



A Tradition of Stewardship  
A Commitment to Service

Minh C. Tran  
County Counsel

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OFFICE OF COUNTY COUNSEL**

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July 31, 2014

Rik W. Munson  
218 Landana St.  
American Canyon, CA 94503

Dear Mr. Munson:

On behalf of the Napa County Sheriff's Department ("Department"), I am responding to your Request For Information dated July 18, 2014 and received by the Department on July 21, 2014. With respect to each of your requests, the Department responds as follows:

Request No.1:

"I am specifically seeking a copy of the policy and procedures manual for the Napa County Sheriff's Department relating to enforcement of the Vehicle Code."

Response to Request No.1: Relevant portions of the Department's Policy Manual relating to the Vehicle Code are included with this letter.

Request No.2:

"I am also requesting a copy of the return on a warrant served on 218 Landana Street in American Canyon on October 1, 2013 pursuant to NSIB case # NC2013-00144. The response to my inquiries would indicate the return was signed by the Judge and filed with the court clerk on or about July 16, 2014."

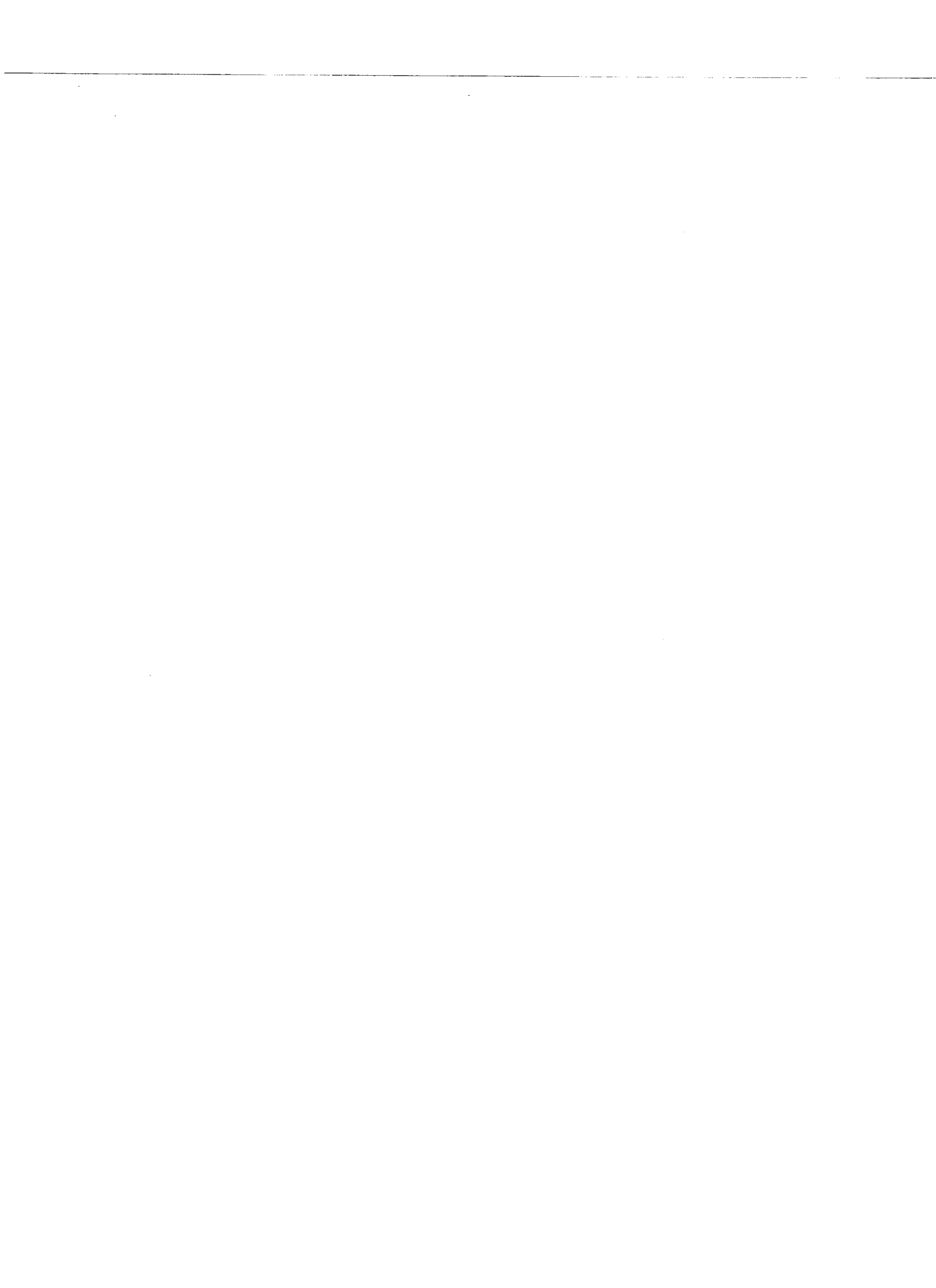
Response to Request No.2: The requested records are enclosed with this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Silva Darbinian".

