

UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION
Hearing

IN THE MATTER OF:	:	DEA Docket No.
	:	1362
Schedules of Controlled	:	
Substances: Proposed	:	Hearing Docket No:
Rescheduling of Marijuana	:	26-96
	:	

Wednesday,
July 15, 2026

700 Army Navy Drive
Arlington, Virginia

The above-entitled matter came on for
hearing, pursuant to notice, at 9:00 a.m. EDT

BEFORE: THE HONORABLE DEREK C. JULIUS,
Chief Administrative Law Judge

1 APPEARANCES:

2 On Behalf of the Government:

3 JARRETT T. LONICH, ESQ.
4 DAVID C. MALEY, ESQ.
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14 On Behalf of Smart Approaches to Marijuana:

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21 [REDACTED]
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23 On Behalf of the States of Nebraska, Idaho,
24 and Indiana:

25 CHASE T. HARRINGTON, ESQ.
JOHN M. MCNICHOLS, ESQ.
T. ZACHARY HORTON, ESQ.
Torridon Law PLLC
[REDACTED]
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26 ALSO PRESENT:

27 GRAYSON E. PHILLIPS, ESQ., Law Clerk
28 DECLAN HURLEY, Torridon Law summer associate

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WITNESS	DIR	CROSS	REDIR	RECROSS
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Deepak D'Souza				
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By Mr. Lonich		2369		
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By Mr. Harrington			2379	
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William Honsal				
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By Mr. Horton	2389, 2437		2494	
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By Mr. Maley		2490		
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EXHIBITS			MARK	REC'D
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Opposed States				
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22 Witness CV			2388	
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23 Slide Deck			2437	2437
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1 P-R-O-C-E-E-D-I-N-G-S

2 9:01 a.m.

3 JUDGE JULIUS: We are on the record.
4 Today is July 15, 2026. This is day 11 in the
5 matter of Schedules of Controlled Substances,
6 Proposed Rescheduling of Marijuana Hearing
7 Docket No. 26-96, DEA Docket 1362. First order
8 of business will be to state appearances for
9 today. Mr. Lonich on behalf of the government,
10 who do we have?

11 MR. LONICH: Yes, Your Honor. For the
12 government, Jar~~rett~~ Lonich, David Maley, Alexis
13 Attanasio, and Kayla Kreinheder.

14 JUDGE JULIUS: Welcome, Counsel. And
15 on behalf of the Opposed States?

16 MR. ~~McNICHOLS~~HARRINGTON: Chase Harrington and
17 John McNichols on behalf of the Opposed States, Your
18 Honor, accompanied by Declan Hurley and
19 Yousef Yac~~q~~ub (Phonetic.) with my law firm.

20 JUDGE JULIUS: Welcome, Counsel. And
21 on behalf of Smart Approaches to Marijuana?

22 MR. ~~McNICHOLS~~HARRINGTON: Also Chase Harrington
23 and John McNichols, Your Honor. And I'll note
24 that Zach Horton is also here on behalf of the
25 Opposed States. He happens to be out of the

1 courtroom at this exact moment, but he'll be
2 here shortly.

3 JUDGE JULIUS: Understood. Thank you,
4 Counsel. So that leaves the other interested
5 parties who noticed prior to today's hearing
6 that they would not be present. DUI-D Victim
7 Voices, Dr. Finn, MD, Tennessee Bureau of
8 Investigation, Dr. Phillip Drum, PharmD, and the
9 National Drug and Alcohol Screening Association
10 not present or not having counsel present.
11 Anyone here on behalf of those organizations?
12 Okay. Sounds good.

13 Yesterday, before we adjourned, we had
14 finished the direct testimony of Dr. D'Souza, I
15 believe. Any other preliminary matters before
16 we resume today with the cross-examination by
17 the government?

18 MR. LONICH: Nothing for the
19 government, Your Honor.

20 MR. ~~McNICHOLS~~HARRINGTON: Nothing from us,
21 Your Honor.

22 JUDGE JULIUS: Thank you so much. Do
23 we have Dr. D'Souza on the audio-video? Okay.
24 Government Counsel, whoever's handling the
25 cross-examination, if you could feel free to

1 take the podium.

2 MR. LONICH: Yes, Your Honor.

3 JUDGE JULIUS: Once we get Dr. D'Souza
4 on the screen and I remind him that he's under
5 oath, we can get underway with cross-
6 examination. Good morning, Dr. D'Souza. Can
7 you hear us? Looks like you may be muted.

8 THE WITNESS: Good morning, Your Honor.
9 I am having a hard time hearing you. I'm
10 trying to turn up the volume.

11 JUDGE JULIUS: Okay.

12 THE WITNESS: Can you hear me clearly?

13 JUDGE JULIUS: We can hear you
14 clearly. I just want to make sure that you can
15 hear us clearly as well.

16 THE WITNESS: It's a bit low, but I'll
17 do my best.

18 JUDGE JULIUS: Is there a way to turn
19 up the volume on your end, or is it maxed out
20 already?

21 THE WITNESS: I did. I did turn it up.
22 But I think if I can't hear something, I'll ask
23 for it to be repeated.

24 JUDGE JULIUS: Thank you very much.
25 And just as a reminder, sir, you are still under

1 oath from the oath you took yesterday to tell
2 the truth, the whole truth, and nothing but the
3 truth. Do you understand?

4 THE WITNESS: Yes, I do.

5 JUDGE JULIUS: Thank you very much,
6 sir. It'll be especially important that you're
7 able to hear Mr. Lonich. So Mr. Lonich, do you
8 want to test your mic and make sure he can hear
9 you?

10 MR. LONICH: Yes, sir. Can you hear
11 me? Are you able to hear this, sir?

12 THE WITNESS: Yes, I can.

13 MR. LONICH: Okay.

14 JUDGE JULIUS: Okay. And again, sir,
15 if you don't hear something, please let us know.
16 We want to make sure that you hear the question
17 and that you're responding to the question
18 asked, okay?

19 THE WITNESS: Okay. Thank you.

20 JUDGE JULIUS: Thank you. Mr. Lonich,
21 cross-examination whenever you're ready.

22 CROSS-EXAMINATION

23 MR. LONICH: Yes, Your Honor. Thank
24 you. Good morning, Doctor. Can you still hear
25 me?

1 THE WITNESS: Yes.

2 BY MR. LONICH:

3 Q All right. Doctor, I know you were
4 asked this yesterday, but just to repeat since
5 we had a break, have you been provided or
6 reviewed any of the transcripts of the
7 proceedings thus far?

8 A Have I been provided the transcripts of
9 the proceedings?

10 Q Yes, or have you reviewed them?

11 A Sorry, which proceedings?

12 Q The ones that we're currently in.
13 There have been transcripts that have been put
14 out to the parties. Have you received those?
15 Have you reviewed them prior to your testimony
16 today?

17 A No.

18 Q Now, Doctor, I'm going to ask you some
19 questions about your testimony yesterday, so I'm
20 going to have -- if you can't recall something,
21 just let me know and we'll try to work through
22 it best we can. But yesterday during direct
23 examination, you were asked about the currently
24 accepted medical use of marijuana. Do you
25 recall that?

1 A Correct.

2 Q Okay. But as you stated, your opinions
3 are primarily limited to the practice of
4 psychiatry. Is that correct?

5 A Yes.

6 Q But nevertheless, you would agree with
7 me that there are studies that support
8 marijuana's medical use for certain conditions,
9 correct?

10 A Not for psychiatric conditions, that's
11 for sure.

12 Q Correct. But outside of psychiatric
13 conditions, there are studies and there are
14 results, conclusions that support marijuana's
15 use in medical settings, correct?

16 A No, I wouldn't agree with that. I
17 would refer you to the most recent JAMA review.
18 Not my review, but the review by Dr. Kevin
19 Hill. I think it may have been one of the
20 articles that have been in that list. And that
21 review concluded that at the present time, at
22 least, the evidence supporting the efficacy of
23 cannabis and cannabinoids is fairly limited.

24 Q Okay. Sir, yesterday you testified
25 that you've published approximately 200 plus

1 articles or journals, things of that nature. Is
2 that correct?

3 A Correct.

4 Q You published an article titled
5 Marijuana Legalization: Impact on Physicians
6 and Public Health. Do you recall that?

7 A Yes, I do.

8 Q All right. In that, you cited there is
9 evidence for legitimate medical use of marijuana
10 or cannabinoids in limited few indications, most
11 notably nausea and vomiting related to
12 chemotherapy and neuropathic pain. Is that
13 correct?

14 A That is correct, but the distinction
15 there is that I'm referring to isolated
16 cannabinoids, which is THC. As you know, THC is
17 approved by the FDA for the treatment of
18 chemotherapy-induced nausea and vomiting,
19 cachexia associated with AIDS, spasticity in
20 multiple sclerosis, and one more indication.
21 But that's not marijuana. That's isolated THC.

22 Q Sir, I want to move on. You also
23 testified that in your practice of psychiatry,
24 you treat approximately 2,500 patients a year.
25 Is that accurate?

1 A I'm responsible for approximately 2,500
2 patients.

3 Q Okay.

4 A In my clinic. I don't see each of them
5 individually, but I'm ultimately responsible for
6 them, and I attend to them through trainees,
7 through APRNs, through psychologists and other
8 psychiatrists.

9 Q Okay. That's fair. Is it safe to say
10 that you're familiar with, in your practice of
11 psychiatry, with benzodiazepines?

12 A Yes, I am.

13 Q Okay. And that's commonly referred to
14 as a benzo. Is that correct?

15 A Yeah.

16 Q Okay.

17 A Yes.

18 Q And those are controlled substances?

19 A I'm sorry, I missed the last part of
20 what you said.

21 Q Excuse me. Benzodiazepines are
22 controlled substances, correct?

23 A Controlled substances, yes.

24 Q Okay. And they have an abuse
25 potential, correct?

1 A Yes, they do.

2 Q And benzodiazepines, when taken in
3 combination with alcohol or opioids, they can
4 have dangerous effects on a patient, correct?

5 A Correct.

6 Q All right. And with long-term
7 benzodiazepine use, a person coming off of that
8 they can suffer from withdrawal symptoms.

9 A Correct.

10 Q And some of those withdrawal symptoms
11 are irritability, restlessness.

12 A Yes.

13 Q Restlessness.

14 A Yes.

15 Q Okay. But an individual coming off of
16 benzodiazepines, they can also suffers from
17 seizures, correct?

18 A Correct.

19 Q They can have suicidal ideations.

20 A That I'm not so sure about.

21 Q They can have hallucinations.

22 A Rarely, yes.

23 Q Okay and these withdrawal symptoms, if
24 left untreated, could result in severe harm to
25 the patient. Is that accurate?

1 A Not necessarily. They are often self-
2 limiting. It all depends on how quick the taper
3 has been.

4 Q Sir, I want to focus on -- the bulk of
5 your testimony yesterday focused on marijuana
6 and mental health issues and psychosis. Is that
7 fair to say?

8 A Yes.

9 Q All right. And you spoke in depth
10 about marijuana's impact on the brain.

11 A Correct.

12 Q And that marijuana use could lead to
13 certain mental health disorders, and it's more
14 prevalent in individuals with preexisting
15 conditions. Is that fair?

16 A I did not testify that, but yes, that
17 is the case that people who are at risk for
18 mental illness may be at greater risk for harm
19 from using cannabis. The problem is that at the
20 present time, we don't have a good way of
21 identifying who has a preexisting risk. Most
22 psychiatric disorders, we believe there's a
23 genetic risk that that makes them more
24 vulnerable to these conditions. But we don't
25 have tests right now that can identify whether

1 someone has those pattern of genes that would
2 confer a higher risk. The only way that, right
3 now, that we can identify someone who's at
4 higher risk is if they have a family member
5 with, say, schizophrenia. They are more likely
6 to develop schizophrenia themselves. But that
7 is not exactly precision medicine.

