

IMPERIAL COUNTY
DISTRICT ATTORNEY'S OFFICE
Deborah D. Owen
Assistant District Attorney



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June 25, 2013

Law Offices of Omar Figueroa
7770 Healdsburg Avenue, Suite A
Sebastopol, CA 95472

Re: Request for Documents Concerning Medical Marijuana, Etc.

Mr. Figueroa:

I have received your undated letter requesting to inspect:

"Any and all documents or information concerning medical marijuana, Proposition 215 (codified as Health and Safety Code § 11362.5) and/or Senate Bill 420 (codified as Health and Safety Code §§ 11362.7-11362.83), including, but not limited to, any and all guidelines, bulletins, orders, directives, policies, and/or protocols. Please provide any and all documents or information concerning medical marijuana doctors, patients, caregivers, dispensaries, collectives, cooperatives and/or associations."

As we have explained to you in previous letters, the Imperial County District Attorney's Office does not possess published policies, directives, bulletins, guidelines, manuals, memoranda of understanding, or training materials concerning any of the topics you listed in your request. Further, the Imperial County District Attorney's Office does not maintain published lists or databases concerning medical marijuana caregivers, clubs, dispensaries, collectives, cooperatives, associations, or defendants who have claimed a medical marijuana defense to charges brought against them. As to the above mentioned matters, there are no materials that meet your request.

To the extent you seek internal directives, policies, or protocols related to the prosecution of medical marijuana cases (assuming any such records were to exist) they are protected from disclosure under the attorney work product privilege. (Government Code § 6254(k); Code of Civil Procedure § 2018.030; Penal Code § 1054.6).

If by your request you sought to inspect case files or police reports in possession of the Imperial County District Attorney's Office that involve defendants who have claimed a medical marijuana defense, your request is respectfully denied. First, investigative files and police reports are exempt from disclosure pursuant to California Government Code § 6254(f) and California Penal Code §§ 11075, 11105, 11105.1, respectively. Second, without naming specific

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cases or dates, your request is unduly burdensome and overly broad. Logistically, our office is unable to comply with your request as it would require our small staff to physically search thousands of case files for the relatively few that mention medical marijuana.

Finally, the Deputy District Attorneys employed by our office author hundreds of documents each year, such as motions, oppositions and briefs. I am unaware of any specific motion or other published work dealing specifically with the issues that interest you. Nonetheless, one or more of these documents in possession of the Imperial County District Attorney's Office may mention medical marijuana, Proposition 215, Senate Bill 420, etc. But again, your request is unduly burdensome and overly broad. If you narrowed your request to identifiable documents, my office would review those documents and, if not exempted from disclosure, provide copies to you.

Respectfully yours,

A handwritten signature in cursive script that reads "Deborah D. Owen". The signature is written in black ink and is positioned to the left of the typed name.

Deborah D. Owen

Assistant District Attorney