Silva Darbinian

Enc.



NC2013-00144

SEARCH WARRANT NO. 13-224

**FILED**

STATE OF CALIFORNIA  
COUNTY OF NAPA

JUL 16 2014

Clerk of the Napa Superior Court

By: [Signature]  
Deputy

***RETURN OF SEARCH WARRANT***

The personal property attached was taken from the premises located and described as:

**THE PREMISES:** 218 Landana Street, American Canyon Ca

**THE VEHICLE:** N/A

**THE PERSON(S):** N/A

**PROPERTY SEIZED:** No property was seized.

By virtue of a search warrant dated the 25th day of September, 2013, and executed by Judge Williams of the Superior Court, County of Napa.

I, Detective Alfonso Ortiz, by whom this warrant was executed so swear that the above inventory contains a true detailed account of all property taken by I, under the warrant, on the 1st day of October, 2013.

All of the property taken by virtue of said warrant will be retained in my custody subject to the order of this court or of any other court in which the offense in respect to which the property of items taken, is triable.

[Signature]  
AFFIANT

Subscribed and sworn to before me, this 16<sup>th</sup> day of July, 2014.

Judge of the Superior Court, County of Napa.

[Signature]  
MAGISTRATE  
Francisca P. Tisher

Page 1 of 1

1 even if they have a medical marijuana recommendation, they are a drug dealer and are not protected  
2 by California's medical marijuana laws.

3 Based on the above facts, your affiant has reasonable cause to believe, and does believe, that  
4 evidence of the commissions of felonies, to wit, violations of CALIFORNIA HEALTH AND  
5 SAFETY CODE SECTIONS 11358, cultivation of Marijuana and SECTION 11359 possession for  
6 sale of Marijuana and property used in the commission of said felonies, will be located at **218**  
**Landana St, American Canyon, Ca.** Therefore, your affiant requests that a warrant be issued.

## Incident/Investigation Report

Agency:  
Napa Special Investigations Bureau

Case Number: NC2013-00144

Date: 07/30/2014 15:43:51

### Incident Information

Date/Time Reported	Date/Time Occurred	Date/Time Found	Officer
10/01/2013 13:32	10/01/2013 13:32	10/01/2013 13:32	(320145) ORTIZ, ALFONSO
Incident Location			Supervising Officer
218 LANDANA ST, AMERICAN_CANYON, CA			(300313) PITKIN, GARY

### Charges

<b>1</b>	Charge Type	Description	Statute	UCR	<input type="checkbox"/> Att
		INFORMATIONAL REPORT	INFORMATIO	999	<input checked="" type="checkbox"/> Com
Alcohol, Drugs or Computers Used		Location Type	Premises Entered	Forced Entry	Weapons
<input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		RESIDENCE/HOME	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1.