8 Q And sir, the things that you testified
9 to yesterday regarding, you know, these mental
10 health and psychosis, that is a potential result
11 of marijuana use, but it's not the expected
12 result. Is that fair to say?

13 A Yes.

14 Q Okay. And at your testimony yesterday,
15 you wanted to let the tribunal know that not
16 everyone who ingests marijuana will have mental
17 health issues, correct?

18 A Correct. Absolutely correct.

19 Q But it's more accurate to say that most
20 people who consume or ingest marijuana will not
21 have mental health or psychosis, correct?

22 A Most people will not have psychosis,
23 you're correct. But I just want to add some
24 nuance to that and that is that as we've seen
25 the potency of cannabis increasing over the last

1 couple of decades, and we are seeing products
2 that have very high THC content, we do seem to
3 be noting an increase in the rates of psychosis.

4 And so that's really important to kind of keep
5 in mind.

6 Q Yes, sir. Sir, in your current role,
7 you do a lot of speaking engagements. Is that
8 fair to say?

9 A Not necessarily. I think most of the
10 speaking engagements that I'm involved in are
11 the universities who call me to give grand
12 rounds presentations.

13 Q But --

14 A And occasionally, I'm invited by folks
15 in the community to speak about marijuana.

16 Q Yes, sir. And I apologize, I should be
17 a little bit more accurate in my question. You
18 do speaking events, you do podcasts, you sit
19 down for news interviews, things of that nature.

20 That's not uncommon in your current role,
21 correct?

22 A Not uncommon.

23 Q And one of the publications that you
24 meet with is actually at Yale, the Yale News.
25 Is that fair?

1 A I'm sorry. Can you repeat that?

2 Q Yeah. One of the publications, one of
3 the news outlets that you meet with, is on
4 Yale's campus, where you work. It's the Yale
5 News.

6 A Yes.

7 Q Correct.

8 A Yes.

9 Q And in January/February timeframe of
10 this year, you sat down and did an interview
11 with them. Do you recall that?

12 A Yes.

13 Q And in that interview, you went through
14 everything that you testified to yesterday about
15 mental health issues and psychosis, which
16 prompted the interviewer to say, you know,
17 cannabis poses a real danger to people with
18 serious mental health issues. But what about
19 the population at large, healthy adult
20 individuals? You responded to that question,
21 that's a great question. The overwhelming
22 majority of people who use cannabis use it in
23 moderation, and most do not experience negative
24 consequences. I want to be very clear about
25 that. Most people will not have any negative

1 experience. Is that accurate?

2 A Yes, that's accurate.

3 Q All right, sir. I really appreciate
4 your time, and that's all I have. Thank you.

5 A Okay.

6 JUDGE JULIUS: Thank you, Mr. Lonich.
7 Mr. Harrington, redirect?

8 REDIRECT EXAMINATION

9 MR. HARRINGTON: Good morning, Dr.
10 D'Souza. Can you hear me all right?

11 THE WITNESS: Just about. Yes.

12 BY MR. HARRINGTON:

13 Q Okay. I'll try to speak clearly and
14 loudly into the microphone. I want to talk to
15 you first about benzodiazepines. Do
16 benzodiazepines have a currently accepted
17 medical use?

18 A Yes, they do.

19 Q Do they have a standardized dose?

20 A Yes, they do.

21 Q Is it a chemically uniform drug
22 product?

23 A Yes.

24 Q Is it a pharmaceutical grade
25 standardized product?

1 A Yes.

2 Q Are there lots of clinical trials
3 supporting efficacy in that dosage and with that
4 product?

5 A Yes.

6 Q I also want to talk to you about the
7 effects marijuana has on the brain. You
8 testified yesterday, I believe, that 3 in 10
9 individuals who use marijuana can develop
10 cannabis use disorder.

11 A Correct.

12 Q How would you describe the
13 addictiveness of marijuana compared to other
14 controlled substances?

15 A I'm sorry I missed the last part.
16 Other?

17 Q Other controlled substances.

18 MR. LONICH: Objection.

19 JUDGE JULIUS: Hold on, Dr. D'Souza.
20 We have an objection.

21 MR. HARRINGTON: Oh, I'm sorry.

22 MR. LONICH: I believe it's outside the
23 scope of my cross. I didn't ask anything about
24 addiction tendencies.

25 JUDGE JULIUS: It does seem to be

1 outside the scope of cross. Do you have a
2 response?

3 MR. HARRINGTON: The cross-examination
4 was about how the overwhelming majority of
5 people don't experience negative consequences.
6 He also brought up how most people will not go
7 into psychosis. So if he's going to elicit
8 testimony about what happens to a majority of
9 people, I want to still contextualize that with
10 respect happens to some of the people.

11 MR. LONICH: Your Honor, the cross was
12 very tight on mental health issues. I didn't go
13 into addiction. I asked about the mental health
14 and psychosis.

15 MR. HARRINGTON: If I could briefly be
16 heard, Your Honor.

17 JUDGE JULIUS: Sure.

18 MR. HARRINGTON: CUD is a mental health
19 disorder. It's in the DSM as the doctor
20 testified yesterday.

21 JUDGE JULIUS: Anything further, Mr.
22 Lonich?

23 MR. LONICH: I don't.

24 JUDGE JULIUS: I'll allow the question.
25 Overruled. It is within the scope of mental

1 illness. Go ahead.

2 MR. HARRINGTON: Thank you, Your Honor.

3 Doctor, I want to repeat that last question.
4 How would you assess the addictive potential of
5 marijuana compared to other illicit substances?

6 THE WITNESS: Can you can be -- can
7 you, you know, there are many drugs that have
8 addictive potential. Many. And so it would be
9 hard for me to compare to all those drugs. But
10 perhaps you might mention a few that I -

11 BY MR. HARRINGTON:

12 Q Compare it to psilocybin, for example.

13 A Oh, compared to psilocybin. Oh, I see.
14 Compared to hallucinogens, I think I testified
15 this yesterday that cannabis has higher abuse
16 liability than the hallucinogens, which include
17 psilocybin, LSD, DMT, and mescaline.

18 Q How does a CUD diagnosis relate to
19 someone's risk for developing psychosis?

20 A Clearly, CUD would indicate that a
21 person is using large amounts and regularly
22 using cannabis, clearly that would confer a
23 higher risk for developing a psychotic disorder.

24 Q And how does cannabis-induced psychosis
25 serve as a risk factor for schizophrenia?

1 A So, in studies done in Finland and
2 Denmark, which, as you know, have excellent
3 registries, and, unlike us, everyone as
4 healthcare. They're able to track people from
5 the time they're born until they die and have
6 all their health information.

7 In studies done in those countries,
8 they found that if an individual is diagnosed
9 with cannabis-induced psychosis, within 3 to 10
10 years, 50 to 75 percent of them are re-diagnosed
11 with schizophrenia, suggesting that if you
12 experience psychosis related to cannabis, that
13 may be a harbinger of a longer, chronic, and
14 lifelong illness that we currently call
15 schizophrenia.

16 Q How do you know it's a harbinger of
17 schizophrenia?

18 A Because 50 to 75 percent of those
19 people were then re-diagnosed in the ensuing
20 years with a diagnosis of schizophrenia.

21 MR. HARRINGTON: Your Honor, if I could
22 just have a moment to confer with my colleague,
23 I'll be right back.

24 JUDGE JULIUS: Of course.

25 MR. HARRINGTON: We have no further

1 questions for Dr. D'Souza, Your Honor. Dr.
2 D'Souza, thank you for your testimony here this
3 morning.

4 THE WITNESS: Thank you.

5 JUDGE JULIUS: Thank you, Mr.
6 Harrington. And thank you again, Dr. D'Souza,
7 for your testimony. At this time you're
8 excused, and you're free to log off and go about
9 your day, sir.

10 THE WITNESS: Thank you.

11 JUDGE JULIUS: Thank you again. Be
12 well. Mr. Harrington, would you like to call
13 your next witness?

14 MR. HARRINGTON: We would like to call
15 our next witness, Your Honor. I want to make
16 sure that he's in the building and he's here
17 because he was, I think, scheduled to testify at
18 10:30. So if we could maybe take a five-minute
19 recess?

20 JUDGE JULIUS: Sure.

21 MR. HARRINGTON: Would that be all right
22 to allow us to track him down? Thank you very
23 much.

24 JUDGE JULIUS: Sure. Let's plan to
25 take a five-minute recess. Just keep court

1 staff --

2 MR. HARRINGTON: Yeah.

3 JUDGE JULIUS: Advised of what's going
4 on.

5 MR. HARRINGTON: And we'll keep you
6 appraised as to where he is, and if we need more
7 time, I'll let you know.

8 JUDGE JULIUS: Sounds good.

9 MR. HARRINGTON: All right.

10 JUDGE JULIUS: We'll be in recess for
11 at least five minutes.

12 (Whereupon, the above-entitled matter
13 went off the record at 9:21 a.m. and resumed at
14 9:37 a.m.)

15 JUDGE JULIUS: Mr. Harrington, are you
16 ready to call him?

17 MR. HARRINGTON: Yes, he is, Your
18 Honor. The States would like to call for our
19 next witness, Sheriff William Honsal.

20 JUDGE JULIUS: Okay.

21 SHERIFF HONSAL: Good morning.

22 JUDGE JULIUS: Good morning, sir.

23 MR. HARRINGTON: Good morning, sir.

24 JUDGE JULIUS: Before you have a seat,
25 if I could ask you to please raise your right

1 hand if you're able.

2 WHEREUPON,

3 WILLIAM F. HONSAL

4 was called as a witness by Counsel for the
5 Opposed States and, having been first duly
6 sworn, assumed the witness stand, was examined
7 and testified as follows:

8 JUDGE JULIUS: Thank you so much. You
9 may be seated.

10 THE WITNESS: Thank you.

11 JUDGE JULIUS: And before we begin with
12 questions, I just want to give you a few quick
13 pointers, instructions about the process of
14 testifying to make sure our record is clear.
15 Please wait until the entire question is asked
16 before you begin your answer. Please pause for
17 a second or two before beginning your answer to
18 see if the question draws an objection.

19 If you hear the word "objection," just
20 pause, sit tight. I will address the objection,
21 and then I'll instruct you whether you should
22 answer the question or not. If you need
23 repetition of the question, feel free to ask for
24 repetition.

25 If at any time you get a question you

1 don't understand, please say that you don't
2 understand the question before you try to answer
3 it. We'll make sure the question is phrased in
4 a way that you do understand so that you can
5 answer. And if you go ahead and answer a
6 question without saying you don't understand it,
7 we'll assume you understood the question. Make
8 sense?

9 THE WITNESS: I understand.

10 JUDGE JULIUS: Sounds good.

11 THE WITNESS: Thank you.

12 MR. HORTON: Good morning, Your Honor.

13 JUDGE JULIUS: Mr. Horton.

14 MR. HORTON: Zach Horton for the
15 Opposed States. Good morning.

16 JUDGE JULIUS: Direct exam whenever
17 you're ready, sir.

18 MR. HORTON: Well, I have a couple of
19 preliminary housekeeping matters --

20 JUDGE JULIUS: Oh, sure.

21 MR. HORTON: -- if you don't mind. I
22 recently obtained the our witness's CV, and I
23 shared it with opposing counsel last night and
24 would like to proffer it as States Exhibit
25 Number 22 and move it into evidence,

1 understanding that there is no objection.

2 MR. MALEY: That is correct, Your
3 Honor.

4 JUDGE JULIUS: Okay. States Exhibit 22
5 will be admitted without objection.
6 (Whereupon, the above-referred to document was
7 marked as States Exhibit No. 22 for
8 identification.)

