendants say they were for personal use. The Tehama DA turned the case over to the feds while pretending to negotiate a deal with their attorneys. Denied a *Raich* defense by Judge England.

(Source) <http://www.canorml.org/news/fedmmjcases.html>

TRINITY COUNTY

A subject and his wife were arrested in 2003 for a sizable outdoors grow; they were re-arrested the next year after deliberately replanting another garden in public view. While awaiting trial, they were arrested once again, this time for a personal use garden of approximately ten plants.

(Source) <http://www.canorml.org/news/fedmmjcases.html>

TUSTIN

After a MMJ Dispensary opened, undercover officers conducted an investigation in the business. During the service of a search warrant, 25 pounds of marijuana was seized and the dispensary was shut down. The District Attorney still has not made a decision as to whether to file charges or not.

(Source) Scott Jordan Tustin PD

UKIAH

Over the last four years, the City of Ukiah has experienced an increase in crimes related to the MMJ Dispensaries. They are four Dispensaries in town as well as several citizens growing Marijuana for the purpose of providing Marijuana to dispensaries. There have been approximately ten robberies of either dispensaries or private grows. Some of these robberies have resulted in shootings. There has also been an arson of a dispensary which the police department believes was the result of a dispute with a customer.

(Source) Det. Guzman Ukiah P.D.

Ukiah Daily News

An arson fire burned the Ukiah Cannabis Club Saturday morning, causing extensive damage and blackening neighboring structures as well. A man who told The Daily Journal he was upset with the Ukiah Cannabis Club, claiming club members owed him money for the crop of marijuana he grew for them, was arrested at the scene.....The man in the back of the store, later identified as William Howard Ryan, 51, of Willits, telephoned UPD dispatch, saying he was armed and that he would shoot anyone coming to get him. Officers and firefighters heard muffled shots from the interior of the store..... Ryan was arrested on charges of arson, burglary and possession of hashish. He was interviewed by The Daily Journal just days ago when he claimed he was going to sue the Ukiah Cannabis Club for the money he says he is owed.

Some witnesses said they saw Ryan enter the building with what looked like grenades strapped to his body. There were also reports the suspect carried a weapon, though that was not corroborated by police. A spokesperson for the Forest Club said the bar would be closed for a short time only.

(Source http://www.hempevolution.org/media/ukiah_daily_news/udn020527.htm)

VENTURA

Two subjects were arrested Sept 28, 2001 for cultivating for the LACRC. Forfeiture filed against their property, including home they built for themselves, in July 02. Raided again and arrested for personal use garden of 35 plants in Aug 02; charged with cultivation. Pled guilty Sep 03. Ninth Circuit denied appeal March 2006.

(Source) <http://www.canorml.org/news/fedmmjcases.html>

CALIFORNIA CHIEFS OF POLICE

The California Chiefs of Police outlined their collective opinion on their web site;

Law Enforcement Concerns to Medical Marijuana Dispensaries;

- It violates Federal Law
- Street dealers selling at lower prices to entice patients away from dispensaries
- Non-residents coming into city to purchase Marijuana
- Neighboring businesses have experienced a loss of customers
- Increase in unreported crime to avoid negative publicity to the Dispensary

- Problem of patients selling to non-patients (similar to providing alcohol to a juvenile waiting outside a liquor store)
- Documented cases of robberies outside MMJ Dispensaries
- Dispensaries create alternative methods to market products – such as food items called Buddafingers, Munchy Way, Rasta Reese’s and Puff-a- Mint Pattie
- Complaints from patients that other illegal drugs are being sold at the dispensary
- Marijuana dispensaries perpetuate a sub-culture that openly supports behavior consistent with criminal activity and publishes instructional material on the web. Examples include:
 1. Assume you are under surveillance if you are in any way involved in providing medical marijuana to patients.
 2. Do not discuss sensitive matters on the phone, through the mail, by e-mail, or in you home, car, dispensary collectives or office.
 3. Don’t gossip, brag or ask for compromising or unnecessary information about medical marijuana operations and activities.
 4. You should be cautious of theft. Many patients and care providers have been robbed because the wrong person knows sensitive information
- Management from an established dispensary told police that they cannot keep the criminal element out.

CALIFORNIA NARCOTIC OFFICERS ASSOCIATION

Agents have conducted sting operations on web sites such as “Craigslist” and recently conducted an investigation which resulted in the arrest of a subject for the sale of three pounds of marijuana as well as possession of an additional four pounds. This subject was an employee of a local MMJ Dispensary.

In all of these communities, law enforcement leaders were concerned with the impacts to the public health, safety and welfare by the commercial marijuana dispensing enterprise. All wished that they did not exist in their community. The trouble seems to occur when a large number of marijuana users, legal (under State law) and illegal gather at one location making them easy targets for illegal drug dealers; those freelance illegal drug dealers who are trying to recruit individuals with a doctors recommendation to legitimize (under State law) their sales and possession; and those who wish to prey upon the ill to steal their marijuana.

This is compounded by the vast amounts of cash and little or no oversight of the processes of prescription, procurement and sales of MMJ. All of these impacts are avoidable if the commercial marijuana dispensing business were not allowed to locate in our community.

Medical Marijuana Doctor's

Another area of contention is the apparent lack of oversight regarding who receives a physician's recommendation for MMJ and the process in doing so. One doctor who is touted as a "MMJ Doctor" is a practitioner in the City of El Cerrito. It is reported that our local doctor has issued over ten thousand recommendations for MMJ in the ten years since Prop. 215 was enacted in 1996. Research on the internet has revealed that the cost to patients to receive their initial recommendation ranges from \$125.00 to \$250.00. If these figures are accurate, this one doctor has made \$1,250,000 to 2,500,000 over the past ten years just in issuing MMJ recommendations. These recommendations have to be renewed every one to two years at the cost of \$50.00 to \$100.00. This same doctor has repeatedly been the target of investigations regarding his practices related to MMJ and is currently on probation with the Medical Board of California as a result of investigations into 47 complaints, all of which were referred by law enforcement or district attorneys. And this is how his web site explains this;

Medical Board of California v Tod H. Mikuriya, M.D.

Since 1993, the Medical Board of California have had various ongoing investigations into Dr. Mikuriya's use of cannabinoids in his medical practice. Beginning in 1993 with rural county probation officers turning him in to the medical board for prescribing Marinol to probationers. The initial investigation resulted in a letter in Dr. Mikuriya's file. With the passage of the Compassionate Use Act of 1996, outlying Sheriff Deputies and District Attorneys began flooding the Medical Board with bogus complaints. Nearly 50 complaints were filed, none came from patients, health care professionals or patient families--none alleged any harm to patients. The medical board initiated multiple investigations. In 2003 Dr. Mikuriya had a hearing in front of an Administrative Law Judge which resulted in the worst of the allegations being dismissed. (Dismissed charges included unprofessional conduct and incompetence.) However, Dr. Mikuriya was convicted for negligence and failing to keep adequate records. In April of 2004 he was placed on probation which includes a practice monitor, cost recovery (\$70,000), and various other indecencies. Appeals of all charges are pending and continue. This page and the associated links contain all of the legal documents in this matter, as well as interpretations of why it occurred and the politics that surround it by Dr. Mikuriya. All of these materials are being made available to the public and any interested party as a means for Dr. Tod to show that this entire production was--and remains--a political action and has nothing to do with patient care and/or harm.

(Source: <http://www.mikuriya.com/>)

Another interesting concept is that even the doctors involved in this industry appear to do a "cash only" business.

This is from Dr's Ellis' site; <http://www.potdoc.com/ProfilePage.html>

Occasionally the office will be closed due to Dr. Ellis' outside schedule. You must call to schedule an appointment to see Dr. R. Stephen Ellis, MD (CA License # G-40749). We are not a referral service for medical marijuana doctors in your area. We are a medical clinic with one medical doctor located in San Francisco, California.

We can see patients living anywhere in the State of California in our medical clinic located in San Francisco. A Prop. 215 recommendation written from our office is good anywhere in the State of California. We will ultimately require confirmation of your diagnosis from your MD (or DC, DPM, or DDS as appropriate). We work with our patients to develop appropriate case documentation as per the routine standards of medicine – the only acceptable standard of valid legal protection a `Prop 215' recommendation can provide. Please bring an official picture ID for proof of ID and age. ALL patients (and any caregivers) MUST be at least 18 years of age and no longer attending high school. Exceptions in extreme cases can be made, so please feel free to call and discuss your situation.

The Initial New Patient Physical Exam and Evaluation with Dr. Ellis is \$250.00 total if you qualify and a recommendation is issued.

There is an initial interview with Dr. Ellis to see if you qualify and the cost is included in the \$250.00 new patient total fee. All patients that we will be able to assist then continue to undergo a physician performed medical history and physical exam as part of the initial visit. Those patients that we will not be able to help are immediately refunded all but \$25 (for pre-screening assessment) of the total \$250 new patient fee. The \$250 new patient fee includes all follow-up visits needed as well as associated administrative services for the entire initial 6 month period. New Patients are covered for up to six months with their initial letter of recommendation. Once you are an established patient (six months after your initial visit), expired letters can be re-issued if the condition is still valid. You must see Dr. Ellis at a scheduled appointment in person in order to have an expired letter re-issued. Unfortunately, recommendations / physician statements can not be issued by telephone or mail at this practice. Any available updates to your medical records from your doctors confirming that your diagnosis is still valid are expected (and MAY be necessary) to complete the renewal process. The office visit and exam fee for established patients is currently \$125.00 and any includes and all follow-up visits needed as well as associated administrative services for entire 1 year period. Established patients recommendations can be issued for up to one year duration as indicated.