### Other Persons Involved

Name Code	Seq. #	Name (Last, First, M)	Race	Sex	DOB
Involved Party	<b>1</b>	MUNSON, TYLER WAYNE	W	M	08/10/1989
Address			Drivers License	Home Phone	
218 LANDANA ST, AMERICAN_CANYON, CA 94503			D9582808	(707) 246-1124	
Employer Name/Address			Cell Phone	Business Phone	
/			(707) 319-1242		
Name Code	Seq. #	Name (Last, First, M)	Race	Sex	DOB
Involved Party	<b>2</b>	MUNSON, AEZJA MARTIN	W	M	01/18/1950
Address			Drivers License	Home Phone	
8304 GREENWOOD AVE, SEATTLE, WA			MUNOAM503BQ		
Employer Name/Address			Cell Phone	Business Phone	
/			(206) 335-8782		
Name Code	Seq. #	Name (Last, First, M)	Race	Sex	DOB
Involved Party	<b>3</b>	DAY, EARL FRANK	W	M	04/22/1960
Address			Drivers License	Home Phone	
218 LANDANA ST, AMERICAN_CANYON, CA 94503			N8328181		
Employer Name/Address			Cell Phone	Business Phone	
/					

## Incident/Investigation Report

Agency:  
Napa Special Investigations Bureau

Case Number: NC2013-00144

Date: 07/30/2014 15:43:51

### Notes/Narratives

Investigation Number: NC2013-00144  
Type of Report: Opening / Closing  
Case Agent: A. Ortiz  
Reporting Agent: A. Ortiz  
Report Number: #1  
Date of report: 10-01-2013

#### Details of Investigation:

On 10/1/13 at approximately 1530 hours, I conducted an operational briefing for the purpose of executing a search warrant at 218 Landana Street in the city of American Canyon, Napa County. The briefing was conducted at the American Canyon Police Department. Present at the briefing were Lieutenant Gary Pitkin, Lieutenant Doug Pike, Sergeant Mike Hunter, Detectives McGlothern, Cerna, Tijero, American Canyon Police Officer Potter, and I.

During the month of September 2013 while conducting over flights of Napa County for the purpose of locating possible illegal marijuana grows, Detective McGlothern told me he identified a grow at 218 Landana St. In the City of American Canyon, Napa County. Detective McGlothern authored an affidavit which was signed by Judge Williams, Napa Superior Court. I reviewed the search warrant and took the case over as case agent.

Detectives from NSIB arrived at 218 Landana Street in American Canyon. All personnel were in full, clearly marked police raid gear. Detective McGlothern, Officer Potter, and I approached the front door. I knocked on the front screen door, which was secured, however, the door was open and I was able to partially see inside the residence. I saw a male walk from the hallway and then back out of our view. I announced it was the sheriff's department conducting a search warrant and demanded entry. At that point, AEZJA MUNSON came to the front door along with EARL DAY and TYLER MUNSON. I explained the reason for the visit, and they requested to see a copy of the search warrant, which I then produced a copy of the search warrant. Two large dogs were barking from inside the residence. I instructed AEZJA MUNSON to secure the dogs and to open the door. After approximately two minutes, the dogs were secured in a restroom and the front door was opened. Once we entered the residence, all three subjects were detained in handcuffs. I handcuffed TYLER MUNSON, double-locked them and checked for tightness, Sergeant Mike Hunter handcuffed EARL DAY, and Officer Potter handcuffed the AEZJA MUNSON. The rest of the residence was cleared and no other occupants were located.

Inside the residence, we located several rooms which had drying marijuana and processed marijuana.

At 1556 hours, I conducted an interview with AEZJA MUNSON. Munson was handcuffed. The interview was audiotaped. I explained to Munson that he was not under arrest, however, he was handcuffed, and I advised him of his Miranda rights using my Miranda card issued to me by the Napa DA's Office. AEZJA MUNSON. stated that he understood.

AEZJA MUNSON told me that he lives out of state and is only staying at the residence while he visits his brother, who is intensive care. He stated that he had knowledge that there was marijuana growing on the property; however, he

## Incident/Investigation Report

Agency:  
Napa Special Investigations Bureau

Case Number: NC2013-00144

Date: 07/30/2014 15:43:51

### Notes/Narratives

claimed no responsibility to the marijuana.

The next interview I conducted was with TYLER MUNSON. I advised TYLER MUNSON of his Miranda rights with the Miranda card issued to me by the Napa DA's Office. TYLER MUNSON stated he understood his rights and wished to remain silent. All questioning was ceased.