9 MR. HORTON: And as

10 JUDGE JULIUS: And can you give a copy
11 to Mr. Phillips, please? Thank you.

12 MR. HORTON: And as a second matter,
13 the Sheriff has some slides that he has used as
14 demonstratives, and we were we may refer to
15 them during this examination. The Government
16 has indicated no objection, and if we can boot
17 them up to have them at the ready, that would be
18 most convenient.

19 MR. MALEY: That is correct as well.

20 JUDGE JULIUS: Excellent. Mr.
21 Phillips, if you want to pull those slides up,
22 just have them ready.

23 Any other preliminary matters?

24 MR. HORTON: That is all.

25 JUDGE JULIUS: Excellent.

1 DIRECT EXAMINATION

2 BY MR. HORTON:

3 Q Good morning. Thank you for making the
4 trek out here, Sheriff. Could you please state
5 your full name for the record?

6 A My name is William Frederick Honsal, III.

7 Q And what is your current occupation?

8 A I am currently the Humboldt County Sheriff in
9 Northern California.

10 Q And about how long have you served as
11 sheriff?

12 A I have been sheriff since May of 2017.

13 Q So about eight years?

14 A Eight years.

15 Q And how long have you been in law
16 enforcement generally?

17 A I've been in law enforcement for 31
18 years.

19 Q Since approximately?

20 A June of 1995.

21 Q But who's counting?

22 A Yes.

23 Q Now, could you tell us why you went
24 into law enforcement?

25 A I went into law enforcement because --

1 I guess it was a part of my blood. My father
2 was in law enforcement. I grew up in a law
3 enforcement family. My grandfather was a, you
4 know, World War II pilot, and, you know, service
5 was always just a part of of who I was.

6 And it was also out of necessity
7 because I fell in love, and I needed a job. And
8 so that was, you know, something that I really
9 wanted to do. So I got married, got a job, and
10 and the rest is history.

11 Q And so what was that first job in law
12 enforcement?

13 A My first job in law enforcement was
14 with the City of Madera Police Department in
15 Central California, and that was in June of '95.

16 Q And what was your role there?

17 A I was a peace officer, and I was there
18 for approximately 18 months. And in that 18
19 months, I went through a field training program,
20 got my POST basic certificate, which is the
21 minimum standards after a year. After you
22 complete your all your training, you receive
23 your certification to be a peace officer
24 anywhere in the state.

25 I was also a field training officer

1 after a short time just being there, you know,
2 in that in that department.

3 Q What does it mean to be a field
4 training officer?

5 A A field training officer means that you
6 take a course that certifies you to train other
7 officers, and I was there to train new officers
8 that are hired off the street.

9 Q And did you serve as a SWAT team
10 leader?

11 A I did. It was in another department.
12 But but in the next department, I was a SWAT
13 team leader.

14 Q So what was your next career move after
15 after that?

16 A After Madera, I went to the Sunnyvale
17 Department of Public Safety, which is in the
18 heart of Silicon Valley. Sunnyvale is a unique
19 department. They do both police and fire. And
20 there I was a certified peace officer and also a
21 firefighter and an EMT. And there I was also a
22 field training officer. I was also a part of
23 their SWAT team and a SWAT team leader and
24 served various functions within the department.

25 Q And after your, I believe, five years

1 in Sunnyvale, what did you do?

2 A Next, my wife and I had a couple kids.

3 We were living in the Bay Area, and we decided
4 to move back to Humboldt County. We were both
5 raised in Humboldt County, and it's a great
6 place to raise a family. At that point in time,
7 we decided to to leave the Bay Area and
8 and choose a slower lifestyle in Humboldt
9 County. And we moved up there, and I got a job
10 at the Eureka Police Department.

11 Q And was that a a slow position or
12 did did you -- did they keep you busy? What
13 did you do?

14 A It's -- definitely. So Humboldt
15 County, though it may be small in size, it
16 definitely has a lot of action, and there's a
17 lot of of crime in Humboldt County and the
18 city of Eureka. You know, I served as a peace
19 officer, and that place definitely kept me busy.

20 Q So following your service as a peace
21 officer, what did you do between 2007 and 2013?

22 A Between 2007 and 2013, I took a
23 position with the District Attorney's Office as
24 a district attorney investigator. There I
25 served as, as you know, an investigator to help

1 trial prep but also interview witnesses and to
2 also investigate various crimes within the
3 county for the district attorney. I was a
4 felony crimes investigator. There I helped
5 solve homicides, investigated homicides, as well
6 as illicit marijuana.

7 Q And so then when did you become the
8 undersheriff of Humboldt County?

9 A I became the undersheriff of Humboldt
10 County in 2013. Then-Sheriff Mike Downey
11 decided to, I guess, open up the position to
12 outside and do an outside recruitment.
13 At that point in time, I applied, and I got the
14 position and was appointed, I believe, in
15 November of 2013.

16 Q And what did that service entail?

17 A So the undersheriff position is the
18 second in command of the sheriff's office.
19 It's, essentially, if you're breaking this down
20 as a as a business model, the sheriff is the
21 CEO, and the COO is the is the undersheriff.

22 So the undersheriff essentially runs all
23 operations. And at the sheriff's office,
24 there's a lot of responsibility. A lot of times
25 people just say it's just patrol operations.

1 They think deputy sheriff; that's patrolling out
2 in the field.

3 But we run a jail. We run the
4 coroner's office. We run our drug task force,
5 our civil division courts. Even animal control
6 is run by the sheriff's office.

7 So the COO, the undersheriff, you know,
8 makes sure that all those are operating in in
9 a fashion that the sheriff sets as far as
10 professionalism and through policy and
11 procedure.

12 Q Excellent. Now, over your career, what
13 kinds of professional certifications have you
14 earned?

15 A Well, I have a I have a bachelor's
16 degree. I went to school after, you know,
17 during during the time when I was a peace
18 officer and got my bachelor's degree. I went
19 through all the certifications through
20 through our POST, which is Police Officer
21 Standard and Training, which is essentially our
22 our basic, intermediate, advanced
23 certificates.

24 You get those through time and
25 education, as well as a supervisory certificate,

1 management certificate, and an executive
2 certificate. All those are -- you have to take
3 classes, education, and time in position in
4 order to receive that certification.

5 Q Do you have any any certifications
6 that relate to marijuana or drug abuse?

7 A Yes. Over the course of my career, you
8 know, 31 years in law enforcement, I've taken
9 various classes in regards to drug abuse, drug
10 abuse recognition. I have arrested people for,
11 you know, being under the influence, for drug
12 possession, drug sales, cultivating marijuana.

13 And one of those certifications is drug
14 abuse recognition. And also it's -- tied to it
15 as well is is Hispanic gang training as well.

16 All those things are tied to to, you know,
17 drugs and marijuana in the county.

18 Q What is the professional certification
19 for human and labor trafficking in marijuana?

20 A There there really is no
21 certification, but there are different trainings
22 that we do go to. And, you know, labor
23 trafficking and human trafficking has been one
24 of those those things that have come to the
25 to the -- really into view when it comes to

1 marijuana. And we've seen this over the couple
2 of years.

3 So we've been actually hosting classes
4 and also going to different classes and taking
5 online training regarding labor trafficking in
6 the marijuana industry and and how that has
7 become a major issue across the United States.

8 Q Now have you and your office had any
9 other informal trainings related to marijuana
10 with local growers?

11 A Yes. So being in Humboldt County, we
12 have the opportunity, especially through
13 legalization, ~~to is we~~ have a lot of open
14 conversations now. And being the elected
15 sheriff, I am going around to various parts of
16 our county and always talking to people. It's
17 part of my job.

18 And especially when we talked about the
19 county in 2015 going, you know, into
20 legalization in 2016, a lot of people had input
21 about how that should happen. And so I spoke
22 with a lot of, you know, illicit growers and a
23 lot of people that, you know, were were
24 trying to get legal and talk about how they
25 started and and what their what their

1 legacy was and what their history was.

2 We also talked to people after they've
3 been arrested and talked about how they got
4 their start. And as well as when this industry
5 became legal, legal growers like to come up to
6 us and talk to us, you know, about their past
7 and where they are now and how happy they are
8 that they are legal and and they don't have
9 to they don't have to fear law enforcement
10 coming on their property. And that has created
11 some some very unique relationships within
12 Northern California.

13 Also, we've had opportunity to actually
14 be a part of of taking what we call a
15 trimming class, where I had our whole marijuana
16 team sit down at a at a labor there's
17 there's farm labor, labor what do you call
18 it? There's people that provide farm labor to
19 marijuana growers on a part time basis, and a
20 part of what they do is they teach new people
21 that have never trimmed marijuana how to trim
22 marijuana in the legal in the legal industry.

23 And and so they sit down, and they
24 they talk to people that just are hardworking
25 people, and they say, "This is how you trim, and

1 and we're going to we're going to pay you
2 money to go to a legal farm to teach you how to
3 trim marijuana" because, as we know, this is a
4 very labor intensive, I guess, farming practice.

5 And and so this this team of people
6 decided that, you know, they would be open to us
7 going there to -- for us to learn how to trim
8 marijuana.

9 So our whole team went and went through
10 a trimming class and provided us the opportunity
11 to really understand, when it comes to labor,
12 how labor intensive trimming marijuana is.

13 Q So suffice to say, you understand this
14 industry very well.

15 A I do.

16 MR. HORTON: May I approach the
17 witness, please?

18 JUDGE JULIUS: Sure.

19 BY MR. HORTON:

20 Q Now, Sheriff, do you recognize this
21 document?

22 A Yes. This is a CV that I prepared.

23 Q And it's your updated updated CV?

24 A It is.

25 MR. HORTON: Very good. Just noting

1 for the record that we have already moved into
2 evidence States Exhibit 22.

3 BY MR. HORTON:

4 Q Now, Sheriff, what are your
5 responsibilities as sheriff?

6 A Being sheriff means I'm an elected
7 sheriff. It means that I'm beholden to the
8 people. Part of my responsibilities are to make
9 sure that I set policy and procedure for the
10 sheriff's office, making sure that I don't
11 know if we want to let that

12 JUDGE JULIUS: You can pause if you
13 want to allow for the emergency vehicle to pass.

14 THE WITNESS: There we go. Thank you.

15 So part of my responsibility is making
16 sure that our whole operation is running. I
17 have a \$65 million budget. I have 330
18 employees. I manage a 417 bed correctional
19 facility. I run a a jail farm which is for
20 people that are out of custody to serve credit
21 while, you know, being out of custody.

22 I have an animal shelter, a coroner's
23 office, Civil Division, a drug task force, a
24 marijuana enforcement team. We're in charge of
25 all search and rescue for our county. And it is

1 something that, again, all 330 employees plus
2 about 50 volunteers managing all those
3 personnel, all those all the people in in
4 a time where demand is at an all time high for
5 law enforcement, for public safety.

6 And especially -- we have a small rural
7 county as far as population, but it's very large
8 in geography, and trying to cover all that with
9 the limited resources we have can be quite
10 challenging.

11 BY MR. HORTON:

12 Q So you have to be a bit of a jack of
13 all trades, it sounds like.

14 A I do.

15 Q Now, could you tell me what is the
16 Marijuana Enforcement Team or MET?

17 A The Marijuana Enforcement Team is a
18 is a specialized team that I have that is
19 focused on illicit marijuana in our county. And
20 it is something that, unfortunately, I I wish
21 I didn't have to do, but it's something that I
22 must do in order to make sure that public safety
23 is adhered to.

24 We still have a lot of illicit grows
25 within our county. Marijuana still makes an

1 impact within our county, and so I have to
2 maintain a Marijuana Enforcement Team, which is
3 essentially right now a sergeant plus two
4 deputies. I just got another grant, so I get to
5 have an additional deputy. We also have an
6 evidence technician and a crime analyst that's
7 tied to our Marijuana Enforcement Team.

