



**PHIL McDOWELL
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Reply to:

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Re: Your Public Records Act Request regarding the
California Compassionate Use Act.

Dear

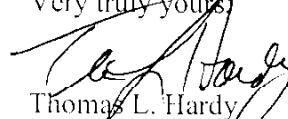
Mr. McDowell has passed along to me the above-referenced request, as I am the attorney in our office primarily responsible for prosecution of controlled substance violations.

At this time, our office has no written training bulletins, directives, and/or policy guidelines for the implementation of the California Compassionate Use Act. We are a very small county (population of around 18,000) and our office consists of only four criminal division attorneys, so we do not maintain a large number of formal policies.

At the current time, each medicinal marijuana case is evaluated on its own merits. Most of what we have seen have been "less than an ounce" cases which have not been prosecuted once the medical approval is verified. Generally, we will not prosecute cases where less than one-half pound of marijuana is possessed and/or an individual is growing six marijuana plants, of which two can be mature plants. This assumes, of course, that the individual has the necessary medical authorization and is growing and/or possessing for their own use or for a person for whom they are the primary caretaker. However, each case is examined on a case-by-case basis, and since the Compassionate Use Act is relatively new, we are constantly monitoring the reported cases and both formal and informal policies from other counties, and our guidelines could change accordingly.

It is our goal to comply with the California Compassionate Use Act, and to apply it consistently with all other portions of the California Penal and Health and Safety Codes.

Very truly yours,


Thomas L. Hardy
Assistant District Attorney

cc: Phil McDowell