I interviewed EARL DAY. DAY displayed objective signs and symptoms of being under the influence of alcohol. He had red watery eyes, slurred speech and was unsteady on his feet. DAY was handcuffed and seated in the living room of the residence. I read DAY his Miranda rights. DAY told me he understood. DAY stated the following in summary.

DAY stated he has a medical marijuana recommendation letter and smokes approximately one ounce a day. DAY stated he was told by Judge Mark Bossenecker that he could smoke as much as he wanted too. DAY told me that he smoked marijuana every five minutes all day. I asked DAY who was the third card holder in the residence and he state it was Richard Alexander. I asked how I could get a hold of Richard Alexander and DAY told me he did not want to answer any more questions. I seized all further questions; however DAY continued to curse at Detectives inside the residence.

Richard Munson is the subject who is in intensive care at John Muir Medical Center and not available for interview.

Based on the marijuana drying and processed located in the residence, it was considered to be sufficient for the needs of the three cardholders from the residence, and in the interest of justice, we left the residence and left the marijuana at the residence.

On 10-2-2013 Det. Cerna downloaded the photographs onto a CD, and handed me the CD. I downloaded the audio interview onto a CD. I booked both CD's into Napa Sheriffs Office evidence locker number 26.

This is an informational report only.

Disposition:

Case closed.

Evidence:

- 1-1 CD photos taken of the residence.
- 1-2 CD Audio interviews

Agency:  
Napa Special Investigations Bureau

## Incident/Investigation Report

Case Number: NC2013-00144

Date: 07/30/2014 15:43:51

### Notes/Continuation





**Incident/Investigation Report**

Agency: Napa Special Investigations Bureau      Case Number: NC2013-00144      Date: 07/30/2014 15:43:52

**Supplement Information**

Supplement Date	Supplement Type	Supplement Officer
07/08/2014 13:44:19	AUDIT CONTROL LOG	(250271) MORRIS, REBECCA
Contact Name		Supervising Officer
		(250271) MORRIS, REBECCA

**Supplement Notes**

7/8/14 COPY PROVIDED TO CAPT PIKE rlm

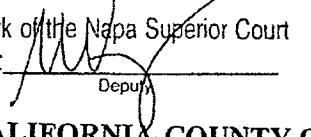
Gay Lieberstein  
Napa County District Attorney  
931 Parkway Mall  
Napa, California 94559  
(707) 253-4211

NC 2013-144

**FILED**

OCT 15 2013

Clerk of the Napa Superior Court

By:   
Deputy

Search Warrant No. 13-224

STATE OF CALIFORNIA-COUNTY OF NAPA  
SEARCH WARRANT AND AFFIDAVIT

(AFFIDAVIT)

Bill McGlothern, being sworn, says that the facts in support of the search warrant are contained in the attached **STATEMENT OF PROBABLE CAUSE**, which is incorporated herein by reference as if fully set forth herein. Wherefore, your Affiant requests that a Search Warrant be issued for the seizure of said property or any part thereof, at any time of the day, good cause therefore having been shown.

Subscribed and sworn to as the truth and factual content of the Statement of Probable Cause.



NIGHT SERVICE REQUESTED YES [ ] NO [X]

(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY OF NAPA: Proof by affidavit having been made before me by Bill McGlothern, that there is probable cause to believe, and does believe, that the property described herein, may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524, as indicated below by "X"(s) in that it:

\_\_\_\_\_ was stolen or embezzled,

X was used as a means of committing a felony,

X is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.

1 **YOU ARE THEREFORE COMMANDED TO SEARCH:**

2 **THE PREMISES: 218 Landana St, American Canyon, Ca.**

3 218 Landana St, American Canyon, Ca. is a single story residence, gray in color with a tan roof the  
4 residence can be seen in the below picture-refer to photos. To include all rooms, basements, attics,  
5 safes, trailers, travel trailers, storage containers/areas. Surrounding grounds, garages, driveways and  
6 outbuildings assigned to, or part of the premises and all containers, including garbage that could  
7 contain the items sought.