8 Q Why did you hire another person?

9 A Because the work is still there. The
10 work, despite legalization, is still very active
11 within our county. There is still illicit
12 marijuana that is being grown in our county, and
13 and all of Northern California is affected by
14 it.

15 Q Now on a day to day basis, does does
16 marijuana come up? How how often are you
17 seeing marijuana in your day to day?

18 A I mean, being sheriff, we have a lot of
19 different things on our plate. You know, it's
20 not something that that I experience every
21 day, but our Marijuana Enforcement Team is
22 constantly working on this. This is not
23 something that, again, it just pops up because a
24 complaint comes in. You know, we do have
25 complaints that come in, but also they're very

1 proactive.

2 We we are also reactive, which means
3 that, you know, as as people try and, let's
4 say, transport illegal marijuana out of our
5 county, out of our state, into another
6 jurisdiction, sometimes our residents or people
7 that grow marijuana here or transport marijuana
8 here get caught in the Midwest, let's say. And
9 then we get a phone call from a Midwest agency
10 saying they stopped a load car with this amount.

11 If they're tied back to this area in
12 Humboldt County, we do our research, find that
13 it's it's to a specific location, we'll do a
14 rollover search warrant to that location and,
15 you know, find evidence that, yeah, they are
16 trafficking marijuana from Humboldt County.

17 Q Is that what is called an interdiction
18 call?

19 A It is.

20 Q And because of these calls, do you
21 correspond frequently with law enforcement in
22 other jurisdictions?

23 A Unfortunately, we do. Yes. We get
24 phone calls, you know, from a wide variety of
25 jurisdictions talking about Humboldt County

1 marijuana being, you know, intercepted somewhere
2 across the United States.

3 Q Now, broadly speaking, what kinds of
4 crimes associated with marijuana do you see?

5 A We see all crimes associated with
6 marijuana. You know, just implicit, you know, I
7 mean, there's labor labor code violations for
8 people that are working, you know, on the
9 marijuana farms. There's environmental
10 violations for people that are violating
11 environmental laws. But there's also robberies,
12 theft. There is child neglect. There is
13 homicides. There is assaults. There's sexual
14 assaults. All those things are tied to illicit
15 marijuana and what we've experienced over the
16 years.

17 Q What are trespass grows?

18 A Trespass grows occur in in Northern
19 California, and we used to see a whole lot more
20 of these where -- when marijuana was essentially
21 illegal, we had Mexican drug cartels, or
22 cartels, drug trafficking organizations, set up
23 shop in these different areas of Northern
24 California either on private property or state
25 or federal land and start growing marijuana,

1 because they can get dropped off in the middle
2 of Humboldt County in an area where very few
3 people go, and with their you know, with
4 their seeds intact and ready to be planted, and
5 they'll grow marijuana on the side of a hill and
6 set up a whole irrigation system and live out
7 for three months four months it takes to grow
8 that marijuana and cut it down.

9 And and we've seen this over and
10 over again throughout, you know, the 30 years
11 that I've been there. And so trespass grows,
12 whether it's private property or public land,
13 there is a lot of of public land and private
14 property where people can trespass and grow.

15 You know, we just see now through
16 legalization that these cartels, even though
17 there are still there are still some trespass
18 grows, cartels don't have to. They can, you
19 know, hide in plain sight, so to speak, because
20 there's just sheer volume everywhere in Northern
21 California.

22 Q How do you usually detect trespass
23 grows?

24 A We -- we -- historically, we have used
25 overflights to detect grows. We have our

1 experts that fly in helicopters that survey
2 different lands that have been historically
3 grown for -- or trespassed and grown. And so we
4 rely on that technology.

5 We've also explored different other
6 technology, you know, using different -- like
7 LIDAR and those kind of things through
8 through different overflights to try and detect
9 historic drug trafficking organizations grow
10 sites. And that's been effective, you know, in
11 California.

12 But, essentially, we just use that
13 that overflight. Occasionally, we have
14 foresters that find illegal grow sites on their
15 their timber surveying. And they come across
16 these grow areas, and they know immediately to
17 get out because of -- potentially, you know,
18 they could be harmed by being there. And they
19 give us a tip, and at that point in time, we go
20 and follow up on that tip and and go into
21 that private land and take out the marijuana.

22 Q Now, on the topic of crimes associated
23 with marijuana, what is diversion?

24 A Diversion is diversion is what
25 happens within within California right now.

1 We like we like to. Okay. So --

2 JUDGE JULIUS: Just for the record,
3 there was a loud motorcycle going by the window,
4 so there was a pause.

5 THE WITNESS: There was a pause. Okay.

6 So diversion happens in in
7 California right now, and diversion can be looked
8 at at ~~st~~ two things. One is we have illegal
9 marijuana currently being grown in in
10 California and grown without regulation, without
11 oversight.

12 And and that marijuana is being
13 introduced into the legal market because our track
14 and trace system ~~i~~has failed, and it hasn't

15 it hasn't done its job into truly knowing all
16 the different marijuana that's coming into our
17 system in California.

18 We also see that because marijuana is
19 widely grown across the United States, is the
20 price per pound has gotten so low that a lot of
21 these legacy farmers believe that they can't make
22 it, you know, when marijuana is only being sold
23 for \$300, \$400 a pound and -- but the black market
24 is still alive and well all over.

25 The the market for Humboldt's

1 marijuana is still very lively, especially here
2 on the East Coast. And and so we see that
3 our marijuana can go for up to \$1,000 a pound.
4 And so we have these legal growers that have
5 what they call a back door, and where they're
6 growing it legally, but yet they can still make
7 a profit a better profit -- by selling it
8 illegally in these other market out of state
9 markets, including out of country markets. And
10 our marijuana currently is being sold all over
11 the world for for thousands -- or \$1,000 a
12 pound.

13 BY MR. HORTON:

14 Q So under California's legal regime, how
15 often is marijuana diverted?

16 A Oh, I think it's diverted a whole lot
17 now because the market is flooded. And
18 especially in Northern California, we have, you
19 know it's it's not the ideal place to grow
20 marijuana, right? Because we're far away from
21 the distribution sites.

22 The -- Los Angeles has a demand for
23 marijuana, and that's where a lot of the
24 marijuana is being sold. And we are we are
25 12 hours away from from Los Angeles. And so

1 to transport our marijuana all the way down
2 there, the shipping costs, everything else
3 it's just -- there's a lot of money that they
4 can that they can lose by by doing this.

5 So I believe that there's a lot of
6 farmers that are choosing to to go this
7 route, and we are we have our confidential
8 informants, we have our people, our witnesses
9 that are telling us this, and we're actually
10 seeing it as well that this is this is going
11 on, and they are diverting, you know, legal
12 marijuana to these illegal channels.

13 Q We'll get into that a little bit --

14 A Okay.

15 Q -- in greater depth in a bit. But all
16 told, on an annual basis, how many major
17 marijuana cases do you see every year?

18 A We see 100 to 120 marijuana cases a
19 year.

20 Q And those include what kinds of cases?

21 A Drug sales, transportation,
22 cultivation, those are the you know, labor
23 trafficking. Those are the type of cases that
24 we see.

25 Q Now, as sheriff, do you study crime

1 trends in your county?

2 A Of course.

3 Q And that includes crime in in
4 marijuana.

5 A Yes, it does.

6 Q How about in neighboring counties?

7 A We -- you know, the Northern California
8 sheriffs, we talk, and so the sheriffs all
9 discuss. We're all a part of well, there's
10 there's essentially six counties that are a
11 part of a coalition of counties. But but we
12 -- that that's -- that are basically right in
13 the middle of of like a labor trafficking
14 coalition that -- tied to marijuana. So we talk
15 a lot about this issue regarding violence, you
16 know, around marijuana.

17 Q What is that coalition called?

18 A The coalition is called the Northern
19 California Coalition to Safeguard Communities.

20 Q Bit of a mouthful.

21 A It is. Sorry.

22 Q That's all right. What what are the
23 six counties who are involved in that?

24 A Six counties are Humboldt, Trinity,
25 Mendocino, Siskiyou, and Shasta.

1 Q And what is the coalition's mission?

2 A The mission of the coalition is to
3 is to target marijuana growers that are
4 essentially trafficking labor within within
5 Northern California. That is one of those
6 things that we saw over the last several years
7 that has been the bigger issue.

8 And marijuana is an issue, but it's
9 also the exploitation of labor, exploitation of
10 people that becomes the bigger, you know, target
11 to to actually, you know, look at. And
12 and so that is something that we have
13 historically not been able to really address,
14 and this coalition addresses that function.

15 Q So how do you - besides your
16 conversations with the coalition members, how
17 how else do you keep up with development
18 developments in marijuana and law enforcement
19 generally across the state and across the
20 country?

21 A Right. I'm also part of the Department
22 of Cannabis Control. This is the the
23 government agency in California that regulates
24 licensed cannabis. We have a monthly meeting to
25 discuss trends across California regarding what

1 we're all seeing, and that's anywhere from
2 enforcement to labor to environmental impacts.
3 All those things are a part of that discussion.

4 I'm also a part of the Marijuana Impact
5 Group, which is a HIDTA run organization through
6 the Office of Drug Control Policy. I'm one of
7 the, you know, commissioners or, you know,
8 appointed persons there, a part of that
9 committee. We meet quarterly, and the goal and
10 mission of the Marijuana Impact Group is to
11 educate all of law enforcement ~~and~~ and the
12 legislatures, ~~any~~ ~~any -- and~~ and basically
13 America regarding what's actually happening with
14 marijuana. How is marijuana being impacted
15 across the United States? And what are the
16 trends that are occurring, you know, in you
17 know, in the United States?

18 And so we're tracking things like
19 cartel influence in in Northern California,
20 the environmental impact of using Chinese
21 pesticides, you know, in in the production of
22 illicit cannabis, the impact of Oklahoma's
23 recent legalization and the green rush that's
24 going on there. All those things are part of
25 the of the discussion.

1 Q Now as as a part of the Marijuana
2 Impact Group, have you given any presentations?

3 A Yes. We have an annual conference, and
4 last year I gave a basically, I taught there,
5 gave a class on on labor trafficking and what
6 we're doing in Humboldt County and Northern
7 California regarding addressing labor
8 trafficking issues.

9 Q And where was that conference?

10 A I believe that was in Oklahoma.

11 Q Is there a reason it was in Oklahoma?

12 A Well, because Oklahoma is facing a huge
13 issue with marijuana right now.

14 Q Now, a moment ago, you referenced the
15 Department of Cannabis Control, if I got that
16 correctly. Is is that agency sufficiently
17 staffed at the moment?

18 A It is not.

19 Q So it is overwhelmed?

20 A It is overwhelmed. The Department of
21 Cannabis Control, they manage over 7,000
22 licensed cannabis farms in California. They
23 also manage about 1,400 dispensaries. This is
24 the regulatory agency that is supposed to do
25 oversight, to do inspections to make sure that,

1 you know, this industry stays on the straight
2 and narrow.

3 They only have a couple hundred
4 employees that are that are there tasked with
5 this. They cannot keep up. We've had
6 discussions with the director. They understand
7 it. They are underfunded, understaffed, and we
8 have they have a lot of hardworking people
9 there. But, essentially, they just cannot keep
10 up with with the demand.

11 Q Now shifting gears for a for a
12 moment, what is the California State Sheriffs
13 Association?

14 A California State Sheriffs Association
15 is is the association that all 58 sheriffs
16 belong to. It is an organization where we meet
17 every other month to discuss crime trends and --
18 from sheriff to sheriff, and to to deal with
19 both statewide problems and with crime, you
20 know, to try and also influence legislation on
21 what, you know, should be passed or what we
22 should oppose regarding the laws in California.

23 Q What is your role with this
24 association?

25 A I am also a part of the Board of

1 Directors. I am also a the liaison to the
2 the Native American tribes that we have in
3 California. California has 110 Native American
4 tribes. Eight of those reside in Humboldt
5 County, and some of them with tribal liaison.

