



OFFICE OF THE

DISTRICT ATTORNEY

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June 25, 2013

Omar Figueroa
7770 Healdsburg Ave., Suite A
Sebastopol, CA 95472

Re: CPRA duplicate request

Dear Mr. Figueroa:

Thank you for once again requesting pursuant to the California Public Records Act (hereafter CPRA) the same material you, or your office, have requested in 2006, 2009, 2010, 2011 and 2012. I must, once again, point out that your request overly broad and ambiguous, so that it is not something that we can appropriately act upon:

“Any and all documents 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 provided any and all documents or information concerning medical marijuana doctors, patients, caregivers, dispensaries, collectives, cooperatives, and/or associations.”

As I have explained before, we do have Westlaw legal materials, such as the Health and Safety Code, which includes the code sections you reference, as well as case law that would be included in your definition of documents, however, those are not this Office’s records and/or are exempt from disclosure, because Federal Copyright exempts it from your request. This Office does not have training materials, directives, and/or guidelines other than the above-mentioned statutory, case law and State Bar Association standards. You may also refer to each of the prior responses we have sent to you, or your office, for a complete understanding of our legal objections to your request.

We have also explained that we have criminal case files or investigation files that involve marijuana prosecutions/investigations which may meet your request, but those files

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are exempt from disclosure. (See Government Code §6254(f) which applies to district attorney case files; and Rivero v Superior Court, (1997) 54 Cal.App.4th 1048 and Williams v. Superior Court, (1993) 5 Cal.4th 337.)

This office has no other documents that are responsive to your request and that are not exempt from disclosure.

Very Truly Yours,

Birgit Fladager
DISTRICT ATTORNEY

A handwritten signature in blue ink, appearing to read "D. P. Harris". The signature is stylized with a large "D" and "H" and a horizontal line extending to the right.

David P. Harris
Chief Deputy District Attorney

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