1 **THE FOLLOWING PROPERTY:** Marijuana under cultivation, Marijuana, cannabis- concentrated or in the  
2 form of food or candies, along with related paraphernalia associated with cultivation, its ingestion, sales,  
3 transportation, **including by way of example and not by way of limitation;** plastic bags, scales and other  
4 measuring devices, buyers lists, sellers list, recordation of sales, books and pamphlets containing instructions  
5 on cultivation, personal telephone books, address books, telephone bills, papers and documents containing lists  
6 of names, addresses, phone numbers, utility company receipts, rent receipts, addressed envelopes, keys and  
7 photographs, vehicle registration cards, driver's licenses, business records, personal business records, personal  
8 computer records, computer discs, software, printouts and computer generated records, passports, safety deposit  
9 keys and/or receipts, storage keys, rent receipts and/or receipts tending to establish the identity of persons in  
10 control of the premises and containers they are kept in, such as drawers, cabinets, safes, boxes, etc. Agents are  
11 permitted to answer incoming telephone calls in an undercover capacity, without revealing their true identity.

12 Money, negotiable, instruments, securities, and other items of value which are forfeitable  
13 under Health and Safety Code §11470 and §11488, and if found, the same or any part thereof, to hold  
14 such property in our possession under Health and Safety Code §11470, or to release the property to  
15 the appropriate agency for state or federal forfeiture proceedings.

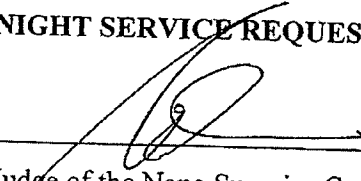
16 Your Affiant seeks permission to search the contents of seized computers, cell phones, video  
17 and/or digital cameras, voice recorders, pagers, personal data assistants, telephone recorders, computer  
18 flash drives, diskettes, CDs, electronic type tapes, digital memory devices or components for evidence  
19 of drug contacts, drug sales, and drug distribution. Your Affiant believes that evidence of felonies can  
20 and will be found within those electronic/digital components and/or media storage containers.

21 Your Affiant further asks that the search of electronic/digital components and/or media storage  
22 containers be conducted on scene in identifying ongoing criminal activity. However, additional  
23 equipment needed to enter into such electronic/digital components and/or media storage containers  
24 may not be available at the time of the service of said search warrant. Your Affiants may have to  
25 remove said items to a secure environment. As a result of; and due to the complexity of the  
technology the search may require consulting experts to defeat passwords and encryptions which may  
extend beyond ten days after seizure of said components and containers.

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**AND TO SEIZE IT IF FOUND**, and bring it forthwith before me, or this Court, at the Courthouse of this Court. This Search Warrant and incorporated Affidavit was sworn to and subscribed before me this 25<sup>th</sup> day of Sept, 2013, at 8<sup>25</sup> **(A.M./P.M.)**. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

**NIGHT SERVICE REQUESTED**      YES  NO

  
\_\_\_\_\_  
Judge of the Napa Superior Courts

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## STATEMENT OF PROBABLE CAUSE

Your Affiant, Bill McGlothern, is a Deputy Sheriff employed by the Napa County Sheriff's Department for the past thirty (30) years. I am currently assigned to the Napa Special Investigations Bureau (N.S.I.B.) as a narcotics investigator (since Sept 2011). I am assigned investigations relating to crimes involving drugs and narcotics, which occur within the County of Napa and other Counties within the State of California. During my employment with the Napa County Sheriff's Department I have been assigned to the Patrol, Civil, Marine Operations and Investigation Divisions, along with three (3) previous assignments to Narcotics (N.S.I.B.).

I graduated from a California Peace Officer Standards Training Academy at Santa Rosa Junior College in 1983. I have in excess of 1650hrs of training which includes numerous P.O.S.T. certified courses & in service training that involved criminal investigation procedures. Including basic narcotics investigations, search warrants, informant development, marijuana cultivation & aerial observations and eradication, clandestine laboratory, drug trafficker, drug recognition, vehicle theft investigations, homicide & violent crimes, property/computer crimes.