Due to potential patient privacy issues, **all fees are due and payable in full in CASH ONLY at the time of your visit.** Patients are to bring the entire \$250 payment at their initial visit. Multiple banks and ATMs are in the immediate vicinity. The San Francisco Clinic is very conveniently located in downtown San Francisco in the 450 Sutter St. Medical Building (Suite # 1415), between Stockton and Powell Streets, just one block North of Union Square. We are a short walk from Powell Street Station for convenient BART / MUNI (and hence SFO, OAK, & Cal Train) access from all of California. Multiple non-validated parking options on-site and very nearby. Call for simplified directions. Practice Profile page updated on February 27, 2006

This is what one reporter has to say about Dr. Ellis;

Doctor's orders: Get high

A trip into the medical marijuana demimonde smokes out America's confusion about drugs, pleasure and morality. By Chris Colin

Jan. 31, 2001 | SAN FRANCISCO -- To get pot, you can stand on 16th and Mission and wait for someone to approach you, and wonder if he's a cop, and wonder if he's going to rob you, and wonder if his pot is laced with strychnine. Or you can have a dull pain in your right ear. In a green box on the back page of the San Francisco Bay Guardian, Dr. R. Stephen Ellis advertises medical marijuana physician evaluations for just about anyone. The ad contains no explicit offers or promises, just a list of symptoms that presumably qualify one for legal pot: "Anorexia ... chronic pain ... arthritis ... migraine, or ANY other condition for which marijuana provides relief." This is from California Health & Safety Code 11362.5, implemented after California passed Proposition 215, also known as the Medical Marijuana/Compassionate Use Act, in 1996. In case his point is unclear, the ad goes on to interpret "ANY": asthma, neuropathy, HIV discomfort, constipation, old injury pains," etc. At the bottom, boldfaced, underlined, in caps, we're reassured: "It's THE LAW!" My ear hurts, I tell the assistant over the phone. He tells me to bring \$200 cash. No check or credit card? I ask. Cash, he says. Ellis' office is at the end of a long, dark corridor in a tall building next to a fabric store. The \$200 cash does not go toward interior decoration. A cardboard sign with Ellis' name is taped to the glass on the wood door, which appears to be a good 50 years old. This is medical marijuana noir. That Philip Marlowe isn't smoking a cigarette on the other side seems to be a miscalculation on the director's part. Not that the other side isn't dark. In the grimy waiting room, which is just a little bigger than a glass of whiskey, six tired men in plastic chairs take their eyes off the linoleum only briefly. "I have an appointment," I say to Ellis' assistant behind the window. He's young, wearing a sweat shirt. "Have a seat," he says, handing me a clipboard. There shouldn't be enough room for two camps in the tiny room, but the six patients manage to segregate themselves. To my left are the ill; three men between 35 and 50 sink into their chairs and stare at things in the floor that I can't see. Their eyes are glassy, and two of their heads are chemo-bald. To my right are three young men, none over 22 surely. They slump too, but with attitude, not sickness. They have baggy jeans and each has acne. The young camp looks at its shoes. The man directly to my left says he has glaucoma. He's grumpy about waiting. The man to his left says he's new to medicinal marijuana and is shaking and giddy. The man to his left sells sports tickets for a living, and is doing so on a cell phone, apparently unfazed by his circumstances. The grump beside me is New Agey and shakes his head whenever the cell phone rings. To my right are frauds. "I hurt my back playing football," the big one next to me says. He grins conspiratorially, as if he's never touched a football in his stoner life. Across from us a raver taps his toes. He grins, too, when I make eye contact. The surfer next to him grins too. "I better get this before my man Nate's party Friday," he says to no one in particular. "How long does it take to get the prescription filled?" I ask. "My other friend got some from a San Francisco dispensary two days after his evaluation," he says. I wonder how many scammers it would take to undermine the medical marijuana cause. (This line of thinking is a vector from the anti-pot camp's faulty premise; penicillin would never be criminalized just because some people were smoking it on Friday nights.) And while it's entirely possible that none of these guys will leave today with a prescription, the quiet raver does eventually have his appointment and walk out with a thumbs up. He directs the thumbs up at me. It's assumed I'm in the fraud boat too.

To me, it's unclear what boat I'm in. My ear does hurt. I've considered cutting my head off and throwing it in the ocean. The pain is intermittent, and in fact I haven't had any for weeks, but when it's around, I would smoke medicinal crack if it did the trick. Normal doctors and two specialists were no help. It's not an infection, we have determined. I got hit with an oar once, I always offer. The doctors and specialists nod. So I have chronic pain but not glaucoma and consequently suffer a faker's guilty conscience. Not that fakers are taking pot from the legitimately ill -- there's plenty to go around. Still, I don't know where I belong, waiting room-wise, and keep myself between the ailing and the insincere. Uncertainty emerges later as a motif in the medical marijuana universe, but for now, I'm being called into the examining room. Ellis joins me in the bare room, slight, friendly and rushed. He seems breakable. He also has the air of celebrity, probably because he's the only man many people know who can legalize pot, albeit one smoker at a time. He talks fast, like someone who either has been in an E.R. for years or has a line of patients out the door, each with a wad of cash. He takes my money and puts it in his pants pocket. "My ear hurts," I say, and I explain the pain. My honed explication of the problem doesn't seem to interest him. He interrupts after a minute, telling me to take my shirt off so he can use his stethoscope. The checkup is rudimentary. He hears my heart. He takes a peek at the bad ear. He looks into my eyes. I offer my oar theory. There's a brief, touching moment where he pats my arm, not weirdly, and then he's signing his recommendation. For the next 12 months, I'll be a legal medical marijuana smoker. I'll be a legal medical marijuana smoker in California, that is. California may have approved Proposition 215 four years ago, but 215 has yet to be reconciled with federal law, which still classifies marijuana as an illegal narcotic. There is no consensus on how to interpret the ambiguity. California's medicinal marijuana proponents say medicinal marijuana is protected under law. The police, depending on the county, generally don't arrest smokers who have a prescription, except when they do. Courts often drop cases, depending on the judge, or how a jury might respond. Federal authorities generally say let's wait for the U.S. Supreme Court. They're referring to the long-anticipated ruling, which is likely to come down this summer. In September 1999, the 9th U.S. Circuit Court of Appeals ruled that "medical necessity" justifies violation of federal distribution charges. The Clinton administration asked the Supreme Court for an [emergency order](#) to stop the Oakland Cannabis Buyer's Club from selling pot. The order is temporary, and this summer the court will issue a final ruling on whether federal law permits the medicinal use of marijuana. It will be a significant ruling politically -- a verdict against 215 and similar measures would be a verdict against states' rights, typically a Republican cause -- but the efficacy of any ban on medical marijuana would be dubious. It can't overturn California's 215, or the medical marijuana laws in the seven other states that have passed them. Likewise, state and local police can't be forced to enforce the federal laws. Discerning any trend in the response to the medical marijuana question is difficult. In January, charges were dropped against Robert Voelker, a Marin County man found growing 19 pot plants adjacent to his trailer home. Marin Superior Court Judge Verna Adams ordered the confiscated plants returned to the man, according to the Marin Independent Journal. Given the physician's recommendation that Voelker subsequently obtained, it seemed no jury would convict him. Other "legal" users don't get off as easy, and the pro-pot groups all have stories of various authorities flagrantly disregarding medical marijuana legislation.

One [Web site](#) devoted to Proposition 215 contains a letter sent by senior U.S. Customs inspector Mark Johnson to a marijuana-prescribing doctor in July 1998: "As a reminder you may want to tell your 'patients' that although they may have received a 'prescription' for marijuana from your office it will hold no weight as far as federal or state laws are concerned. Such was the case a few days ago when we confiscated less than a gram of marijuana from one of the people who had put their confidence in you ... This was a stiff \$500 lesson for someone who probably couldn't afford it, but erroneously placed their trust in you." There remains confusion at the medical level, too, but nothing like there used to be. Plenty of doctors maintain that pot's a damaging and addictive narcotic, but more and more point to studies confirming its medicinal value. In November, for example, BBC News reported that [80 percent](#) of doctors in the United Kingdom would prescribe medical marijuana to patients with serious illnesses if they were allowed to, according to a study by Medix UK, a Web site for doctors. If statistics like those from the Medix survey are surprising, it's because the evolution of thinking within the medical community has been undermined every step of the way. Even Drug Enforcement Administration administrative law Judge Francis Young's 1988 acknowledgment that pot "has a currently accepted medical use in treatment in the United States for nausea and vomiting resulting from chemotherapy treatments" got buried after a while. And of course marijuana's benefits among AIDS patients -- cannabis can help stimulate appetites, for example -- are obscured regularly by pot prejudice and AIDS prejudice. As far back as 1982, [then Rep. Newt Gingrich](#) wrote to the Journal of the American Medical Association criticizing the "outdated federal prohibition" of medical marijuana, and the "bureaucratic interference" it encounters, as reported by Michelle Malkin in the Seattle Times. Sixteen years later, Malkin pointed out, Gingrich was "Speaker of a House that just declared that marijuana 'contains no plausible medicinal benefits.'" If doctors like Ellis eventually excuse themselves from the medical debate and start furiously signing pot prescriptions, it might be because the medical debate is stuck on repeat. None of the above -- the legal and the medical disputes -- particularly matters. In the United States, medicinal marijuana still occupies a place far from the realm of reason. The terms of understanding are primitive. We rely on imagery and hysterical association to direct, and then articulate, our support/disdain for the movement. Like all drug debates to emerge in the past 15 years, this one is a closed system, impervious to new information. Progress occurs in spite of the alleged national conversation. Within the conversation, those opposed to medical marijuana have made little rhetorical progress since 1936's now-camp propaganda film "Reefer Madness." As few researchers will deny the drug's medicinal value, its detractors employ abstract versions of morality (it's "evil") and foresight (it's a gateway drug) to make their case. These tools interact with the presiding convention of all drug debates -- a collective [disregard of logic](#) on both sides -- and consequently we no longer ask why pot is evil, or how we can legislate something because it might lead to something worse. (Are forks a gateway weapon?) Those leading the medical marijuana charge can be dismissed, too: They're potheads. If there's a single obstacle to the acceptance of the drug's medicinal virtue, it's that it's fun, too. The high that accompanies the pain relief is the unspoken dozy conservatives can't surmount. That medical marijuana users experience this -- and perhaps even enjoy it -- diminishes their credibility. The high is distilled subversion. What else could it represent? Like sex, religion and the red menace, its threat lies in its utter ungovernability.