6 What's unique about California is we're
7 a Public Law 280 state, which means state law
8 applies to tribal land. So we have to, you
9 know, have great relationships with our tribes,
10 including, you know, drugs, fentanyl, marijuana
11 makes a huge impact, you know, on tribes in
12 California, so we make sure that we stay up with
13 that.

14 Q Now at at meetings of the Sheriffs
15 Association, do you discuss crime trends related
16 to legalization?

17 A We have. It's it's a topic that
18 comes up pretty quite often, especially they
19 they ask us Northern California sheriffs all
20 the time about it.

21 Q Now in discussing the Marijuana Impact
22 Group, you you mentioned something called
23 HIDTA, the HIDTA program. What does what
24 does that stand for? If you could spell it out
25 for us.

1 A High Intensity Drug Trafficking Areas.
2 So as a part of the initiative here in Office
3 of Drug Control Policy is that there are
4 different HIDTA regions that are identified
5 throughout the United States, and this is where
6 federal government provides essential resources
7 to these areas because drugs are making a huge
8 impact.

9 And and so when you are declared a
10 HIDTA region or there's a HIDTA initiative, it
11 means that it's making an impact, and and we
12 need more resources there.

13 Q Have you are you involved with an
14 organization called Redwood Teen Challenge?

15 A I am.

16 Q What what is that organization?
17 What's its mission?

18 A So I think for the past 15, maybe over,
19 yeah, maybe closer to 20 years, I've been a part
20 of of what they call Teen Challenge. Teen
21 Challenge is a nationwide drug treatment
22 organization. It got its start in New York when
23 David Wilkerson went there 40 years, 50 years
24 ago, and he started this outreach to teenagers
25 that are drug addicted and gang and involved

1 in gang violence.

2 And he started what was then Teen
3 Challenge, which is a year long drug treatment
4 program to get kids off the street and to house
5 them, feed them, clothe them. And essentially
6 it runs on four principles. They want to give
7 them treatments for their drug addiction. They
8 want to give them spiritual guidance. They want
9 to give them tools to use to fight their
10 addiction, but also to make something of
11 themselves, to give them trades. And also an
12 education.

13 All those things are key components
14 along a year program to essentially provide them
15 a next step to break free of their drug
16 addiction. This expanded now to adults, and in
17 Humboldt County, we have both an adult men's
18 center and adult women's center where people
19 come that are drug addicted. And it's a free
20 program, and they're allowed to stay there for a
21 year as long as they adhere to all the
22 principles and guidance there.

23 And I've seen people radically change
24 their lives being a part of it, and I've been a
25 very, you know a staunch supporter of it

1 because I see the benefits of this drug
2 treatment.

3 Q Is marijuana one of the drugs that the
4 clientele are sometimes addicted to?

5 A Yes. Yes.

6 Q And what is your role with this
7 organization?

8 A I'm part of the Board of Directors.

9 Q And now have you been in any
10 documentaries about the public health and safety
11 effects of marijuana?

12 A Unfortunately, yes.

13 Q Do you remember the titles of these?

14 A One documentary is called Chronic --
15 well, the one I'm not regretting is called
16 Chronic State, and that was Idaho -- Drug Free
17 Idaho did a a documentary on the impacts of
18 legal marijuana in a couple different states,
19 and and California was highlighted, and I was
20 interviewed for that.

21 Also, the other one was Murder
22 Mountain, and that's a Netflix documentary
23 regarding Humboldt County, and and it's kind
24 of about illegal marijuana, but then the
25 impacts to one specific homicide case.

1 Q We'll talk about that a little bit
2 later, I think. Are you familiar with the 2024
3 documentary called High Country Murder?

4 A Yes, I am.

5 Q Did you feature in that as well?

6 A Yes, I did.

7 Q Have you done any media interviews
8 about marijuana-associated crime?

9 A Yes. It seems numerous, like several
10 interviews across my last 10, 15 years, yes.

11 Q And have you -- besides the Marijuana
12 Impact Group presentation you gave, have you
13 been asked to present on this topic before
14 fellow law enforcement?

15 A Yes. I've I've done FBI briefings
16 on this. I have provided a lot of insight
17 regarding marijuana and the impacts to Northern
18 California to a lot of different law enforcement
19 officials, as well as been provided guidance
20 when people do call and ask information about
21 how it impacts Humboldt County and Northern
22 California.

23 MR. HORTON: Your Honor, at this time,
24 the Opposed States would like to tender Sheriff
25 Honsal as an expert on crime associated with

1 marijuana, marijuana diversion, and the effects
2 of marijuana legalization.

3 JUDGE JULIUS: If you could list those
4 just one more time.

5 MR. HORTON: Crime associated with
6 marijuana.

7 JUDGE JULIUS: Okay.

8 MR. HORTON: Relatedly, marijuana
9 diversion and the effects of marijuana
10 legalization. The topics are related.

11 JUDGE JULIUS: And, Government Counsel,
12 did you have something on that?

13 MR. MALEY: Yes, Your Honor. The
14 Government would just like to be heard that I
15 don't believe that the sheriff was noticed as an
16 expert witness in advance of today's
17 proceedings. And in in addition, as it
18 relates to the effects of the legalization of
19 marijuana, I believe that sounds rather
20 perspective, and we've had testimony throughout
21 the proceedings that this is a rescheduling
22 proceeding, not necessarily a future regulatory
23 or or things of that nature.

24 JUDGE JULIUS: Anything further?

25 MR. MALEY: No. Thank you.

1 JUDGE JULIUS: Mr. Horton, any response
2 to the

3 MR. HORTON: Your Honor, I --

4 JUDGE JULIUS: -- Government?

5 MR. HORTON: -- I think the the
6 colloquy to this point has established Sheriff
7 Honsal's ample expertise in this area. I don't
8 believe the Government will be prejudiced on
9 this.

10 And if I could ask the Court's
11 indulgence for a moment.

12 JUDGE JULIUS: Sure.

13 MR. HORTON: That'll be that'll be
14 all.

15 JUDGE JULIUS: Okay. I will was he
16 highlighted as a potential expert in the
17 preliminary statement?

18 MR. MALEY: I believe -- if I may be
19 heard, Your Honor.

20 JUDGE JULIUS: Sure.

21 MR. MALEY: The word "expert" in the
22 States' prehearing statement is used once and is
23 related not to offer Dr. D'Souza as an expert,
24 but it is just stating that he has been an
25 expert before. So I would submit that, no, he

1 was not noticed as an expert.

2 JUDGE JULIUS: Mr. Horton, any response
3 to that?

4 MR. HORTON: Your Honor, I I think
5 that the the testimony to this point has
6 clearly established that he is an expert, and
7 and I I don't believe the Government will be
8 prejudiced by provisional grant.

9 MR. MALEY: If I may say one more
10 thing, Your Honor. The Government has no
11 objection whatsoever to to the sheriff
12 testifying as a fact witness to what he has seen
13 in his jurisdiction and his experience, but as a
14 procedural matter, experts are supposed to be
15 noticed in advance.

16 JUDGE JULIUS: Mr. Horton?

17 MR. HORTON: If I may, one more thing.
18 Your Honor, the the topic of legalization is
19 well within his domain to speak about having
20 lived through the California legalization, so he
21 is able to competently testify to his experience
22 on -- as to the the effects of legalization
23 in California.

24 JUDGE JULIUS: Well, I think, Counsel,
25 my bigger concern is that he wasn't proffered as

1 an expert in the preliminary statement. I mean,
2 whether you think you've qualified him as an
3 as an expert here today, there was no notice to
4 the Court or to the Government that he was going
5 to be presented as an expert on anything. It
6 very much reads as though he's presented as a
7 fact witness.

8 MR. HORTON: Your Honor, given the
9 compressed amount of time to prepare for this
10 hearing, we did not have the full extent of the
11 sheriff's testimony at the time we had to submit
12 the prehearing statement and did not have
13 adequate basis at that time to address the issue
14 of expertise.

15 JUDGE JULIUS: At some point, though,
16 you would have recognized that you were planning
17 to call him as an expert, and you did not amend
18 or update your prehearing statement to alert the
19 Court or the Government that you were going to
20 call him as an expert?

21 MR. HORTON: The this came about
22 quite recently.

23 MR. MALEY: If I may be heard on
24 another matter.

25 JUDGE JULIUS: Go ahead.

1 MR. MALEY: Government counsel did
2 receive the demonstrative that would be used
3 today, which, again, we have not objected to its
4 use. Reading through the PowerPoint
5 presentation, it seems to adhere specifically to
6 the contents provided of the prehearing
7 statement, such that the the topics to be
8 discussed are similar to the slides.

9 JUDGE JULIUS: Okay. What I'm inclined
10 to do at this time is provisionally accept the
11 expertise, but the Government will have an
12 opportunity in their closing statements to again
13 challenge the expertise and this issue.

14 MR. HORTON: Thank you, Your Honor.

15 JUDGE JULIUS: Just to get things
16 moving, then, that's my ruling.

17 MR. MALEY: Understood.

18 JUDGE JULIUS: Thank you. Please
19 proceed, Mr. Horton.

20 BY MR. HORTON:

21 Q Sheriff, let's talk a little bit about
22 Humboldt County. And before we do so, in giving
23 presentations you've mentioned a moment ago, did
24 you use any slides?

25 A I have.

1 Q And you'll see the screen to your
2 your right. Are these the slides that you have
3 used before?

4 A Yes.

5 Q Okay. Now now, let's let's turn
6 to Humboldt County.

7 MR. HORTON: If I could get Slide 5,
8 please.

9 BY MR. HORTON:

10 Q So where is Humboldt County?

11 A Humboldt County is in Northern
12 California. And when I say Northern California,
13 this is five hours north of San Francisco. We
14 are one county short of the Oregon border. We
15 are right along the north coast, often referred
16 to as the Lost Coast. We have 110 miles of
17 of coastline.

18 We have a county that is about 4,000
19 square miles, which is roughly the size of
20 Connecticut, if you look at that. But we only
21 have 135,000 population. So we have a very, you
22 know, small population pool, which is
23 essentially right around Humboldt Bay, and the
24 other part of Humboldt County is really
25 geographically diverse. We have six wild rivers

1 and a lot of forest land, open space, and a lot
2 of room to to stretch out.

3 Q So given the population and the size,
4 does that come out to about 40 people per square
5 mile? Does that sound about right?

6 A I I don't know the math on that,
7 but, you know, it seems about right.

8 Q And can you describe the terrain again?

9 A Yeah, the geography is quite diverse.
10 So we have Humboldt Bay, which is in the middle
11 of the county, and then after that, we have a
12 lot of of -- like I said, six rivers, and
13 those rivers run through mountain ranges and
14 and hills throughout the county.

15 And we have rolling pastures, we have
16 dense forests, we have the redwoods, which a lot
17 of people, if you haven't seen them, they're the
18 tallest trees in the world, and we actually have
19 the tallest tree in the world. So, you know,
20 that's our claim to fame here in Humboldt
21 County. But we have state parks and a lot of --
22 again, a lot of open space in Humboldt County.

23 Q So besides the redwoods, what else is
24 Humboldt County known for?

25 A Well, we're we're, unfortunately,

1 known for our marijuana. That is something that
2 we have worldwide notoriety, about Humboldt
3 weed.

4 Q And where is Humboldt marijuana used?
5 Is it just used in state?

6 A No. It's -- like I said, it's used
7 worldwide. Across the United States, there's a
8 demand for Humboldt marijuana. Humboldt
9 marijuana is notoriously probably the best
10 marijuana in the world. Our growers have been
11 doing it for a long time. They've refined the
12 process, and they're known worldwide for, you
13 know, the different strains, the growing
14 techniques. And, like I said, they're the best
15 in the world.