As a Deputy Sheriff, I have been involved in numerous narcotic related investigations, including obtaining information from confidential informants, which has led to the seizure of narcotics and narcotics paraphernalia. I have also obtained information through narcotics violators that has been used to assist in obtaining search warrants. I have interviewed numerous confidential informants. I have learned information regarding the means by which they use, possess, sell, package, transport and distribute narcotics, including methamphetamine, cocaine, marijuana and other illicit/prescription drugs. Over the past thirty (30) years, I have been involved in hundreds of narcotic related investigations/arrest, along with assisting in or wrote numerous search warrants regarding the cultivation, possession, possession for sale and sales of narcotics. I have participated in the California Department of Justice (DOJ) Campaign Against Marijuana Planting (CAMP) program for seven years and have eradicated thousands of growing Marijuana plants in both indoor and outdoor grows. I have attended Camp training conferences which included courses on "medical marijuana" laws. In May 1988, I attended a 40hr Aerial Observation School hosted by the DEA in which I received training in spotting growing marijuana from an aerial platform. I have spotted no less than fifty thousand growing marijuana plants from aerial platforms including helicopters and airplanes.

1 On 9-12-13 I was doing over flight operations in the Napa County area, flying in a rotary winged  
2 aircraft above 500ft, when I observed marijuana under cultivation at a residence which was later  
3 identified as 218 Landana St, American Canyon, Ca. I could see approximately 15+ marijuana plants  
4 under cultivation in the rear yard of the residence.

5 This location was marked with mobile GPS and then compared to the Napa County GIS and  
6 I identified the parcel as, 218 Landana St, American Canyon, Ca. It is owned by Richard Munson.

7 I checked I/LEADS (a local law enforcement database) for 218 Landana St, American Canyon, Ca. .  
8 Contacts at the residence, indicate the current resident is unknown.

9 The size and number of marijuana plants located, directly correlate to the yield produced, which  
10 allows a cultivator to sell the harvest for monetary gain.

11 Based on the totality of the information, I believe that was Marijuana is being cultivated/possessed for  
12 sale at 218 Landana St, American Canyon, Ca.

13 Based on training and experience, your affiant knows that Marijuana dealers commonly keep a  
14 supply of Marijuana on hand for immediate sale. Marijuana dealers commonly keep their supply of  
15 Marijuana on their person, in their vehicles, garages, carports, outbuildings, storage areas, sheds and  
16 trash containers assigned to their residence or business. Your affiant also know that Marijuana dealers  
17 will sometimes keep their supply of Marijuana in yard areas surrounding their business where they  
will hide the Marijuana or otherwise attempting to conceal its presence.

18 Based on the previously described training and experience, your affiant knows that Marijuana  
19 dealers will package their Marijuana at their residence and/or business in such things as plastic zip  
20 lock baggies, plastic sandwich baggies of various sizes, and other varieties of plastic packaging, which  
21 can then be vacuum sealed for preservation and to avoid detection. Prior to packaging the Marijuana,  
dealers will sometimes weigh the Marijuana out on scales other than bathroom scales.

22 Based on training and experience, your affiant knows that people who sell and/or cultivate  
23 Marijuana frequently keep records of transactions such as would be kept by a legitimate business  
24 person engaged in the sale of legitimate goods. Such records include, but are not limited to, customer  
25



1 lists, price lists, seller lists and papers bearing notations of various quantities of Marijuana, with dates  
and/or amounts of money owed.

2 Based on training and experience, your affiant knows that occupants of dwellings and/or  
3 businesses usually receive correspondence addressed to the occupants at that particular dwelling  
4 and/or business. The correspondence usually includes, but is not limited to, canceled mail envelopes,  
5 personal identification cards and papers, photographs, rent receipts, and utility company bills. In  
6 addition, your affiant knows that other evidence of ownership and control of dwellings and/or  
7 businesses can usually be found on the occupants of those dwellings and/or businesses and may  
8 include, but is not limited to, keys and photographic identification documents with names and  
addresses on them. Additionally, drug dealers frequently keep large sums of money on hand from the  
profits they make on the sale of their drugs, and to use for the purchase of further drugs.