Transcendent or faux-transcendent experiences aren't only dismissed because they're hokey -- to some, they seem to be downright unpatriotic. Still, in spite of the noise and in between the zealots, attitudes are quietly changing. If polls are any indication, the average American is more open to the idea of medical marijuana than ever before. The dialogue has never broken free from the larger [drug war](#) discussion, but it has cooled off some. On a case-by-case basis, we seem to be remembering that we don't want our loved ones' chemotherapy worse than it has to be, and that in fact we, or our friend, or our aunt, has smoked quite a bit of pot for quite a long time, and nothing bad has happened yet. Getting a physician's recommendation from Ellis may have been easy, but getting him on the phone for an interview is another story. It isn't until a month after my visit that he agrees to talk. "What were you doing before this?" I ask. "I was at emergency rooms," he says. "Which ones?" "Various emergency rooms in the Bay Area," he says. He won't say how many patients he's seen since opening the office in July -- "let's say several hundred," he finally tells me. Nor will he say how many are ultimately granted recommendations. I get the impression most walk away satisfied. "What about fakers?" I want to know. Ellis assures me that fakers don't make it to the examination room. "They realize it's a legitimate medical setting and go home," he says. "They can't get in without supporting documentation." I tell Ellis that I was not asked for supporting documentation. He says he has since changed that policy, though I sense that he did so reluctantly. "We don't [require supporting documentation] in the E.R.," he says. "People come in complaining of a headache, we go over to an open cabinet and they leave with a shot of Demerol in their butt." "And that's unfair?" I ask. "Marijuana is much more benign than conventional narcotics," he says. We talk about his history. Ellis graduated from the University of Illinois medical school at Chicago in 1978, he says. His work as an emergency physician exposed him to "a real need" for better pain management strategies. A few seminars on medical marijuana persuaded him to look into alternative treatments. If Ellis was uneasy at the beginning of our conversation, he's in a gallop by the end. I ask why so few California doctors are recommending marijuana for pain four years after the passage of 215. "They're afraid," he says. "They're afraid of the [California] Medical Board, and of their peers, and possibly of potential legal ramifications ... even though they're clearly protected by the law." It's the California Medical Board that gets Ellis fired up. "They've been officially silent [on medical marijuana], but behind closed doors they've been harassing physicians," he says. "That's the bottleneck on 215. Patients can't get their docs to prescribe medicinal marijuana, even though the law allows for this. In California, you might find 1 in 1,000 doctors" who would. Ron Joseph, the board's executive director, calls Ellis' charges ridiculous. "It's a nice fallback," Joseph says, "but I defy him to cite one case where the board has harassed a single doctor." As Joseph tells it, it's not the board's policy to have an official position on medical marijuana -- it would just as soon have a position on X-rays. "We don't say whether it's good or bad, appropriate or inappropriate," he says. "We simply ask, 'Has the physician applied good judgment?'" Because the board's procedure is simply to investigate a "physician's actions as they're brought to our attention [by a patient]," he says, it has no incentive to bother doctors who are prescribing marijuana. So why aren't more doctors prescribing marijuana? Joseph blames the government. "The chilling effect has come from federal [agencies]," he says. "Doctors might be afraid of losing their DEA permit" (which allows them to prescribe controlled substances).

As for Ellis' objection to the liberal distribution of Demerol in the E.R., compared with the paucity of marijuana prescriptions in the doctor's office, Joseph says an E.R. deserves its own standards. "It's a much different situation," he says. "There's little time to make the diagnosis [in the E.R.]. This is not the case in an office visit where the patient has the opportunity to explain his medical history." If a patient *is* able to obtain a physician's recommendation, he or she must next join a buyer's club. The Oakland Cannabis Buyer's Club is a mile from my house, so I swing by on a Saturday. Like Ellis' office, the OCBC is also low-rent, but it makes up for it in atmosphere. If Ellis' operation was film noir, the "Co-op" is Cheech & Chong plus "Beaches." The store mixes earnest compassion for the ill with a healthy appreciation for fat, leafy weed. Inside, past the pipes and bongs and vaguely pornographic poster of a luscious green bud, a woman at a counter sorts membership files. (The club has roughly 4,000 members, executive director Jeffrey Jones tells me later, but it's hard to count. Why? I ask. "We don't know how many are dead," he replies.) The woman at the counter gives me paperwork and takes my physician recommendation, a copy of which I'd already faxed in for approval. I do the paperwork and pose for my photo and pay the fee. My \$21.95 entitles me to a list of active dispensaries, support in the event of police trouble, free massages and regular cultivation seminars. Cultivation? I ask. I can grow up to 48 plants, they say -- beyond that it's risky. My new member I.D. is my "shield." If a cop stops me for possession, I need only flash the card. If that doesn't work, the officer is to call the 24-hour phone number on the back, and the club will vouch for me. "But this is legal, right?" I ask. "Well," they reply, "yes. But call if there's a problem." I'm out in 10 minutes, but still without pot. This is because an injunction keeps the club from selling it. When the government went after buyer's clubs in 1998, it went after the six biggest. No attempt has been made to close the others that sprang up subsequently, Jones tells me. And nothing keeps the OCBC from directing me to an active dispensary two blocks away. "Why did the government pick on some pot clubs and not others?" I ask Jones. Surely it knows about the other dispensaries. "Who knows?" he says. "Maybe they wanted a martyr." "But nobody's going to respond to martyrdom when it comes to getting marijuana," I say. "Then maybe we were doing too good a job helping people," he says. The unmarked dispensary two blocks away is to pharmacy as Bates Motel is to Ritz-Carlton. Metal gratings cover the windows of the old building, which begs for a paint job or some dynamite work. A guard stands out front and thoroughly inspects my paperwork before sending me inside to the next guard, who also thoroughly inspects my paperwork. Then I'm sent to a desk, where I fill out more paperwork, show my OCBC card, put a dollar in a jar and gain access to the next room. The next room is un-American. It's how Amsterdam is described among teenagers, a perversely legal assortment of illegal things: pot plants, pot brownies, pot cookies, pot seeds and, of course, pot. Half a mile from the Oakland Police Department, two glass counters full of dope and a promising back room await anyone with an OCBC card and some cash. There is no catch. I experience the brief heartbreak of poorly timed access -- this kind of opportunity would've been great back when I liked pot -- but mainly I'm glad people who need it can get it. I buy an eighth of an ounce of the good stuff, not the great stuff. It's \$45. The guy behind the counter is nice like a nurse. The place isn't a neighborhood drugstore -- no matter how medicinal your marijuana, it's still pot, and pot culture is irrepressible -- but there's no Pink Floyd or opium-den decadence, either.

On the wall is a mural of a sunny Oakland park, full of relaxed people in various stages of illness. They appear positively pain-free. The night I begin writing this article, I turn my head and the old ear pain shoots back. It's mild at first, then heavier. The pain isn't really *inside* the ear, but rather right where my ear hits my head. It hurts when I push on it and when I move. I decide it's time to take my medicine. I don't really get high anymore. Back when I did, I never experimented with pot's medical potential. I dig out a pipe and get to work. The first thing I do is underestimate how strong it is. I take two big hits, then sort of walk around, then take two more. The high is always indistinguishable from the ritual in the first three minutes, so it's a while before I know what's what. I sit and begin writing. I get up and look for something. I find incense in a drawer and light that. I sit and write some more. The pot is strong. My head is light, or heavy. I get up and put the incense out. A piece rolls behind the couch, still burning, and the house almost burns down. I find the piece. I sit down to write again and then remember to see if my ear hurts. It does. But not as much. I think. Does marijuana just make you too stoned to evaluate pain? This would be dumb. I consider Ellis. It's hard to conclude anything about him, for he's as ambiguous as every other element of the medical marijuana question. In a city of either conservative or craven doctors, he's taking a chance. Those who take chances to improve the lives of the sick and dying are heroic. But at the same time, it wasn't just the sick and dying in that waiting room. Ellis, like many medical marijuana advocates, is breathless on the subject. He perceives an injustice perpetrated by the medical establishment and by the federal government. If he's occasionally quixotic on the issue -- the executive director of the California Medical Board can't imagine what Ellis is tilting at -- one can infer that he's either dramatic or tired of seeing people in pain. Finally, what will happen to a doctor in a tiny office who flouts federal law on the back page of the San Francisco Bay Guardian? Is he in danger? "I don't know," Jones from the OCBC had said. "Is a bug that flies into the light in danger?" Because he's working with other information, or because he's blinded by the light, Ellis himself isn't scared. "They'd be crazy if they bothered me," he'd told me, before getting off the phone to see another patient.

(Source <http://drugandhealthinfo.org/page02.php?ID=6>)

Another Doctor found through Internet research;



your Appointment

There are four things you should bring with you:

1) **Any paperwork regarding your condition**, including doctor reports, treatment notes, and paperwork with your diagnosis. The doctor is here to give you a second opinion. Any health history paperwork helps the doctor understand what your primary diagnosis is. Our doctors are here to provide you with a second opinion, therefore you must have seen a physician recently for the condition you use marijuana to treat in order to be evaluated.

We are happy to refer you to a low cost medical clinic so that you may receive a check up. Please call and ask our office staff for the number to one of these locations.

2) **Any medications or prescriptions** (you may bring the bottles with their prescription labels), any supplements or over-the-counter herbs, vitamins, etc. We are interested in knowing what you regularly use to alleviate your condition.

3) **California Driver's License or California I.D. Card.** You must be able to prove California residency. This is a California law. We must see a photo I.D. proving residency here in the state of California.

4) **Please bring the appropriate fees to pay for your visit.** At this time, our office is not accepting checks or credit cards. If payment is an issue, please speak with our office staff.

<http://www.howardstreethealthoptions.com/>

This is Dr. Milan Hopkins in Upper Lake;

Are you concerned about your health and looking for an old-fashioned doctor who will take the time to listen? One who is up-to-the-minute on new medical developments and understands your needs? You'll find a caring non-judgmental doctor accepting Medi-Cal, Medi-Care, Tribal Healthcare & other types of insurance. Also included on site is Leah, a certified massage and bodywork therapist. Please call to get affordable fees (Fees based on a sliding scale).

Cannabis Fees and Requirements

Due to the legalities surrounding a medical recommendation for cannabis, patients are required to provide Dr. Hopkins with the following documentation:

Primary Physician Information: If you have a primary care physician, we request that you discuss with him/her your desire for a cannabis recommendation. We require the name, telephone number, and mailing address of your physician. If possible please bring any medical records you may have that would support your medical conditions.

The California State Medical Board has decreed that the physician issuing a recommendation for medical cannabis must either assume responsibility for all aspects of the patient's care, or must consult with the patient's primary physician prior to issuing the recommendation.

Identification: Please bring with you some form of pictured identification.

Fee: The initial consultation and recommendation fee for medical cannabis is \$175.00 to be paid at the time of service. (We do not except checks or bank card payments)

Six Month Check-Up: The doctor requests that his patients return ever 6 months, the fee for this visit is \$60.00 to be paid at time of service. It is require by the California State Medical Board that cannabis patients be under the continual care of the prescribing doctor.