16 Q Could you tell us what is a strain of
17 marijuana?

18 A Like any kind of vegetable, a plant can
19 be, you know, grown, genetically modified, and
20 those kind of things. And within marijuana
21 there's a lot of different strains that can be
22 grown. Marijuana is quite diverse with how it
23 flowers and how it grows. And and you can
24 have a plant that is 10-, 12-feet tall that has,
25 you know, 7, 8, 9, 10 pounds of marijuana on it,

1 so it looks like a cherry tree, and you can have
2 a real hybrid marijuana plant that grows only 2
3 feet, and it gets just very little bud, but it's
4 highly potent.

5 Q So besides size and production
6 quantity, what other properties are these
7 strains bred for?

8 A They are bred for the just the
9 the type, the smell, the the taste, but as
10 well as the THC value. The THC is what gives
11 the the psychotropic aspects of of
12 marijuana, the "chase the high" so to speak.
13 But it's also the CBD value.

14 All of those things can be modified,
15 and those are the things the elements within
16 within marijuana that can be -- let's use the word
17 "played with" -- to to make sure that they have
18 a product that is sold in dispensaries in
19 California or elsewhere that, you know, are
20 highly marketed to different tastes of different
21 people, the consumer.

22 Q Now how does the THC content of today's
23 marijuana strains compare with, you know, the
24 strains from decades ago?

25 A This is something that's been highly

1 refined. What we've seen back in the '80s and
2 '90s was marijuana grown, and THC values, 5, 6
3 percent was, you know, roughly what you would
4 get out of a joint now. And now there is THC
5 values 20, 30 percent, and that's just with the
6 bud.

7 What can be refined as far as resins
8 goes, and concentrated cannabis, can be, you
9 know, 90 plus percent, which is, again, some
10 real real difference between, you know,
11 something that's that's smoked at 5 percent
12 as opposed to 90 percent.

13 Q So at its at peak, what percent of
14 American marijuana came from Humboldt County?

15 A So that's a good question. I would say
16 a vast majority of marijuana back in the heyday
17 of the of the Green Rush, what we called it,
18 came from Humboldt County. We were a source
19 county for all of the United States.

20 It was us, who we call the Emerald
21 Triangle. It's Humboldt, Mendocino, Trinity
22 County, which is outlined in the slide right
23 here, the green section. That is referred to as
24 the Emerald Triangle. And the Emerald Triangle
25 essentially was the supplier of marijuana

1 throughout the world and America. It is it
2 is known for the highly, I guess, sought after
3 marijuana.

4 Q Now has has Humboldt affected
5 marijuana cultivation across our country?

6 A I would say so. As -- as what we've
7 seen, I mean, like, I guess what we've seen is
8 that because we've had the expertise here in
9 or in Humboldt County, as states start to
10 legalize when Colorado legalized, Oklahoma,
11 you know, these other states that have legalized
12 marijuana, you know, like good business model,
13 they're going to go after the places that
14 actually have done it.

15 And and our growers have been
16 solicited to go and provide experts expertise
17 in these other states and to provide their
18 their knowledge and knowhow. But what we
19 what we also had is we had a lot of people from
20 out of state actually come to Humboldt County to
21 learn the trade, to grow marijuana. And then
22 once their state became legal, they moved back
23 to that area to grow marijuana in their state.

24 Q Now Humboldt is known for growing
25 marijuana, as as you said, but do Humboldt

1 residents use it as well?

2 A Yes, we do.

3 Q At a high rate?

4 A I would say so.

5 Q And are there mental health problems in
6 Humboldt County?

7 A Yes. We've seen this trend not only in
8 Humboldt County, but throughout California and
9 the United States. Mental health cases have, it
10 seems like, skyrocketed over the last 20 years.

11 Q And have you seen any evidence of that
12 in the sheriff's office and the jail that you
13 oversee?

14 A Yes. We've seen that in our jail
15 facility, you know, I I manage 417 beds, and
16 right now there's only 270 inmates that are in
17 there. In the past, what we saw was essentially
18 maybe 20 percent people that had mental health
19 issues or needed some mental health treatment in
20 the facility, and now it's almost half. Half of
21 the the inmates that are in custody now are
22 seeking some kind of mental health treatment
23 while -- or some kind of counseling, you know,
24 in the in the facility.

25 Q ~~r~~Related to mental health, ~~but~~ have you

1 seen a suicide problem in Humboldt County?

2 A Yes.

3 Q And is it relatively high relative to
4 the rest of the state?

5 A I would say so. Yeah. And recently
6 public health our public health department,
7 you know, cited a public health emergency
8 because the suicide rate is sky high in Humboldt
9 County compared to, you know, our per capita.

10 Q Now, why is marijuana historically,
11 why has it been grown in Humboldt specifically?
12 Is it the soil?

13 A There's nothing in the soil that makes
14 it ideal for for growing marijuana.
15 Essentially, you know, if I can go over the
16 history of of marijuana, you know, back in
17 the sorry, history lesson here. Sorry.

18 But back in the '60s, you know, a lot
19 of people were anti government. They were
20 they were fed up with government and and
21 oversight and just were were just pissed off
22 with with a lot of things, right? And this
23 hippie movement, the Back the Land movement, was
24 a part of of this this migration to
25 Northern California.

1 And people moved from all over, from
2 Los Angeles, San Francisco, to Northern
3 California to homestead, to live off the grid,
4 to live off the land, and to go back to this
5 land movement, which is, basically, leave me
6 alone. I want to do things my own. I want to
7 grow my own food. I want to live off the grid
8 and, essentially, you know, make life my own and
9 not have any government interference. So we saw
10 a lot of that in the '60s and '70s.

11 And the Back the Land movement brought
12 also marijuana. People grew their own marijuana
13 back then and started with seeds and grew, and
14 they started using marijuana, but they also
15 started thinking this could be profitable. And
16 what they did at that point in time is they sold
17 to their friends, you know, in the cities, and
18 that was quite prevalent in the '70s and '80s.

19 What we found, though, is that next
20 generation happened, where the kids or people
21 started trying to now make a profit off of it
22 and and make it a big business. And in the
23 '80s, it became a big business in in Northern
24 California to grow a lot of marijuana and become
25 the source county for essentially all of America

1 when it comes to marijuana.

2 Q I think you've used the term the "Green
3 Rush." Can you tell us a little bit more about
4 what that was?

5 A Yeah. I think what we saw is marijuana
6 was grown in the '80s and '90s early '90s --
7 in Northern California, but it was clandestine.

8 It was really -- you know, it was grown
9 outdoors. There wasn't a lot of it. But what
10 we do know is that there was there --
11 marijuana was being grown in Northern
12 California.

13 And back in the day, we had a lot of
14 federal resources that came in to help stop the
15 outdoor growing of marijuana. And that came
16 with what they called the Campaign Against
17 Marijuana Planting. It was a state and federal
18 run task force that went up and down the state.

19 Military helicopters were used, and it was
20 almost like a military operation.

21 There's a lot of PTSD still to this day
22 about military operations in Northern California
23 over marijuana. And but, essentially, they
24 wiped out a lot of the outdoor marijuana, you
25 know, due to this really stringent enforcement.

1 But when we saw the Green Rush happened
2 with -- the Compassionate Use Act was passed in
3 November of 1996, and that's a medical marijuana
4 act that California passed. At that point in
5 time, I guess the the red carpet was thrown
6 out to all over America to have people come
7 to Northern California to buy property and start
8 growing marijuana.

9 Proposition 215 did not actually make
10 it legal to grow. It didn't decriminalize it.
11 It actually provided a legal defense for
12 growing, and it was for medical purposes where a
13 caregiver or a medical patient recommended by a
14 doctor could essentially grow marijuana and
15 possess marijuana in the in the state of
16 California.

17 Q So we'll we'll discuss Prop 215 in a
18 bit. At the height of the Green Rush after
19 legalization, about how many grow sites sprouted
20 up around Humboldt County?

21 A Humboldt County, again, 4,000 square
22 miles, we had over 10,000 grow sites. And
23 that's just, I guess, a conservative estimate.
24 There possibly was more.

25 Q Mm hmm.

1 A But 10,000 grow sites in our small
2 county.

3 Q I'm going to put up an image here for
4 you, Slide 14. What does this image depict?

5 A This is our Southern Humboldt County.
6 This is our south edge of the county. And this
7 these aren't the population areas. There's a
8 lot of wide open space here. This is private.
9 A lot of it's private land. There is the King
10 Range and the Lost Coast Lost Coast Trail on
11 the, I guess, the western, southwestern edge,
12 and that is Bureau of Land Management property.

13 Q Now what does this depict?

14 A These are all identified grow sites
15 within Southern Humboldt back in 2013.

16 JUDGE JULIUS: And just for the record,
17 we're looking at a slide that has what appear to
18 be red dots that were superimposed over the
19 geographic image.

20 THE WITNESS: That's right.

21 BY MR. HORTON:

22 Q And just to confirm, Sheriff, the red
23 dots signify what?

24 A These are illicit grow sites in
25 Southern Humboldt County taken from a satellite

1 view.

2 MR. HORTON: Thank you.

3 Now I'm going to play a silent video
4 for you, during which I'll ask some questions.

5 Slide 18, please.

6 May I have the Court's indulgence to
7 sort out technical difficulties?

8 JUDGE JULIUS: Of course.

9 MR. HORTON: Thank you. Your Honor,
10 would it be okay if we take a brief recess to
11 figure out what's going on here?

12 JUDGE JULIUS: Sure. Sheriff, please
13 don't discuss your testimony with anyone during
14 the break.

15 We'll be in recess until Mr. Horton
16 advises that the video is cued up and ready to
17 go. We'll be in recess momentarily.

18 (Whereupon, the above-entitled matter went off
19 the record at 10:33 a.m. and resumed at 10:41
20 a.m.)

21 MR. HORTON: Apologies, Your Honor, for
22 the technical difficulties. We have decided
23 that it is not worth pursuing further, so we
24 will move on and use stills instead.

25 JUDGE JULIUS: Sounds good.

1 MR. HORTON: Before doing so, I
2 realized a preliminary matter. We have not yet
3 moved the demonstratives into evidence. I
4 understand that may be the Court's preference,
5 and if that being the case, we would offer these
6 into evidence if there's no objection.

7 (Whereupon, the document referred to
8 was marked as States' Exhibit No. 23, for
9 identification.)

10 JUDGE JULIUS: Any objection?

11 MR. LONICH: No objection from the
12 government, Your Honor.

13 JUDGE JULIUS: We'll admit the slide
14 deck as States' Exhibit, I believe 23?

15 MR. HORTON: 23.

16 JUDGE JULIUS: is what we're on, so
17 they'll be admitted without objection as 23 for
18 the States.

19 (Whereupon, the above-referred to
20 document marked as States' Exhibit No. 23 was
21 received into evidence.)

22 MR. HORTON: Thank you, Your Honor.

23 JUDGE JULIUS: Thank you.

24 DIRECT EXAMINATION

25 MR. HORTON: Now, looking at the slide

1 before you, slide 12 here, Sheriff, what does
2 this depict?

3 THE WITNESS: This actually depicts a
4 satellite view of an area just across the border
5 into Trinity County of an area that was part of
6 rural Trinity County before legalization.

7 BY MR. HORTON:

8 Q Now, 13, please. Looking at slide 13,
9 what do we see here?

10 A What we see here is individual grow
11 sites that were essentially, I guess,
12 constructed into the mountainous region of this
13 particular area. This particular area is called
14 the Trinity Pines, and what we see is that these
15 one to five acre parcels were all cut up into
16 individual grow areas, you know, this particular
17 area.