9 Your affiant also knows based on previously described training and expertise that those who  
10 are engaged in the sale of controlled substances commonly have a difficult time accounting for the  
11 large sums of money found at their residences and/or businesses and under their control. Your affiant  
12 knows that by looking at such items as bank statements, canceled checks, credit caRd receipts,  
insurance receipts, rent receipts and tax returns, it becomes fairly easy to trace moneys seized during  
the execution of search warrants to illegal sources of income such as drug sales.

13 Based on training and experience, your affiant knows that Marijuana cultivators and dealers  
14 often use their cellular/residence and/or business telephones to facilitate their drug trafficking. Your  
15 affiant knows that while participating in the service of search warrants, officers have answered  
16 telephones and that many of the incoming phone calls have involved discussions of drug transactions  
17 or potential drug transactions. This is especially true when the callers are unaware of the fact that the  
18 person answering the telephone is a police officer. Your affiant also believes that these calls  
19 constitute evidence that the persons residing at the premises to be searched are involved in drug  
20 trafficking activity. Your affiant is aware of the fact that drug dealers sometimes have telephone  
21 answering machines. Your affiant knows from training and expertise, as well as discussions with  
other police officers, that sometimes these answering machines contain recorded phone calls from  
potential customers who are attempting to place orders with the drug dealer. Along with Cellular  
phones and their contents can aid law enforcement in identifying sources, co-conspirators, customers.

22 Your Affiant knows that computers, cell phones, video and/or digital cameras, voice recorders,  
23 pagers, personal data assistants, telephone recorders, computer flash drives, diskettes, CDs, electronic  
type tapes, digital memory devices or components contain evidence of drug contacts, drug sales, and

1 drug distribution. Your Affiant believes that evidence of felonies can and will be found within those  
2 electronic/digital components and/or media storage containers.

3 Your Affiant further asks that the search of electronic/digital components and/or media storage  
4 containers be conducted on scene in identifying ongoing criminal activity. However, additional  
5 equipment needed to enter into such electronic/digital components and/or media storage containers  
6 may not be available at the time of the service of said search warrant. Your Affiants may have to  
7 remove said items to a secure environment. As a result of; and due to the complexity of the  
8 technology the search may require consulting experts to defeat passwords and encryptions which may  
9 extend beyond ten days after seizure of said components and containers.

10 Based on training and experience, your affiant knows that large sums of cash and/or other  
11 valuable property are often found on a suspect's person or in their vehicles, residences, and  
12 businesses. Your affiant requests that all such moneys or property, seized under the order of this  
13 search warrant pursuant to Penal Code section 1536, and which are determined to be proceeds of drug  
14 sales, or determined to have been intended to be used to facilitate such drugs sales, be allowed to be  
15 seized under authority of sections 11470 and 11488 of the Health and Safety Code; and therefore be  
16 released from evidence, into the custody and control of the appropriate Law Enforcement agency  
17 pending adjudication of forfeiture proceedings. Your affiant further requests that any seized moneys  
18 and monetary instruments may be placed into an interest bearing trust account of such appropriate  
19 Law Enforcement agency pending adjudication of forfeiture proceedings.

20 Based on training and experience, I know that people who possess or claim to possess medical  
21 marijuana cards cultivate and sell marijuana outside of the law or intent of California's medical  
22 marijuana laws, including the Compassionate Use Act and Medical Marijuana Program. Marijuana is  
23 a product that can be grown indoors or outdoors and sold for a considerable profit. Marijuana is most  
24 often purchased and sold for cash. I know people extract tetrahydrocannabinol (THC), the main  
25 psychoactive substance in cannabis (marijuana), and use it in food and candy products.

Based on training and experience, I know People who claim to be part of "medical marijuana  
collectives" often make duplicate medical marijuana recommendations and post them at separate  
marijuana grows. If one grow is discovered by law enforcement it appears the marijuana is reasonable  
for personal or collective use. Once more or all of the individual or group's marijuana grows are  
discovered, it becomes apparent the amount of marijuana being produced or possessed is for profit,  
not "compassion" or medicine. Once a person is making a substantial profit from selling marijuana,