Annual Renewal: Your recommendation will need to be renewed every year for \$125.00 with a 6 month check-up. If you missed your 6 month check-up it will be \$175.00.

<http://www.do chop.com/>

10News Exposes 'Marijuana Doctors'

POSTED: 4:39 pm PDT July 6, 2006, UPDATED: 12:41 pm PDT July 7, 2006

SAN DIEGO --

Doctors Offer Legal Pot

Proposition 215 -- the medical marijuana initiative approved by voters ten years ago, has been subverted, abused and misused say law enforcement agencies our I-Team has spoken with. Prop. 215 is supposed to provide seriously ill people access to marijuana to help relieve their pain but a 10News investigation discovered just about anyone can get pot legally if they want. 10 News became interested in medical marijuana after seeing a large number of advertisements for doctors prescribing pot. These pot docs' ads appear every week in the San Diego Reader. Discussions with 10News sources both in and out of law enforcement seemed to confirm a disturbing pattern of increasing sales by the pot docs as well as an increase in the number of distributors for the medical marijuana. This launched a two-month 10News investigation into exactly what was going on. We used staff members to go into doctor's office and see how difficult it was to get a referral for pot. It was very easy. Too easy in fact, say law enforcement sources. It turned out both federal and local agencies are also looking into the process. The 10News I-Team was able to acquire some government surveillance tapes used to document how different doctors would discuss with patients the benefits of marijuana. One shows an undercover officer and a Dr. Robert Steiner, discussing pot. "I assure you Tylenol is more of a risk to you and a hazard than is cannabis," said Dr. Robert Steiner. Steiner was doing one of his "legitimate and affordable" medical marijuana evaluations as advertised in the Reader. "It's open drug dealing with legitimacy," said Deputy District Attorney Dana Greisen. Greisen said doctors are recommending marijuana to just about anyone who can afford a doctor's visit. "It's being recommended for insomnia, depression (and) anxiety," said Greisen. "The law is being abused in a massive scale," said Greisen. The people using the marijuana aren't suffering from cancer, AIDS or other serious illnesses, which Proposition 215 is supposed to address. It was approved by voters to "ensure that seriously ill Californians have the right to use marijuana for medical purposes." Dr. Steiner claimed no downsides to using marijuana on the law enforcement video. "We have two convincing studies that cannabis does not cause lung cancer. Cannabis regenerates brain cells," said Steiner. The undercover agent then asked if he could also get pot for his dog. "He's got arthritis. He whines at night because of the pain," said the undercover agent. "Again, it is perfectly acceptable for pups," said Steiner. Dr. Alfonso Jimenez has a Web site -- Medical Marijuana of San Diego -- where patients can register for his services online. What happened when we sent our testers in? "He was just laid-back and friendly. (He) didn't really seem to worry about if he was giving me this for the right reasons or not," said tester number one. He went to Jimenez for back pain he doesn't have. He got his referral and could have purchased pot legally. 10News never did purchase any marijuana even after the doctor's approval. "There's a line behind me coming out of the door," said tester number one. DDA Greisen said it's all about the money. "We had a doctor recently (who) testified he gave out about 2,000 recommendations in last year -- that's what he testified to in court -- at \$230 approximately. You do the math -- that's \$500,000 in cash," said Greisen. Greisen said most office calls are paid for in cash.

That's what another 10News employee had to do. He paid \$125 to have Steiner recommend marijuana for his "sleeping problems." "They just let me in the office. (They) kind of started giving me all these facts about medical marijuana before they even knew what was wrong with me," said tester number two. Tester two would get his marijuana if he went to another doctor first to document his condition. "He (Dr. Sterner) referred me to a doctor who would have me in and out real quickly. I could come right back, (and) he would be able to sign off on the recommendation. Once people get their recommendations, 10News discovered there's no limit or control as to how much marijuana they can buy from storefronts called dispensaries. Legal Loophole? You don't have to suffer from a serious illness to buy medical marijuana from dispensers. 10News investigators were able to get approval for marijuana from two doctors -- Dr. Robert Sterner, who has an office near Lindbergh Field, and Dr. Alfonso Jimenez in downtown San Diego. "They got me through pretty quick," said tester number one, a 10News employee. With a recommendation from a doctor, the staffers would be able to get marijuana that is sold at dispensaries across San Diego County. Tester number two, another 10News employee, was sent into the doctor's offices and said, "I went to two different places, and within thirty minutes I got some (referrals). It seemed pretty easy." These marijuana recommendations can be filled at twenty different storefronts selling pot, and unlike a regular prescriptions, a patient can use the recommendations more than once. "A pattern is developing. Patients get recommendations," said Dep. District Attorney Dana Greisen. These recommendations are like a blank check. According to 10News findings, one person received a recommendation with permission to grow 75 marijuana plants. Each plant has the street value of \$1,000. The same person received permission to purchase five pounds of marijuana. With that amount, a person can smoke a joint every two hours for 24 hours a day and seven days a week, taking more than a year to go through all of that marijuana. Dr. Larry Pohl said what some of his colleagues are doing is not proper medicine. He said patients sometimes need lab work, X-rays or meetings with specialists. Pohl said marijuana is not a cure-all. "It's definitely not consistent with standard medical care," said Pohl. Dr. Jimenez has several offices and we talked to him by phone at his Hawaii location, he told 10News that he only provides a referral for patients with medical illnesses. Jimenez's operates a Web site MedicalMarijuanaOfSanDiego.com. When 10News visited Dr. Sterner, he explained he had to see patients and closed his office door. But there is another loophole in the system, called the primary care giver form. Taking Advantage Of Proposition 215 "It is a legalization of marijuana. It's going to encourage drug use," said San Diego County Sheriff Bill Kolender. "It is going to be helping people who are really sick and need a medicine that has been used for 5,000 years," said one Proposition 215 supporter. These were two very different predictions made 10 years ago after Prop. 215 was approved by Californians. Kolender was right, if you ask Dep. District Attorney Dana Greisen. "Over the last year, we saw a proliferation of these recommendations," said Greisen. He says just about anyone can get marijuana. And to make matters worse, he says, doctors hand out blank primary caregiver forms. These forms allow patients to list anyone they want to be a caregiver. It allows this person to purchase or grow marijuana for them. 10News Investigations sent in two staffers to check Greisen's claims. And it was as the assistant district attorney had claimed. Our staffers were given blank caregiver forms. 10News learned that one person named his dog as a caregiver.

As part of the investigation, 10News nominated a bird named Riggo as a caregiver. "The doctors -- because they're giving it to so many people -- are basically legalizing marijuana one doctor and patient at a time," said Greisen.

(Source: <http://www.10news.com/news/9480300/detail.html>)

Who is Ken Estes you ask? Ken Estes is a long time proponent of Medical Marijuana who has or has had interests in at least four Medical Marijuana Dispensaries, all of which have come under law enforcement and media scrutiny.

When Pot Clubs Go Bad: Ken Estes just wants to share the miracle of medical marijuana. Everyone else just wants him to go away.

By [Chris Thompson](#)

Article Published Jul 24, 2002

Neighborhood lore has it that before Ken Estes set up his medical-marijuana club, the property used to be a whorehouse. The neighbors wish it still was. Back then, the customers walked in, took care of business, and got out. Bad shit never went down at central Berkeley's local brothel -- certainly nothing like what happened on the afternoon of June 5. At 2:37 p.m., roughly ninety minutes before closing time, a gray Honda pulled to the curb and two Latino men got out the car and stepped up to the guard. One topped out at 250 pounds and wore a plaid button-down shirt; the other was a skinny kid in a T-shirt. The guard walked back to the door, and shouted for Estes' brother that there were two guys at the door to see Ken. His brother cracked open the door, took a look, and leaned back to yell for Estes. At that point, the guard noticed the two men creeping up to the door. "No no, you can't come in here!" he reportedly shouted. Then he saw the gun. Mr. Plaid jammed a black pistol into the guard's back, and the T-shirt pulled out a kitchen knife with a four-inch blade. According to the police report, they forced the guard through the door, rushed into the club, and screamed at everyone to lie face down on the floor. Everyone did except for one man, a wheelchair-bound patient who had come to get his legally prescribed dose of reefer and now had a gun in his face. The two men trashed the place and finally found the stash after prying open a locked file cabinet. As terrified neighbors called the cops, the thieves ran out of the club, jumped in the car, and floored it. It was the third armed robbery at 1672 University Avenue in ten months. You get into a lot of creepy stuff when you hang out with Ken Estes. You get burglaries, armed robberies, police raids, and felony charges. You also get allegations of cocaine dealing, tax fraud, and spousal abuse. The thing is, Ken's a really nice guy. With a tanned face defined by a sandy goatee, long blond hair, and a disarming air of candor and vulnerability, he seems the very picture of California easy living. It's only when you notice the wheelchair supporting his shriveled legs, or the limp handshake born of two decades of nerve damage, that you catch a glimpse of the tragedy that has been his companion since 1976. Shortly after a motorcycle accident left Estes paralyzed below his chest, he became a devoted advocate of medical marijuana. He carefully organized his club to offer every possible comfort to the sick or dying. Berkeley Medical Herbs, which didn't exactly traffic in St.-John's-wort, operated out of a cute little cottage that neighbors call the "hobbit warren."

