

# The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY



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June 25, 2013

Mr. Omar Figueroa, Esquire  
7770 Healdsburg Avenue, suite A  
Sebastopol, California 95472-3352

RE: Your Government Code Section 6250 request dated June 6<sup>th</sup>, 2012

Dear Mr. Figureroa:

I have reviewed your written request for information, which was received by this Office on June 18<sup>th</sup>, 2013.

You have requested "*Any and all documents or concerning medical marijuana, Proposition 215..., Senate Bill 420..., including, but not limited to, any and all guidelines, 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 I indicated in my July 16<sup>th</sup>, 2010, August 3<sup>rd</sup>, 2011, and June 22<sup>nd</sup>, 2012, responses to your previous records requests, the breadth of such a request would necessarily include any printed copies of Proposition 215, Senate Bill 420, the Health and Safety code sections implementing the initiative and the legislation, and related federal and California appellate decisions. As these are in the public domain already, I am taking the liberty of not copying those materials and including them in a response. Please inform me if I am mistaken in taking such liberty.

Also, as I have previously indicated, certain materials that have been requested are not provided. First, to the extent you are requesting writings produced within this Office that relate to the exercise of prosecutorial discretion in charging and sentencing, such materials are exempt from disclosure by the deliberative process privilege and Government code sections 6254(k) and 6255. You are also referred to *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136; *Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; and *People v. Keenan* (1988) 46 Cal.3d 478. In a related area, to the extent these writings are contained in investigatory case files, such records are exempt from

disclosure under Government Code section 6254(f). I also refer you to *Williams v. Superior Court* (1993) 5 Cal.4th 337.

Second, to the extent that this office has any relevant training manuals or materials produced through and under copyrights held by an organization or agency outside this office, I have not been authorized to duplicate any such materials for you. Further, to the extent that such materials exist – whether produced in or outside this office - and include tactical and strategic information for use by prosecutors and law enforcement agencies, these materials are exempt from disclosure under Government Code 6255 in that the public interest served by not disclosing these items outweighs the public interest served by disclosing them.

Also, although your letter does not reference litigation, if the requested material is sought in connection with some litigation, it should be sought through the discovery process from a party in that litigation and not through a CPRA request. Please see *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.

While I have attempted to honor what I believe the intent of your request is, and have given a full explanation as to exempt items, I reserve the right to present additional theories and authority for non-disclosure in the event further discussion is required in the future.

Your previous requests resulted in this Office providing 109 pages of documents. I assume you do not wish to receive and pay for those documents again. If I am mistaken in this assumption, please let me know. In response to your current request, I am enclosing 28 pages of documents; two case law summaries from the Attorney General's office and a case law summary from RCRC.

A billing for duplication fees in the amount of \$7.00 is included in the mailed document. Duplication fees have been set by the Board of Supervisors at \$0.25 per page. Please remit the listed amount back to the Yuba County District Attorney's Office at the address listed below.

Sincerely yours,



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Patrick J. McGrath  
District Attorney

Enclosure

Cc: DA memo file  
County Counsel