

Another Voice - Likes Eyster reforms

by Pebbles Trippet

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To the Editor:

Newly elected Mendocino County DA David Eyster has created a full-fledged program of marijuana charging policy reforms designed for immediate action from his office.

He is clearing out the cobwebs of a dysfunctional office, left behind by former DA Meredith Lintott, whose conviction-driven policies gave deputy DAs carte blanche to file charges at will without consultation, resulting in hundreds of low-level marijuana cases being dragged thru the courts at taxpayers' expense, with many medical claims.

Former Dep DA Jill Ravitch, now Sonoma DA, provided data for one year -- 520 marijuana prosecutions in 2008 at the rate of 2/day, 10/week, 520/year. This compares with 710 sheriff deputies' arrests, from MCSO and Major Crimes Task Force.

The Mendocino Medical Marijuana Advisory Board claims there were large numbers of arrests and prosecutions of small growers and qualified patients that year, "low hanging fruit," without regard to medical use.

The trend is best exemplified by 90-year old Lester "Smitty" Smith and his wife Mary of Philo, whose enticing life savings of \$54,000 was finally returned and felony charges dismissed 1 1/2 years later.

According to his daughter, the stress of the

prosecution quickened Smitty's heart attack and death.

DA Eyster has a plan to massively overhaul and streamline the way his office handles marijuana cases, being mindful about which are worthy of the court's attention and the public's money.

He

described a 5-part "work in progress" in an hour-long interview with me.

- 1) open door policy
- 2) accountability thru public access to prosecution data
- 3) breaking the backlogjam by streamlining the process
- 4) preventing future logjams by mindfully assessing each case with defense input before filing charges
- 5) lobby the Legislature to change the cultivation law to a wobbler.

"How many marijuana cases have I filed since I took office?" He held up two fingers, "Zero."

"Lintott filed at the rate of 2 cases per day. We're not doing that anymore.

"The policy used to be that any of the deputy DAs had discretion to file charges.

"That has ended. Now everything goes through me.

"Any defense attorney can request an interview on behalf of a defendant. I'll pull that case file and review it.

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"Furthermore before filing any charges, I'll review each case individually with defense input and then decide which ones to prosecute.

"My office will also provide data on marijuana convictions as well as prosecutions, for each week, each month or annually."

Eyster's other reform in the works is lobbying the Legislature to change the marijuana cultivation law from a straight felony to a wobbler.

He explained, "That will give DAs across the state discretion to file cultivation cases as either a felony or a misdemeanor.

David Eyster's has launched an impressive full-fledged reform program with far-reaching implications.

Patients substantially in compliance with state and local law will have a fighting chance of never being prosecuted.

If DAs listening to defense attorneys and defendants works, it will spread.

If the courts save money by adopting a rational approach to prosecuting cannabis patients, the entire county will benefit.

Pebbles Trippet

Co-founder of the Mendocino

Medical Marijuana Advisory Board