A modest wooden fence fronts the street and a path leads through a mulch lawn to a white security door. Beneath the rich, sloping redwood ceiling, a spacious brick fireplace keeps patients toasty-warm in the winter. Once a week a woman comes in and provides free massages on a table in the corner. And unlike other East Bay pot clubs, most of which stress a clinical pharmacy's atmosphere, patients can sit down and light up right there, beneath rustic paintings of Jimi, Janis, and Jerry. If it weren't for the crime that has plagued his club's operation, Estes might be the patron saint of Berkeley stoners. "We have the best prices and the best medicine," he boasts. "If you know buds, we have the bomb." But ever since Estes first got involved in the medical-marijuana movement, men with drugs, guns, and evil intent have followed him everywhere he goes. They have robbed him, exploited his generosity, and endangered the lives of everyone around him -- even his three children. But "Compassionate Ken," as his friends call him, doesn't seem to learn. He always picks the wrong friends. At least that's Ken's side of the story. His estranged lover, Stacey Trainor, told a darker version to the Contra Costa district attorney's office. She alleged that Estes is a former coke dealer who lied to secure his club's lease, that he has a Berkeley doctor in his pocket who will sell pot prescriptions for \$215 a pop, and that up to thirty percent of his customers buy his product without any medical notes at all. Police and University Avenue merchants, meanwhile, claim that high-school kids used to line up for a taste outside Estes' club, and that his security guards scared away neighborhood shoppers and even got involved in fights on the street. His fellow cannabis-club operators even tried to drive Estes out of town. Whether Estes is a character out of *The French Connection* or one out of *The Gang That Couldn't Shoot Straight*, he couldn't exist without the peculiar politics of Proposition 215, which decriminalized medical marijuana in California. In the six years since its passage, mayors, district attorneys, and state officials have been so focused on protecting patients from federal prosecution that they've neglected to implement any sort of regulations about how pot should be distributed. No state or local agency or mainstream medical group has offered any comprehensive guidelines on who should hand out pot in what manner. As a result, medical pot is not just legal, but superlegal, perhaps California's least-regulated ingestible substance. And yet marijuana remains a powerful intoxicant with a vast underground market, one whose dealers inhabit a shadowy criminal world populated by dangerous men. In the absence of official regulation, it has fallen to pot-club operators themselves to craft some sort of system. Over the last six years, groups like the Oakland Cannabis Buyers Cooperative and the Alliance of Berkeley Patients have, through a series of trials and sometimes embarrassing errors, arrived at a protocol for verifying medical ailments, providing security from criminals, and operating safely in quiet residential and commercial neighborhoods. But however sensible their rules may be, they have no means of forcing club operators to abide by them. All they have is a gentlemen's agreement. Ken Estes broke that agreement, whether by design or neglect. And no one may have the legal power to make him stop. Estes is that rare breed of Bay Area native who spent his teenage years here in the '70s and didn't smoke pot. Born in Martinez, he moved to Concord and became a star athlete at Ygnacio Valley High. He excelled at soccer and was offered a scholarship to Santa Clara University, but that all changed one day in 1976, a month after he graduated from high school. Estes was riding his motorcycle back from a Walnut Creek McDonald's, where he worked as a manager, when a car swerved into his lane and hit him head on.

Estes flew over the car and broke his neck. The damage was so extensive that for the next two years, he couldn't even move his arms. He struggled through physical therapy hoping to regain just enough mobility to kill himself. Estes was wracked with chronic pain, living in a rehab center and dependent on others to bathe and clothe him. The morphine and the pills didn't help, and he began to waste away. "I probably got down to a hundred pounds, and I'm six feet," he says. "I couldn't eat, I couldn't sleep, the physical pain was horrible, a nightmare. But about six or eight months into it, a group of Vietnam vets I was in rehab with were smoking marijuana. They said, 'Look, man, we know you're not eating or sleeping, why don't you come over here with us?' I said no, 'cause I was still thinking about keeping my body clean. But they said, 'Man, they're popping pills in you and morphine. This is a lot less than that.' So I said, 'Alright, lemme smoke.' That night, I slept all night. When I woke up, I ate. They brought the doctors in, they said, 'Lookit, he's eating!' My doctor wrote it on the chart, he wrote that this marijuana is doing what you want the pills to do." After that first toke, Estes put his life back together. He regained limited use of his arms, enrolled in junior college, and by the early '80s was offered another scholarship, this time to UC Santa Cruz. Estes decided instead to open a string of tanning, hair, and nail salons in Concord and Davis. He met his future girlfriend Stacey Trainor while she was working at a mini mart next to one of his salons. "I kept coming over there, and she would always have the banana drink ready for me, get the burrito ready," he says. Within a month of their first date, Trainor left her husband and moved in with Estes. Together they would raise three children. But something always bothered Estes. Before he began growing his own, he typically took his business to Haight Street or Telegraph Avenue. It was a dangerous pastime; just because he wanted to relieve his discomfort, he was mugged three times and occasionally suffered the indignity of being dumped out of his chair. In the '80s, as AIDS swept through the country, Estes began clipping press accounts of "Brownie Mary," the elderly woman who used to walk the halls of San Francisco General Hospital, handing out marijuana-laced treats to the terminally ill. Slowly, he began to think that this wasn't just a drug, but a cause. In 1992, he signed over his share of the salons to his business partner and started distributing pot, going to demonstrations, and working to decriminalize medical cannabis. "Everyone thought I was crazy, but I said I wanted to pursue this," he recalls, "I'm tired of being looked at as a dooper, as a pothead, as somebody less than somebody else because I used marijuana." Yet as Estes became a fixture in the medical cannabis scene, his life became increasingly chaotic and dangerous. At the very time that Proposition 215 liberated thousands of medical-marijuana smokers from prosecution, Estes began a long, almost farcical slide into crime. Even scoring on street corners didn't compare to what was to come. "No guns in the face at that point," he says of his early years. "That came later, with the medical-marijuana movement." Estes began his cannabis activism by volunteering at the Oakland Cannabis Buyers cooperative. From the beginning, the co-op has been at the cutting edge of the movement; where San Francisco clubs have a looser, anarchic spirit, it's all business at the Oakland Co-op, whose members have pioneered security and medical protocols with a determined air of professionalism. Jeff Jones, the co-op's executive director, doesn't even smoke pot. Growing up in South Dakota, Jones watched his father waste away and die from a terrible illness and vowed to find a way to bring medical marijuana to the terminally ill. Jones first joined the co-op in 1995 and soon found himself making home deliveries of dope to AIDS and cancer patients.

If Estes is a creative but befuddled libertine, Jones is rigid and dogmatic. From the start, the two rubbed one another the wrong way. After passage of Proposition 215, the co-op emerged from the shadows and began distributing pot out in the open. But no one had any idea how to go about it. There were simply no rules; one day medical pot was illegal, the next day it wasn't. Proposition 215 is one in a long series of brief, poorly conceived initiatives whose implementation has proven to be a giant headache. The "Compassionate Use Act of 1996" offers no guidance on how pot should be distributed; indeed, the initiative is a single page in length and merely encourages the federal and state governments to "implement a plan to provide for the safe and affordable distribution of marijuana to all patients." Six years later, no one in Sacramento has figured out what this means. No state agency has ever issued binding directives on how to distribute pot, or to whom. Until the California legislature passes a law to govern distribution, neither the attorney general nor the state health department has the legal authority to innovate any such protocols. "Proposition 215 did not address prescriptions," says Hallye Jordan, spokeswoman for Attorney General Bill Lockyer. "The initiative did not authorize or spell out any specific scheme for dispensing marijuana. Nor did it say who is entitled to it, or how much marijuana is required for which ailment. I think everyone recognizes that Proposition 215 was not the best-written initiative. But the voters passed it." With the state paralyzed, it has fallen to local governments to regulate medical marijuana. But most localities have adopted a strictly laissez-faire approach and done virtually nothing to ensure that the distribution of pot adheres to the spirit of Proposition 215. The portion of the Berkeley municipal code governing medical pot, for example, is so ridiculously lax that it plays right into the city's worst stereotypes, and yet it's as strict as virtually any other Bay Area city. Although the code limits the amount of pot a club can have on hand, there are no provisions limiting how close a pot club can be to a school, or requiring doctors to conduct an actual evaluation of patients, or requiring background checks for pot distributors -- which is standard practice for anyone who wants to run a liquor store. Yet the code does encourage pot clubs to "use their best efforts to determine whether or not cannabis is organically grown." City Councilmembers Linda Maio and Dona Spring say the city can't even write up a specific-use permit for cannabis clubs, because doing so would violate federal law. The end result is that medical pot is actually less regulated than candy bars, which must at least have their ingredients printed on the wrapper. Anyone can distribute medical pot anywhere, in any fashion they please, and virtually no one is watching them. Club operators disagree on whether this is good or bad. Jeff Jones wants the government to step in and bring some common sense to pot's distribution. "We thought the government would get involved in distributing medical marijuana as per the state law," he says. "I never thought that five or ten years later, we'd still be operating in a vacuum." Others worry that if the state takes a firmer hand, a conservative governor or attorney general might interpret the law so narrowly as to effectively recriminalize medical cannabis. But everyone agrees that since the government hasn't set up rules, club operators must police themselves. The Oakland Cannabis Buyers Collective was at the forefront of this effort, keeping and verifying patient records, hiring security guards, and establishing a rigorous dual-identification system, in which patients had to pass through multiple checkpoints. "To be a member, they had to turn in a note from a licensed physician that we could verify," Jones says.

"Even cancer and AIDS patients had to renew the note every year. They were a little mad about this, but we had to confirm that their medical status hadn't changed, and they still needed our services." Once Oakland officials were assured that, unlike at San Francisco clubs, patients would never smoke dope at the site, relations between the co-op and the city have generally been cordial. The city council contracted with the co-op to distribute pot to seven thousand patients on its behalf, and the co-op's membership cards became the definitive means of identifying medical pot patients throughout the East Bay. Jones even teaches classes on medical marijuana to recruits at the Oakland police academy. "We've never given them a reason to question what we're doing here," he says, "The local police like us because we give them an alternative to going out on the street. Our group have never done anything that has been deemed illegal, and we've never gotten complaints from anyone -- except the federal government." Berkeley's three clubs went through the same process, experimenting with various security and patient-verification protocols. In the beginning of 2001, the Berkeley Patients Group on San Pablo Avenue, the Cannabis Buyers Cooperative on Shattuck, and the Patients Care Collective on Telegraph formed the Alliance of Berkeley Patients and agreed upon a ten-point platform. This included organizing as a collective or nonprofit, contacting physicians to confirm a patient's medical condition, scrupulously keeping patient records, hiring security guards, and maintaining good relations with their neighbors. "We agreed to police ourselves, so we don't have to have any outside regulators that might not have the patient's best interests in mind," says Berkeley Patients Group member Don Duncan. There was just one problem: none of these regulations had the force of law behind them. Even the police, hamstrung by a city council cognizant of the overwhelming public support for medical pot, can do virtually nothing to crack down on rogue clubs. If someone wanted to hand out pot like candy, no one could stop him. His neighbors along University Avenue soon figured this out. Accounts differ as to what Estes did when he first showed up at the Oakland co-op's door in 1995. Some say he taught the co-op's pot cultivation classes; others claim he weighed out the baggies and sampled the wares to categorize their potency. Estes says he did both. But one thing seems clear: he and Jeff Jones didn't get along. "Jeff always thought Ken should cut his hair -- look more appropriate for you guys, the media," says one co-op member who asked not to be named. "Ken was like, 'You know, I don't have to look right for the press. I'm a patient.'" Jones won't say much about what he thought of Estes, but Estes recalls, "Jeff said, 'Look, if you cut your hair, you'll go places around here.' I said, 'C'mon, you're sounding like the people on the streets I've been dealing with for years. You're sounding like the conservative white guy who doesn't like anyone lookin' different from himself.' So yeah, we had a lot of trouble. I told him one time, 'I wanna get out of my chair and beat your ass.'" Whether the Oakland co-op itself was entirely above-board is a matter of some dispute. According to Trainor's statement to the Contra Costa DA, the co-op paid Estes in pot and unreported cash. "Part of the marijuana he received as payment from the club he would sell to other people, including persons who had no medical prescription for marijuana," her statement reads. Jones denies paying Estes in under-the-table cash, but refuses to comment on whether he paid Estes with dope. Estes claims he received a paycheck, not cash. But he acknowledges the pot-for-labor arrangement. "I got herb for working," he says. "They gave me herb, that was the trade-off. I worked there till it closed, and then I went out and opened my new shop."