18 Q So is deforestation an issue in this
19 area?

20 A Yes.

21 Q Other environmental issues in this
22 area?

23 A Absolutely.

24 Q Is there any significance to a south-
25 facing slope?

1 A Yeah. What we find is in the Green
2 Rush, there was this huge pull for people to
3 develop south-facing slopes within Humboldt,
4 Trinity, and Mendocino County, and this is the
5 area where you're going to get the ideal
6 sunlight for your grow site. We had people that
7 purchased the property, did illegal timber
8 harvesting and pushed trees over. They brought
9 in heavy equipment and dug out sides of the
10 mountains and the hills, pushed and covered
11 creeks, created roadways on the side of the
12 hills without any erosion control. All these
13 created a significant amount of environmental
14 impact for these areas.

15 Q Now, about how big is a typical
16 marijuana grow site like the ones that we see
17 here?

18 A When you say big, I mean, there could
19 be what we call two, three, four, five, maybe
20 even six greenhouses put onto these slopes.
21 They pack them in. The greenhouses can be
22 manufactured commercially or they could be
23 thrown up through various -- using essentially
24 items that you can get from Home Depot and
25 create a hoop house yourself.

1 Q About how many square foot is a typical
2 greenhouse, or what's a range?

3 A You know, they do. It's all based upon
4 the space that they have. And you could have a
5 hoop house that is 1,000 square feet to 25,000
6 square feet. It all depends on just the amount
7 of space that you have.

8 Q So, assuming like a 5,000 square foot
9 greenhouse, about how many plants can you fit in
10 there?

11 A Again, it all depends on the size of
12 the marijuana plant. Marijuana plants can range
13 from, again, a foot or 2 to up to 10 feet. And
14 so typically 500 to 1,000 plants could be in a
15 grow within these type of greenhouses.

16 Q Can you tell us a little bit about how
17 grow sites are engineered to maximize
18 production?

19 A So, the grow sites, again, when people
20 think about growing outdoors, you know, back in
21 the '90s, people used to plant marijuana in the
22 ground and used to have one harvest a year. And
23 then people have really engineered how to grow
24 marijuana in these parts to maximize the amount
25 of grow potential you can have.

1 What we've noticed and what we saw over
2 the last 20 years is that people in these rural
3 areas created greenhouses and they used
4 alternate light sources. They brought in grow
5 lights to maximize growing during the winter
6 season. But they also had light deprivation
7 that they also bring in to, you know,
8 essentially to trick the marijuana into growing
9 faster, flowering faster. All this stuff is
10 essential to get potentially five grow cycles in
11 a year. That's not uncommon for the people that
12 have, you know, growing year-round, growing
13 within, you know, using all these alternate
14 light sources and growing from clones. All
15 those things are highly, I guess, engineered
16 that way to make sure they can maximize the
17 amount of marijuana they grow in a certain time.

18 Q Just for the record, could you clarify
19 what you mean by a grow cycle?

20 A Grow cycle is planting to harvest is
21 what we mean by a grow cycle.

22 Q And you said six to seven cycles per
23 year?

24 A It can -- I mean, six is really, really
25 good, but people can maximize that. It depends

1 on how, you know, growing from clones and then
2 manufacturing those clones, growing those clones
3 separately. And you could have your grow cycles
4 down to where you're just really maximizing in a
5 grow operation.

6 We had one particular grow operation
7 that had 13 essentially indoor grow sites within
8 one area, and they were harvesting one of these
9 houses a month. And so this is a grow cycle
10 that's constantly growing, so it's pretty
11 amazing.

12 Q Let's turn to something you already
13 mentioned a moment ago, and that is Proposition
14 215. What was it?

15 A Proposition 215 was the Compassionate
16 Use Act, and it was passed by the voters in
17 November of 1996. Essentially, what that did
18 was create a mechanism for people that wanted to
19 use marijuana medically a defense to do so. As
20 we know, it's not federally legal. Doctors
21 couldn't prescribe it, but the law stated that a
22 doctor could recommend marijuana for different
23 ailments. At that point in time, doctors
24 offices were set up throughout the state.
25 People came in and sought recommendations. The

1 doctor could recommend for the patient to grow
2 their own marijuana and then ingest it. And the
3 doctor essentially provided the details as far
4 as how much marijuana, you know, he recommended
5 for someone to use. And then states -- or not
6 states, but different counties, you know, had
7 different rules as far as what was permissible
8 as far as limits go within the state. So it
9 became quite vague.

10 Again, it didn't legalize it; it
11 didn't decriminalize it. It provided a defense
12 for growing it, and it created a huge law
13 enforcement issue because we didn't know who was
14 legal and who was illegal. Though the state
15 statute talked about licensing, though the state
16 statute talked about creating a mechanism for
17 like these licenses or recommendation cards or
18 those kind of things, none of that materialized
19 over the 20 years that Compassionate Use Act
20 went into place. At one time, they tried to
21 pass SB 420, which regulated the amounts and how
22 it was done, but that was thrown out by the
23 courts. So essentially, we had this vague
24 compassionate use law. Also, it provided a
25 caregiver the opportunity to grow marijuana and

1 provide marijuana to a person that they were
2 caring for that was prescribed marijuana. So it
3 became a lot of vague issues within Northern
4 California.

5 Again, that's what caused the Green
6 Rush. People recognized it then for a couple
7 years. All of a sudden, they understood all
8 they had to do is come buy some property, get a
9 recommendation or several recommendations, post
10 those at their grow sites that they're growing
11 marijuana on behalf of patient X, Y, and Z, and
12 then they can grow a lot of plants for these
13 patients on their behalf. At that time, we saw
14 that they were hiding behind the medical
15 marijuana, they were hiding behind 215, and all
16 they were doing was growing it commercially to
17 ship it out of state.

18 Q We will talk about 215 co-ops in a
19 moment, but did 215 limit medical marijuana use
20 to any particular medical conditions?

21 A It did not.

22 Q And you mentioned that some of the
23 uncertainty around Prop 215 was liquidated by
24 local jurisdictions giving some guidance. In
25 Humboldt County, was there a limit on the number

1 of plants that could be grown?

2 A The district attorney's office provided
3 a guidance that if someone was growing over 99
4 plants, they would be suspect in potentially
5 growing commercially.

6 Q But 99 was considered a safe harbor.

7 A It was. It's still not totally safe
8 because, again, the law's there, but it's just
9 plant count alone is usually what the DA was
10 looking for as just kind of like a governing,
11 like, hey, if you have something else other than
12 99 plants, then, you know, you needed something.

13 Q Now, how much marijuana flower can a
14 single plant produce?

15 A That's a good question because it's a
16 variety. Again, you have different varieties of
17 marijuana. A single plant could yield a quarter
18 pound, a small one, hybrid marijuana. You have
19 some marijuana plants that grow, again, 10, 12
20 feet tall and can have 10 pounds of marijuana
21 growing on it. Looks like an orchard of the
22 amount of marijuana, and the flower is huge on
23 those. So it just depends on the type of
24 marijuana that you grow and the yield that you
25 get.

1 Q So if you grew 99 plants and 99 of the
2 big ones, about how many pounds of marijuana
3 could you get?

4 A You get 10,000 pounds of marijuana.
5 You get a lot of marijuana. And again, that's
6 quite a bit.

7 Q To give a sense of scale, maybe you
8 could tell us, you know, how much is a single
9 pound of marijuana?

10 A Well, a pound is a pound. But how that
11 fits into --

12 Q Bad question.

13 A What's -- yeah, yeah. But, but I think
14 people don't understand, like, what is a pound
15 of marijuana? But if you take your plastic
16 grocery bag and the typical one with two handles
17 that you get at any market, and you fill that
18 with marijuana bud and tie it off, that is
19 essentially a pound. And what's kind of ironic,
20 too, is the growers found out that you know, the
21 oven turkey bags that we all put our turkeys in
22 at Thanksgiving, or maybe some people do, and
23 cook them in the oven. Those oven turkey bags
24 actually fit a pound of marijuana in it if you
25 tie it off perfectly. So that's the kind of

1 scale we're talking about as far as a pound of
2 marijuana is about that much.

3 Q And in terms of usage, that generates
4 about how many joints?

5 A Well, I mean, it's about -- what is it?
6 About 50 joints per ounce. And there's 16
7 ounces in a pound, and so I guess you'd have to
8 do the math on that. It's a lot.

9 Q I won't subject you to math on the
10 stand.

11 A Thank you. I appreciate that.

12 Q Now suffice to say, it's a lot of
13 marijuana?

14 A It's a lot of marijuana.

15 Q And just to confirm, under Prop 215 in
16 Humboldt County, one person could grow 99 plants
17 bearing several pounds of marijuana each for
18 medical use. Is that right?

19 A Yes.

20 Q And was it all used for medical
21 purposes?

22 A Well, I don't think so. You know, I
23 think what we saw, the evidence showed that the
24 people coming into Humboldt County weren't
25 concerned about someone's medical status or

1 providing medicine to people. A vast majority
2 of these individuals were using Proposition 215
3 as a cover to grow illicitly and to send their
4 illegal marijuana all over the country.

5 Q How big of a problem was this
6 diversion?

7 A It was huge. It created such a crime
8 problem for us that it had influence on every
9 part of our policing within Northern California.

10 Q And under 215, was there any system of
11 accountability to track marijuana from grows to
12 dispensaries?

13 A No, there was not. There was -- I
14 mean, let me just backtrack by saying we had --
15 there were certain cities that did govern
16 licensed dispensaries. They were growing on
17 site and they were dispensing marijuana, and
18 those dispensaries were regulated by the cities
19 and some counties actually did that as well.
20 But those were the minority. Those were
21 providing medicine to patients, so to speak,
22 because they were regulated. The ones in the
23 hills were not.

24 Q Understood. Now, a few moments ago,
25 you referred to the Medical Marijuana Program

1 Act, or SB 420, and you already explained what
2 that did. Does the number 420 mean anything to
3 you?

4 A 420 is kind of slang for just smoking
5 marijuana at 4:20 in the afternoon, and it's
6 kind of, I guess, getting out of college, so to
7 speak, is what I hear, you know, or people at
8 4:20 wanting to go out and take a smoke break.

9 Q So, recreational connotation?

10 A Yes. Yeah.

11 Q To your knowledge, does it have any
12 medical significance?

13 A No.

14 Q Thank you. So all told, what effect
15 did Proposition 215 have on the marijuana
16 industry?

17 A The marijuana industry boomed in
18 Northern California. It created a lot of wealth
19 in Northern California. It was a billion dollar
20 industry, and landowners got rich. Construction
21 people got rich. A lot of people benefitted
22 from illegal marijuana as far as monetarily
23 goes. It was entirely driven by greed,
24 essentially. The money aspect was good. The
25 impact on our environment, the impact on our

1 crime is still felt today.

2 Q I think we will talk about each of
3 those effects in due course, but let's first
4 talk about Proposition 64. What was Proposition
5 64?

6 A Proposition 64 was the Recreational Use
7 Act that was passed in 2016 in California, and
8 it created a mechanism for marijuana to be sold
9 recreationally within California and brought
10 regulation and a regulation framework to grow
11 that marijuana and to sell it within California.

12 Q And was there a limit on the number of
13 plants that an individual could grow?

14 A Well, there are. Under 215, any
15 individual can grow six plants, and it's legal
16 for anyone to grow six plants on their own and
17 to have an ounce of marijuana bud or have eight
18 grams of concentrated cannabis.

19 Q Can one person really use six plants
20 worth of marijuana?

21 MR. LONICH: Objection. That calls for
22 speculation.

23 JUDGE JULIUS: Mr. Horton?

24 MR. HORTON: I believe in Sheriff
25 Honsal's course of duties, he has expertise in

1 the typical dosing, typical usage of marijuana,
2 and so it's more or less a math problem.

