

New Dist. Attorney ready to 'weed out the weed cases'

By **TIFFANY REVELLE** The Daily Journal

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Incoming District Attorney C. David Eyster plans to weed out the weed cases clogging the court system, among other changes he has in mind for his four-year term.

Eyster won the race against incumbent Meredith Lintott with 53 percent of the county's vote in November, and will be sworn in as Mendocino County District Attorney at 11:30 a.m. on Monday, Jan. 3, in Room E of the Mendocino County Superior Courthouse.

Eyster calls the District Attorney's job "the gatekeeper for the criminal justice system," and as a first order of business, he plans to review all open cases and dismiss any he thinks should not be in the court system.

"I believe there are cases in the (district attorney's) office that shouldn't be there," he said. "It makes no sense to allow cases to go through the system that should never have passed the gate to begin with."

Currently, the District Attorney's Office pushes too many cases into the court system that are later dismissed, he says, especially marijuana cases.

He said there are marijuana farmers who are trying to comply with the law, some who don't know how to comply.

In cases where growers appear to be trying to comply, according to Eyster, a better practice than

the one currently used is to give the growers a deadline by which to "get legal" and refer them to the Sheriff's Office, which sells zip ties and issues permits for gardens that meet the state's and the county's guidelines.

"I'm compassionate and tolerant of people who

are trying to comply with the law," said Eyster, who is currently a Ukiah defense attorney.

But he also promises not to be compassionate toward illegal growers, the ones who are growing on public land or on someone else's land, or who are just in it for the profit.

"I used to have a reputation for knowing when to swing the hammer and when not to," Eyster said, referring to his 12 years as a Mendocino County prosecutor, beginning in 1984. "A strong DA's office is one that's experienced, effective and at times compassionate. The DA's office doesn't need to hit people who don't need to be hit."

He said cases involving defendants who have doctors' recommendations to use medical marijuana are often filed as cultivation or possession cases, and then defendants assert their medical defense in court and the details come to light in a lengthy court process.

"At that point, we've again sent cases into the system that may not need to be there," Eyster said. "I don't want to figure it out later."

He plans to take on the task of deciding how to charge each case that comes to his office, at least until his staff of prosecutors get used to his expectations, and law enforcement officers have a better idea how he handles crimes in court.

"You have to make sure that you're just not filing

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cases that you later are going to dismiss because you got tired of them, but really because that's what justice requires, and what public safety requires," Eyster said.

He plans to focus on public safety, meaning crimes with victims, such as violent or serious felonies, drunk driving.

"Being under the influence and just walking around the street, you're impacting yourself," Eyster said. "We need to worry about that, but (crimes like that) should not take a bigger bite of your resources than things where people have been murdered, houses have been burglarized or robbed, people had guns put in their face -- things like that."

"The district attorney's job is to do justice and win, to protect the public safety," Eyster said. "It doesn't help public safety to lose cases. Seventy to 80 percent of the time, the DA should win."

Winning means getting a judgment or a plea of at least what the prosecutor offered in talks with the defense, if not more. Losing means going to trial and getting less than what was offered, according to Eyster.

But success isn't purely defined by wins and losses in the courtroom, Eyster noted. Along with his goal of "returning a better sense of professionalism, ethics (and) consistency" in charging cases, Eyster said he hopes to infuse his working environment with a spirit of camaraderie and teamwork.

He added with a twinkle in his eyes, "I should win most of the time, my staff should win most of the time, and we're going to have fun doing it."

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Editor's note: This story has been modified to reflect the accurate time of Eyster's swearing-in ceremony.