In October 1998, the feds managed to get an injunction prohibiting the Oakland co-op from dispensing marijuana. The co-op fought it all the way to the Supreme Court, where it eventually lost. Jones and his lawyers are preparing a new challenge, but except for a one-month period during which the injunction was lifted, the co-op has not handed out a dime bag since 1998. Seven thousand patients needed another supplier, and Estes jumped in to fill the void. But he needed customers, so Trainor says Estes called a friend who worked there. This employee gave Estes the names, addresses, and phone numbers of five hundred patients, and Estes soon started drumming up customers. No one at the co-op knew the two had done this; certainly the patients had no idea that their confidential information was being bandied about like just another mailing list. Estes concedes he made no effort to call their doctors and confirm their medical condition -- he just started making deliveries to anyone with a card from the Oakland club. By the time that Estes went into business for himself, he, Trainor, and their three children had moved to a house in Concord, where he began growing pot to supply his growing army of patients. On September 20, Concord police officer David Savage took a call: Estes' neighbor claimed that she could see a bumper crop of pot plants growing in his backyard. Savage stopped by and peeked over the fence. Later that afternoon, he returned with a search warrant. Savage's police report indicates that he found pot everywhere. He found roughly fifty plants in a makeshift greenhouse in the backyard. He found an elaborate hydroponics system in the garage; behind sheets of dark plastic, dozens of plants were growing on plastic trays and in children's swimming pools; grow lights wheeled back and forth on a track hanging from the ceiling. He found baggies of weed stuffed in desk drawers and scattered along the floor, and plants hanging in the closets. In the master bedroom, underneath a crib where one of the children slept, Savage found two garbage bags with dried marijuana in them. "None of the growing and dried marijuana was in a secure place," Savage wrote in his report. "Most of the marijuana was accessible to the children in the residence. Estes told [me] he was not concerned with the children having access to the marijuana because 'They know it is for daddy.'" Estes denies leaving bags of dope near his children's cribs. But Savage didn't know what to do with Estes. Estes had an Oakland co-op card certifying him as a patient, as well as patient records indicating he was a legally valid caregiver. How much dope did Proposition 215 allow him to have? "They got a judge on the phone, and I talked to the judge," Estes says. "I said, 'Please don't make me pull these plants out. These are good strains with medical benefits.'" In the end, the cops confiscated the plants and the growing system, and ratted him out to Child Protective Services. In deference to Proposition 215, they left Estes with three plants and an ounce for his own use. But Estes complains Savage took all the kind buds, and left him just a bag of leafy shit. Fifteen months later, the cops would be back. By then, Estes had bought some property near Clear Lake, and Trainor had moved up north with the kids, growing more dope in a shed behind the house. Meanwhile, Estes' cousin Tim Crew had moved into the house to help him grow a crop that dwarfed his prior stash. This period marks the beginning of one of Estes' most foolish habits: keeping massive amounts of drugs and money lying around. "People told me, 'Don't put more than a certain amount in the bank, or you could get in trouble,'" he says. "We had a lot of money, and I kept it with me. I'd hide it in my closet, hide it in my suitcase. I just didn't want to put it in a bank."

As more and more people got hip to Estes' stash, his cavalier attitude would provoke a spate of armed robberies that left his University Avenue neighbors terrified. The first robbery happened in Concord on January 1, 2000. Neighbors called the cops and reported that several men had burst out of Estes' house and raced down the street, leaving the door ajar. When Concord officers arrived at the scene, they found that the front door had been forced open. They also found no fewer than 1,780 marijuana plants in various stages of cultivation, even after the break-in. This time, the cops wouldn't be satisfied with confiscating his stash. The DA charged Estes with four felony counts of possession and cultivation of marijuana for sale, and will probably argue that the volume of pot on hand proved that he was an outright dealer, not a medicinal caregiver. His trial is set to begin on August 5. With the heat coming down in Concord, Estes eyed Berkeley. Taking out a business license and a zoning permit to sell "herbs and other homeopathic remedies," Estes set up shop at 1672 University Avenue. From the very beginning, Berkeley Medical Herbs was characterized by his permissive business style. Michael "Rocky" Grunner showed up at Estes' door just months into his new operation and handed him a bag of quality product. Estes says Grunner told him there was more where that came from, and he was certainly happy to buy it. Grunner began hanging out at the club, and Estes thought everything was working just fine. The massage table was up and running, patients were streaming through the door, the smoke was flowing freely. But over time, a tense, nervous atmosphere infected the club. Finally, Estes claims, a friend came to him and broke the bad news: Grunner was dealing crank out of the back room. Estes says he promptly threw Grunner out of the club. But the club's neighbors were beginning to worry about the sketchy new element. Machinist Richard Graham is a longtime area resident and has been known to take a hit upon occasion. But he even he draws the line at Estes' way of doing business. A few months after Estes opened the club, Graham dropped off a package mistakenly delivered to the wrong address. When Graham asked the man behind the counter how business was holding up, he offered to set him up with a physician for \$200. "I asked them how their operation works, and they told me you just need a note from the doctor, and we have a doctor, and you can get a note for just about anything," Graham says. "Then he told me the prices, the registration fee to get the note, \$200 per year. I got what I thought was an aggressive sales pitch. He said their doctor will help me get it. He looked at me and profiled me, said 'You're 51, you've got arthritis, we can help you.'... I just got the impression that these are people in it to sell marijuana as a business. I didn't feel that these were people motivated to help sick people, which I think other people are. It was a decidedly unclinical atmosphere, let's put it that way." In fact, Estes' operation was so unclinical that it even advertised in the Berkeley Daily Planet. Superimposed over the image of a big fat bud, the club announced that it had plenty of pot for sale, listing killer strains such as "Jack Frost, Mad Max, Romulin, G-Spot, and more." Other club operators groaned in dismay when they read the notice: "One-source shopping for all your medicinal needs! First visit, first gram free with mention of this ad!" Soon, kids were lining up outside, neighbors and police report, and the club's busiest hour was between three and four in the afternoon, when Berkeley High students got out of class. "The biggest complaint was the kids going in and out of there," says Lieutenant Al Yuen, head of the Berkeley Police Department's Special Enforcement Unit, which handles narcotics investigations. "We looked into that and watched kids going in and out.

We never caught him selling to kids without a card. He claims that the kids had medicinal cards, but he doesn't keep records on who he sells to. ... He was advertising in the papers, he allowed tons of kids going through his place. He didn't have a screening process, didn't have security." In fact, Trainor told the DA's office that Estes sold his product to anyone with the cash. She estimated that seventy percent of the club's buyers were patients from the Oakland co-op, and that the other thirty percent were recreational users. And Trainor alleged that even many of the so-called patients may have had fraudulent doctor's notes. She claimed that Estes referred everyone without a card to Dr. Frank Lucido, a Berkeley family practitioner who allegedly charged a fee for every note. "Estes would tell his buyers to go to Lucido, give him \$215, and he would give the person a prescription. ... Trainor said that regardless of whether a buyer told Estes they had a medical problem or not, Estes would refer the buyer to Lucido to get the prescription." Trainor said she knew how Lucido operated because she went through the process herself. During her interview, she meticulously described her visit from start to finish. "Trainor went to the doctor's office, where she met a nurse who collected \$215 from her. She was brought into an exam room, where she waited until Lucido came in and asked her what she wanted. She told him she had a bad back and wanted a prescription for marijuana. Trainor said the doctor performed a mini physical, checked her blood pressure, and had her bend over backward to check the condition of her back. ... Lucido then wrote her a prescription for marijuana. Lucido did not ask her questions about treatment or diagnosis from any other physician. Lucido gave her no advice on the amount of marijuana to use and did not advise her of any other therapy or medication that might treat back problems. Lucido did not tell her to come back for a follow-up exam." For a while, Estes says, he even accepted photocopies of Lucido's notes, and neighbors used to find them littering the sidewalk in front of his club. One neighbor, who asked not to be named, still has a copy of one such note from Lucido's office. The patient is a mere 21 years old and suffers from back pain. Lucido says he used to write such notes and rely on patients to provide verification later. But he says he discontinued that practice two years ago, and now requires independent verification of his patients' ailments from another physician. Lucido says Estes has been a headache for his medical practice. Two years ago, the doctor says, Estes printed business cards that claimed he was working in conjunction with Lucido. The physician says that as soon as he found out, he had a lawyer call Estes and tell him to stop making that claim immediately. "I'm not connected with the clubs, and I don't refer people to the clubs," he says. "I'm sure people mention my name, but it's never the case that we work in conjunction with each other." Lucido said he couldn't remember Stacey Trainor. Why is Trainor telling so many tales out of school? It all began two years ago, when she began an affair with Rocky Grunner. The feud culminated on August 31, 2000, when Trainor swore out a temporary restraining order against Estes, claiming that Estes threatened to kill her. When the Lafayette cops arrived at his house to serve it, they found more plants growing in the basement. Back went Estes into the pokey, and the cops even raided the club and seized product and financial records. Two months later, Lafayette narcotics agents raided Grunner's own house and seized seventeen pounds of marijuana. Trainor eventually broke off her affair. Grunner could not be reached for comment. Six months ago, as Estes became the subject of a Contra Costa district attorney investigation, Trainor met with assistant district attorney Phyllis Franks and county investigator Tony Arcado.

