

*People v. Strasburg* (2007) 148 Cal.App.4th 1052

Court: Court of Appeal, First District

Date of decision: March 22, 2007

## Facts:

- Defendant was charged with possession of over 28.5 grams of marijuana under 11357(c)
- Cop saw Defendant and another person sitting in a parked car.
- Cop smelt marijuana and Defendant admitted he had been smoking.
- Defendant offered the fact that he had a medical marijuana card.
- Cop searched the car and found 23 ounces of marijuana then arrested Defendant.

## Procedure:

- Defendant was charged with 11357(c)
- Defendant filed motion to suppress claiming that the officer should not have searched once he informed the officer that he was a medical marijuana patient.
- Motion was denied and Defendant entered a plea of no contest.
- Defendant appealed and the conviction was affirmed.

## Issue(s):

- Can the police search a medical marijuana patient after (s)he has presented the police with a medical marijuana recommendation?

## Holding(s):

- Possession of a medical marijuana recommendation or card does not grant immunity from a probable cause search. (1060)

## Discussion:

- The court takes time to note some of the limits of the MMP (SB 420)