Over the course of several hours, she told the story of their life together. According to her statement, Estes didn't start his new career dealing medical pot -- but cocaine. "After selling the tanning salon, Estes earned income by selling cocaine," Arcado wrote in his summary of Trainor's interview. "Trainer [sic] said the income from the cocaine business ran out in 1993, and Estes switched to selling marijuana." Estes vehemently denies the charge and claims that Trainor, who declined to comment for this story, is lying as part of a child-custody dispute. "That's false, not true at all," he says. "No, I didn't sell the salons, I didn't sell cocaine. She was lying because she thought she was moving to Canada with the kids, and she thought that before she left, she could throw a bunch of stuff in the mix to mess me up in court. Because she downright hates me for dumping her." It was bad enough when neighbors watched police raid the club and kids line up for weed -- then the robberies began. On the evening of Friday, October 12, 2001, the club was winding down after a long day when someone knocked on the door. An employee pulled the door open and stared straight down the barrel of a silver handgun. "We opened up the door, same as for everybody: 'Hey, what's up?'" Estes says. "The guys came in. They put everybody on the ground and took everything." Time was running out for Estes. The kids and the police raids were bad enough, but now men were waving guns around and racing off with drugs. At the time, Estes had no security guards, no iron gate on the door, just a lot of cash and pot. Soon, the other pot-club operators came a-calling. The robbery put new heat on all of them as City Councilmember Linda Maio started making noises. Don Duncan from the Berkeley Patients Group visited the club and found it pleasant enough, but Estes had clearly failed to implement even basic security procedures. "There weren't a lot of people around, the club was fairly deserted, and that was a security challenge," Duncan says. "And the front gate was a problem." When Duncan suggested retaining security personnel, Estes responded by hiring a couple of guys he knew from around town. Neighbors and police representatives claim that this just made things worse. The men were not professional guards, and scared people away from the neighborhood by loitering on the sidewalk during business hours. Estes says the neighbors are giving way to their own racist fears. "If you talk to them, they're big, soft, easygoing guys," he says. "But unfortunately they're black. And in this society, you think of black as criminal. So the moment you see black people standing around, looking at your ID, I guess it looks like a crack house. I have black friends, and that seems to be held against me. None of the other clubs seems to be scrutinized as much as me." Not only did the guards not sit well with the neighbors, they also didn't stop the crime. On the evening of December 13, 2001, as the guards had drifted back into the club and Estes' employees began stacking the chairs, one last patient, a young woman, knocked on the door. As an employee opened the door for her, he glanced down to his left and saw three men crouched low. The woman turned and walked back to the sidewalk and the men rushed through the door. One pulled out an Uzi submachine gun, and the second robbery in two months was under way. The thieves probably wouldn't have kept coming back if there hadn't been so much to steal. Estes refuses to say how much pot was lost during the first robbery, but he says he kept an average of three pounds of dried marijuana in his store at all times. "Some of it was in ounces, some of it in eighths, prepackaged in a variety of amounts," he says. "Plus we had hash, we had kief, we had oils and other extracts from marijuana. We had baked goods, brownies, carrot cakes, Reese's peanut butter cups that were done like that.

We had everything." At \$65 an eighth, that meant thugs could make off with about \$25,000 with one quick hit, to say nothing of the cash he kept on hand. With this, the city had finally had enough. City Councilmember Linda Maio convened a neighborhood meeting about the club -- which Estes didn't bother to attend -- and told the rest of Berkeley's cannabis dispensaries to bring their colleague to heel. "I called Don Duncan and his folks and said, you guys have to be part of the solution here," she says. "It's not okay that this happens, and it's not acceptable if this is just a rare thing. Don knows that this is not acceptable -- he understands that this would jeopardize the whole movement if it's allowed to get worse." Estes' new office manager, Dorrit Geshuri, sat down with City Manager Weldon Rucker and police officials, and other Alliance members, and together they hammered out a series of reforms. On January 2, Geshuri agreed to the following terms: the club would only operate five hours a day; less than a pound of dope would be on the premises; newspaper advertising would stop immediately; a professional security company would be retained; and security cameras would be installed. The final robbery on June 5 spelled the end for Ken Estes. Despite his promise not to keep more than a pound of pot at the store, neighbors report that during the getaway, the robbers' duffel bag was so heavy that they had to drag it down to the car. As for the security cameras, club officials claimed that they had mysteriously broken down that day, and there was no film of the incident. Estes had used up his last store of good faith, and even the other clubs agreed he had to go. "I don't think Ken is a bad guy, but it's no longer appropriate for him to operate in Berkeley," Duncan says. "The consensus of the Alliance is for Ken to leave the city, to either move on or find another career. That conclusion has been some time in coming. We're happy to have him as a friend, but it's in the best interest of the patients that Ken close for real." Duncan's abandonment has left Estes fairly bitter. "Yeah, they don't want the competition," he says. "They can keep the prices high, and they can control the game. It's business, it's all about business. If you're Starbuck, you want Peet's out of town." Still, Estes has finally agreed to get out of town. He, his brother Randy Moses, and Geshuri have signed a lease at a new club in Oakland, near the corner of 18th Street and Broadway, where he promises to tighten up security. The numerous car dealerships have given in this part of town its historic name, "Auto Row," but it should really be called "Pot Row." Virtually all the pot clubs in Oakland are clustered in this neighborhood, and they're not happy to see Estes join them. If Estes wants to defy Jones, his new neighbors, the cops, and the entire city of Oakland, there's not much anyone can do about it. Linda Maio was at a loss when it briefly looked like Estes had decided to stay in Berkeley; she ineffectually threatened to circulate a petition and prepare a nuisance complaint. As for, say, an undercover operation to catch Estes selling to customers without a valid doctor's note, she never considered that option for a second, and police won't say whether they did. If this the best local government can do, Estes is in the clear. But medical marijuana's era of raw capitalism may be coming to an end. State Senator John Vasconcellos has drafted a new bill regulating the industry, and now that it has the support of both the California District Attorneys' Association and the California State Sheriffs' Association, Governor Davis has indicated that he might sign it. The bill would establish a statewide registry of medical-marijuana patients and caregivers, who would receive a card certifying their medical status. Physicians would submit candidates for medical pot to the county Health Department, which would approve or reject applicants based on a review of the accuracy of the medical records.

The state Department of Health Services would develop regulations that define how much pot dispensaries can grow and store, bypassing the many nebulous questions surrounding how pot clubs currently get their wholesale product. Although the bill's primary intent is to protect patients facing reactionary and unjust arrests, the bill could have the secondary effect of regulating cultivators. This may explain why Californians for Compassionate Use, the organization that thought up Proposition 215, has joined the Committee on Moral Concerns in opposing the bill. But get this: the registry system is strictly voluntary. Vasconcellos' bill is more focused on reining in the police, and so it barely dwells on reining in medical-pot cultivators. The new cards offer absolute protection from scary Modoc County sheriffs, but in return both patients and caregivers must operate responsibly. For operators in progressive cities such as Berkeley and Oakland, who already can move in the light of day, there's no incentive to sign onto the deal. And so, through a strange accident of history, marijuana seems likely to remain the least-regulated ingestible substance in California. Of course, good old-fashioned drug laws may solve the Ken Estes problem for us. Assistant district attorney Phyllis Franks of Contra Costa County is preparing to try Estes on four felonies stemming from the Concord raids, and if convicted, he'll be out of business. This brings up the final legal question unresolved by Proposition 215: how do prosecutors determine whether someone is a legally sanctioned caregiver, or a drug dealer? The answer is there is no answer. District attorneys around the state have relied on counting pot plants; if you've got too many, you must be a dealer. How many plants is too many? No one knows. While a handful of cities such as Berkeley have capped the amount of pot cannabis clubs can have on hand, prosecutors more typically eyeball the plants and make a simple judgment call. That's what they've done with Estes, but the system is hardly precise. If Estes is convicted, he will pay a terrible price for this lack of precision; the charges carry a possible prison sentence of three years and eight months. But his complex reputation also could be laundered overnight. When Estes turned himself in, forty demonstrators accompanied him to the station, and his image -- the martyr of medical marijuana, persecuted by vindictive prosecutors -- was flashed across the nightly news throughout the Bay Area. Stacey Trainor's allegations aside, Ken Estes seems a kind, generous man, ready to take you into his company at a moment's notice. But nothing out there can protect us from his tendency to trust the wrong people, of whom there are still plenty in the shadowy, twilight world of marijuana. Estes admits he's made some mistakes, and vows to improve his operation. "We began something here, and we didn't know where it would go," he says. "I've made mistakes in retrospect, but we tried to work it out. Stacey and all that stuff was a big problem -- I had no problems before that. I believe I know who's behind this, the robberies. All this stuff that's gone on has happened since Stacey went to the police, and the police believed her. They told me that many times women turn on their drug-dealing boyfriends, and this seems like a case of that. I wish I could have hired better people, but I can't say that I would have done anything different. I really didn't foresee the criminal element making its presence like it did. But I can only do so much." And should Estes revert to his old, seat-of-his-pants ways, we may have no choice but to put up with him.

www.compassionatecoalition.org/comment/reply/3789

Medical marijuana merchant defies Oakland order to close. Others might go underground, as city's new rule gets mixed reaction from consumers, business owners

Oakland Tribune (CA) Wednesday, June 02, 2004 By Laura Counts, STAFF WRITER
OAKLAND -- Medical marijuana patients who packed into the Dragonfly Holistic Solutions dispensary on Telegraph Avenue on Tuesday seemed unaware the business had been told by the city to shut down. They said they were seeking the most potent medicine in town -- a strain of marijuana called "Barney Purple" -- and didn't like hearing that new city rules will limit them to four city-sanctioned establishments. "If you enjoy feeling pain-free, this is the place to be," said Sullivan Wallace of Oakland, who says he has a cannabis prescription to fight chronic pain and anxiety. Seven existing dispensaries and one proposed club had applied for the four business permits available. After a series of hearings and several delays, the clubs were notified Friday afternoon whether they made the cut. Those that received licenses will have to pay a \$20,000 annual fee. Those that did not were supposed to close Tuesday. Dragonfly did not make it, but owner Ken Estes said he will continue to operate in defiance of city rules until he is arrested. He planned a protest outside the dispensary Tuesday morning, but the only signs of one emerged when the doors to the club opened 15 minutes late. "There is some kind of discrimination going on behind the scenes," Estes said. "Or else the city is out of touch with the patients, because we are the preferred club. When we opened, we forced prices down and brought in higher quality (than the other clubs)." Other club owners, including some who were issued permits, criticized the city's process as arbitrary and complained that three days wasn't enough notice for them or the employees on their payrolls. Still, no one except Estes continued business as usual. One dispensary owner contended there are clubs that did not even apply for a city permit and may try to operate under the radar. "There are some who chose not to pay \$300 and sign a confession," said Richard Lee, owner of the Bulldog Cafe, who got a permit for his cafe on Broadway but not for his small SR71 Cafe on 17th Street, according to the city manager's office. Even though Lee received a permit, he contended the process was arbitrary and the four-club limit does not make sense. He plans to move to a larger location to serve the additional customers the closures will bring. "This thing is getting too big for them to say there can only be four clubs. There are too many people who appreciate getting marijuana in a civilized way," said Lee, one of the backers of an initiative now collecting signatures for the November ballot that would all but decriminalize adult use of marijuana in Oakland. Sparky Rose, operator of Compassionate Access on Telegraph -- which also was approved -- said he serves 7,000 patients and is expecting more. He plans to soon move to a larger location nearby. "It was difficult to gauge what was important to the city when we were presenting ourselves. There wasn't a lot of transparency in the process," Rose said, adding that everyone was asked for the same information. "They should have extended the deadline, because a lot of clubs have a lot of employees and a holiday weekend isn't much notice." The city inspected the clubs for code violations, checked for any complaints against them, and asked for information ranging from number of patients to products to prices. In the end, according to a letter from the city's Administrative Hearing Officer Larry Carroll to Estes, the city seemed to put more stock on who had operated the longest.

The three clubs issued permits in the "uptown" area had operated between two and five years, though the fourth club on West Grand is a relative newcomer. The Lemon Drop Coffee shop on Telegraph is one of the more established clubs in the area, nicknamed "Oaksterdam," but it did not receive a permit. Owner Mark Belote said the well-stocked coffee shop will continue to sell its mochas and pastries, gelatos and cakes, but stop pot sales. "I want to do everything legally. I've always been honest with them, so we'll see what happens," he said. "I have an eight-year lease here, so the cafe will stay open." Karry Carr of The Green Door dispensary on Webster Street said he fully expected to get a permit. The building met all code requirements and there were no complaints against the club. It opened last October with the blessing of the city, even stating it was a cannabis dispensary on its business license. The city renewed its license in February. The Green Door is now seeking an injunction to stay open until it can get a court hearing. Its owners contend the application process was fraudulent. Under the new rules, denial of permits cannot be appealed, Carroll said. The final determination was made by City Administrator Deborah Edgerly, who could not be reached for comment Tuesday. As for those that continue to operate in violation, Carroll said, "the city is considering its options." Carroll said he will send final warning letters and may give them a short grace period. However, he noted, "all of those operating without permits are outside of the city's low policing priority with regards to medical marijuana, so the police could take action." The city will review the new rules in six months. Jeff Jones, director of the Oakland Cannabis Buyers' Cooperative -- which issues identification cards but does not dispense -- said he has been advising clubs to follow the rules. "The city is our friend, and we are in this together. They are doing what they feel they need to do," Jones said. "I think the best practice is to close down quietly, and we'll spend the next six months lobbying to increase the limit."

<http://www.marijuana.org/OaklandTrib6-02-04.htm>

Marijuana Clubs Question Ethics Of City's Order To Close

Friday, May 19, 2006 by Tom Lochner Contra Costa Times

Richmond, CA -- With the crafting of a medical marijuana regulating ordinance stalled, the Richmond City Attorney's office has ordered the immediate closure of two cannabis clubs, the only ones known to operate in the city. One, Natural Remedies Health Collective on Macdonald Avenue, promptly closed. The other, Holistic Solutions on Hilltop Mall Road, remained open Thursday. Owner Ken Estes said he hopes to persuade Richmond officials and council members that his business benefits both patients and the city at large. In a cease-and-desist order dated May 16, Assistant City Attorney Trisha Aljoe told Natural Remedies owner Linda Jackson that failure to comply will result in the filing of criminal charges. Estes said he received a similar letter. With no land-use standards permitting medical marijuana dispensaries in the city, the letter reads, "your continued marijuana operation is in clear violation of the Richmond Municipal Code and constitutes both a public nuisance per se, as well as a criminal misdemeanor." Jackson closed her shop Wednesday, but on Thursday, she questioned the legality and ethics of the city's order. "This is taking away my livelihood and putting my patients in harm's way," said Jackson.

She also questioned how the city could prosecute her, because no city law specifically addresses cannabis clubs, which are legal under California law -- unless the city decides to enforce the federal law. In 1996, the state's voters approved marijuana for medical use on the recommendation of a doctor. The federal government, however, considers marijuana an illegal drug, with no medical use. Aljoe did not return calls Thursday. The city's administrative chief, Janet Schneider, said the city attorney's office takes the stand that cannabis clubs are illegal since the city code does not explicitly permit them. Moreover, she said, the city's zoning ordinance rules out unlawful activities in general.

Richmond's legal stand differs from that of some other Contra Costa cities, which passed urgency moratoriums on the opening of cannabis clubs. Those cities, among them Antioch, Oakley, Pinole and San Pablo, reasoned that without a moratorium, their cities lacked the legal mechanism to keep cannabis clubs from opening absent any reference to them in their municipal codes. Richmond, too, once had a moratorium; it lapsed in October. A draft ordinance that would limit cannabis clubs to certain commercial areas bounced among the Planning Commission, Public Safety Committee, City Council and city staff for months. On Thursday, the committee declined to adopt a recommendation by the city staff to declare cannabis clubs a "non-permitted use" and referred the matter to the city council to consider as part of a general plan overhaul. Police Chief Chris Magnus said Thursday that cannabis clubs are a drain on police resources. But earlier this year, Richmond Police spokesman Lt. Mark Gagan quipped that things were so quiet at Natural Remedies he had virtually forgotten it existed. Magnus said there was a burglary at Natural Remedies in May 2005. But Jackson said that occurred under a previous owner. And at Holistic solutions, Magnus said, Richmond officers observed a steady stream of young people coming and going, causing him to doubt they were there for medical reasons. But Estes said many younger people use medical marijuana for pain resulting from injuries and that police should come inside to observe how he checks out his patients.

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Clearlake, CA: Moratorium on marijuana dispensaries (June 6, 2006)

Submitted by Nathan on Mon, 06/12/2006 - 9:24am. [Lake County, California](#)

Moratorium on marijuana dispensaries

06/06/2006 Denise Rockenstein, Lake County Record-Bee

Source: http://www.record-bee.com/oanews/ci_3906208

Should weed stay or should weed go now? In 1996, California voters said that it should stay. Yet, 10 years after the passage of the Compassion Use Act, barriers are still blocking patients' access to medicinal marijuana. The City of Clearlake is taking a backseat in the movement, placing a moratorium on the issuing of business permits for marijuana dispensaries. It is the city's hope that the issue will be resolved in Federal Court before the moratorium, which has been extended to 10 months, 15 days, is complete. The moratorium prohibits the issuing of business permits for medicinal marijuana dispensaries. Furthermore, it does not provide for renewal of business permits for existing businesses that provide patient access to marijuana medicine.

The purpose of the moratorium is to allow city staff time to establish zoning regulations pertaining to medical marijuana dispensaries. According the staff report submitted to the council on May 25, "Clearlake currently has no permitted Dispensaries, but the Police Department believes there may be businesses distributing medical marijuana in the City, and that it is likely that persons will seek land use entitlements and permits from the City to distribute medical marijuana." Holistic Solutions, a natural healing center that provides medicinal marijuana, has been operating on Lakeshore Drive in Clearlake for more than a year under City of Clearlake Business License No. 4535. Another distributor, Barrett Consulting, which operates Alternative Patient Services out of the Java Express Mall, has been a permitted business in the City of Clearlake for more than four years. In years past, there has not been a particular business license application available in the city that specifically licenses a marijuana dispensary-type business. The city's business application does however, require a description of the type of business for which the license is being sought. Both Holistic Solutions and Barrett Consulting have been successful in obtaining a business license as well as renewals of those licenses. As with all City of Clearlake business licenses, both will expire on Sept. 30, 2006. "If something doesn't change before (Sept. 30) I will be out of business," said James Barrett, Barrett Consulting proprietor who began his business after recognizing a need for local access. He further identified the elderly as being most affected by access barriers, stating that the teenage population basically has unlimited street access to marijuana. "The thing with the moratorium is that there is going to be a lot of (elderly) patients that can't get their medicine." Barrett agrees that zoning regulations on medical marijuana dispensaries are needed as does Holistic Solutions co-owner Dave Moses. "Zoning regulations are badly needed," Barrett said, "but, in my opinion, that should have been taken care of in 1997." Moses has extended his assistance to the city staff in establishing regulations on businesses providing medicinal marijuana to patients. Moses, along with his brother Ken Estes, have been involved in the marijuana movement for more than 13 years. Estes, president of Holistic Solutions, began using medical marijuana following a paralyzing motorcycle accident in 1993. "When I was going through my rehab I tried marijuana for the first time and it really worked. It did something that the pills weren't doing. It gave me my appetite back and I could sleep," Estes explained from his wheelchair. "The pills were breaking me down and the marijuana was kind of filling me up. Making me eat; giving me a good positive attitude. There are some good characteristics to marijuana that pharmaceuticals long to have." Estes and Moses were instrumental in the establishment of regulations in the San Francisco area where they operate two more dispensaries. An outline of those regulations has been submitted to city staff. As of Tuesday, June 6, the city has made no attempt to contact either Estes or Moses although they are eager to help put zoning regulations in place. "We want regulation and control because we believe in that," Moses said. "We don't think that we should be within 100 feet of a school, or operate all hours of the night, for example, and we would be like to be contributing our fair share to the city's coffers." Although Moses had requested that the council include in its moratorium authorization for renewal of existing business licenses, his request was denied. However, Mayor Joyce Overton recommended that the item be brought back before the council for a progress update in August. Contact Denise Rockenstein at drockenstein@clearlakeobserver.com.