3 MR. LONICH: I have nothing further.

4 JUDGE JULIUS: I'll allow the question,
5 and then it'll go to weight.

6 THE WITNESS: Well, I mean, you see
7 it's going to be up to the individual. As the
8 picture describes here that's on the screen
9 here, there are essentially several large
10 marijuana plants. You see how large they can
11 get, and this is in the flowering stage of
12 marijuana. And these plants do get rather
13 large, and someone could get, again, 5, 6, 10
14 pounds out of one plant. And, you know, whether
15 or not they can use that or not depends on what
16 they want to do with it. Do they want to
17 concentrate it? Do they want to smoke their
18 marijuana bud? It's just a lot of marijuana for
19 sure, and it's going to be up to the individual
20 on what their tolerance is.

21 MR. HORTON: In general, how did Prop
22 64 affect Humboldt County?

23 THE WITNESS: So Prop 64 actually
24 became, from my perspective, a lot of good came
25 about within Prop 64. One was the fact is that

1 regulation within our county became very, very
2 important. Our county regulators used this idea
3 to start essentially a land use ordinance. And
4 the land use ordinance coupled with Prop 64 and
5 a state law and a local ordinance creating a
6 county permit process, forced out a lot of the
7 bad actors within the county.

8 BY MR. HORTON:

9 Q And where did those bad actors go after
10 they were regulated out of Humboldt?

11 A Some of them went out of state and
12 started growing out of state, went to Southern
13 Oregon. Others just jumped the border and went
14 to Mendocino, Trinity, and Siskiyou County,
15 which counties didn't have robust local
16 ordinances that prevented the land use that we
17 did here.

18 Q Now, following Proposition 64, do
19 dispensaries in Humboldt typically distinguish
20 between medical and recreational use?

21 A They don't. Dispensaries in California
22 in general, they take both medical patients as
23 well as recreational patients are set up. You
24 go in and you provide your identification, and
25 you essentially buy the marijuana that's on the

1 shelf. And you have, again, anything from
2 marijuana cigarettes, you know, vaping
3 concentrates. You have edibles. And there is a
4 wide variety of strains of what you can possibly
5 get.

6 You come in with your recommendation
7 and you can tell the people that you have a
8 recommendation. You can buy more marijuana than
9 a recreational user. And you can describe, you
10 know, what your doctor recommends, and then they
11 can point out different things on the shelf that
12 could help in those situations. But it's going
13 to be up to you to essentially get whatever
14 marijuana you want off the shelf.

15 Q Now following Prop 215 and Prop 64,
16 today how many grow sites are there in Humboldt?

17 A I would say we have probably 1,500-ish,
18 you know. So maybe 10 percent less or 10
19 percent of what was, you know, the heyday.

20 Q And are they all legal grows?

21 A They're not, but a vast majority are
22 legal grows, permitted grows, I should say.

23 Q Mm-hmm, about how many outlaw grows are
24 there?

25 A You know a lot of them have gone indoor

1 now because we've used satellite technology and
2 we overfly these areas, and so it becomes
3 evident what's legal and what's not. And so I
4 still estimate there's probably 500-ish illegal
5 grow areas within the county.

6 Q And if a grower has a permit for a
7 particular grow site, does that mean his entire
8 operation is legal?

9 A On face value, it does, yeah. So if
10 they have a state and local permit, we're not a
11 regulatory agency that checks on people to make
12 sure that they are doing it correctly. So we
13 essentially, unless we have independent
14 information to act on, we allow them to do their
15 business, and they're licensed businesses
16 throughout the county.

17 Q Have you acted on any information to
18 suggest that permitted growers also do illicit
19 business on the side?

20 A Yes, we have.

21 Q Now, what is the trend nowadays? Are
22 illegal growers generally going legal, or are
23 legal growers reverting to outlaw behavior?

24 A What we saw at the very beginning is a
25 lot of the people that wanted to go on the legal

1 angle. There was benefits for doing that. We
2 gave a lot of people amnesty at the very
3 beginning because what regulators try to do is
4 they try to bring in an illegal industry into
5 legal compliance, and it took several years for
6 that to happen.

7 We allowed people to continue, even
8 though there wasn't a framework to, I guess,
9 grow and sell wherever they did. That occurred
10 for several years while this legalization
11 process happened. And then once, you know, I
12 finally had to put a stop to it after several
13 years of people saying, well, yeah, regulation's
14 hard. Getting legal compliance is hard. You
15 know, we want amnesty. We don't want to be --
16 you know, if we're in the permit process, we
17 want to not to be looked at as far as law
18 enforcement goes.

19 I finally had to put a stop to it three
20 years in because people were delaying the
21 process of becoming legal. At that point in
22 time, I had to draw the line and say, if you
23 have a state and a local permit, then you have
24 that amnesty. If you are in the process, you
25 would no longer have amnesty. And if we see

1 that you're growing marijuana in the ground,
2 then we are going to target you as an illicit
3 grow. What we're seeing now today is that
4 regulation is hard. A lot of the growers that
5 tried to become legal, aren't making enough
6 money. They're tired of the regulation process,
7 running a business, keeping up with all of the
8 demands and inspections and all the requirements
9 of the law, that people have abandoned their
10 legal sites all over the county. Or they've
11 reverted to start, you know, abandoning their
12 certificates, and they're growing illegal again.

13 Q Now, before Proposition 215 and 64,
14 what was legalization expected to do to the
15 black market?

16 A Well, a lot of people speculated that
17 the black market was going to go away, and
18 there's a lot of growers that said, All we want
19 to do is look legal. All we want to do is have
20 a mechanism to sell our product, to be farmers
21 and to be looked at as farmers and cultivators.

22 There are many cultivators in Humboldt County
23 that have done that, and they're doing it, and
24 they're working hard. They're manufacturing.
25 They're doing everything possible. They're

1 doing everything right. They're not making as
2 much money, and they're becoming farmers
3 basically means that they're going to have to
4 work, do a lot of the work themselves to make
5 money to make this business work. And they're
6 doing it, and they're doing that legal
7 compliance. But what they're facing now is that
8 competition.

9 The legal growers that are doing
10 everything right now are facing competition from
11 the people that are doing it wrong. And the
12 illegal industry is infiltrating the legal
13 industry, and meaning that we have some bad
14 actors on the legal side or bad actors on the
15 distribution side that are taking in illegal
16 marijuana. They're paying less for it because
17 it's grown on the black market, and it's going
18 into their system as illegal, untested,
19 untreated marijuana to be sold to different
20 distribution sites throughout the state.

21 Q We will discuss that at greater length
22 in a moment. Sorry to quiz you about recent
23 news, but do you happen to know how much illegal
24 marijuana has been seized in California over the
25 past three months?

1 A Well, that number is -- you know, I
2 know that the state just released some numbers.

3 Gavin Newsom, the governor, just released the
4 numbers of the regional task force that they
5 have both in Northern California and Southern
6 California. And, you know, tens of thousands of
7 pounds were seized over the course of three
8 months. Hundreds of thousands of plants were
9 cut down, and currency was also taken. I don't
10 know the exact number, but it's like that
11 throughout the state. We are still -- all 58
12 counties have an issue with marijuana, and we're
13 all facing that issue. It's not just a Northern
14 California problem now. And so everyone,
15 including the cities -- cities have industrial
16 complexes or houses being taken over for grow
17 operations.

18 Q Does the seizure that was announced
19 recently mean that all black market marijuana is
20 gone?

21 A No. The black market is still alive
22 and well in California in general. There's
23 still, again, a market for illegal marijuana,
24 and, you know, there's a demand for it across
25 the United States.

1 Q Now, just in general based on your
2 experience, does legalization make crime go
3 away?

4 A It does not. It does not.

5 Q What does legalization do to crime?

6 A It clears things up for law
7 enforcement. We know essentially the bad actors
8 from the good ones. But it's still a problem.
9 It's still an issue. We still have violence
10 associated with marijuana. Just over this last
11 week in Mendocino County, across the border of
12 Humboldt, we had a homicide that occurred at a
13 marijuana grow.

14 Q Could you tell us a little more about
15 that, to the extent that you can, given that
16 it's a pending case?

17 A Yeah. It's an active investigation,
18 but it is, you know, on an Indian reservation in
19 Northern California, in Mendocino County, and it
20 is potentially tied to a cartel grow.

21 Q We'll turn back to violent crime in a
22 moment, but let's talk about diversion. So you
23 explained two kinds of diversion earlier, let's
24 talk about the first. So diversion from a legal
25 source to illegal use. What are some of the

1 ways that criminals have used legal cover to
2 grow black market marijuana?

3 A So right now it's occurring all over
4 California where people have state licenses.
5 Again, there's 7,000 state licenses. In
6 Humboldt County, we have 1,000 of those licenses
7 locally. And we've experienced that some legal
8 growers are now falling into their old ways, and
9 they're selling on the black market. They're
10 growing legally. They have the cover of growing
11 marijuana. They're supposed to be in a part of
12 a track and trace system that tracks all their
13 marijuana from seed to sale. And what we find
14 is that they are taking some of their product
15 and moving it to the black market. And, you
16 know, they can say whatever they want to the
17 regulators, that they had a bad batch, that
18 there was mold, that they didn't harvest enough.

19 Whatever they want they can say, but they can
20 divert, you know, 1,000 pounds of their
21 marijuana and ship it back east to an open
22 market that maybe they had in the past and sell
23 their product for three to four times what they
24 could sell it on the legal market here. And,
25 you know, that's the reality, you're going to

1 sell for 250 dollars, 300 dollars a pound here
2 through the legal channels, or you're going to
3 sell it for 1,000 or 1,200 dollars, you know, in
4 the illegal channels and not pay any taxes on
5 it.

6 Q So, what are 215 Collectives?

7 A 215 Collectives are something that came
8 about through the Compassionate Use Act, where
9 people have essentially grown marijuana on
10 behalf of other people. So they've collected
11 the recommendations, and they start growing for,
12 you know, other people's medical needs.

13 Q And are 215 Collectives ever used to
14 divert legal marijuana into illegal channels?

15 A Yes. It was happening all over
16 California, but it definitely happened here in
17 or in Humboldt County, I should say.

18 Q And how has hemp legalization affected
19 diversion?

20 A Again, there's a lot of
21 misrepresentation, I think, when it comes to
22 hemp. When people talk about hemp, they, you
23 know, oftentimes they use the phrase, it's rope,
24 not dope, you know? And so it's something to
25 where, you know, again, there's a market for CBD

1 related products. This is the non-psychoactive
2 aspect of marijuana that may have some kind of
3 value for, you know, whatever ailment that may
4 be there.

5 The CBD aspect of hemp production,
6 which means that marijuana can be grown, and
7 essentially it looks just like any other
8 marijuana plant. It buds, flowers. You cannot
9 determine -- see one plant to the next and know
10 what is hemp and what's THC marijuana. And
11 hemp's supposed to be .03, you know, concentrate
12 of THC. What we found is that people are using
13 hemp production as a ruse, and they're growing
14 real THC. Hemp is not legal in Humboldt County,
15 but we've seen it in other parts of the state
16 where someone has a hemp farm, and they're
17 growing acres of hemp. And maybe on the outside
18 of the farm, you know, on the outer edge,
19 they're growing hemp marijuana, but on the
20 inside it's THC marijuana.

21 This is also a huge problem too
22 throughout the state because you can sell hemp
23 or CBD, you know, in any kind of 7-Eleven or
24 kind of supermarket, and they market it as CBD,
25 but they also have a lot of synthetic type THC

1 products in there. Delta-8 is one of them
2 that's looked at. So, you have these products
3 that again are marketed as non-psychotropic but
4 yet have a lot of synthetic issues with them,
5 and it's a problem that the DEA is fully aware
6 of. It's a problem that our state is aware of.

7 It's a problem states are looking at this to
8 try and regulate it. Kratom is also a part of
9 it. These are just synthetic illegal substances
10 that are causing havoc, and it's all driven
11 because people think hemp is okay.

12 Q Thank you, Sheriff. Let's talk about
13 the second kind of diversion that you mentioned
14 before, specifically laundering of illegally
15 sourced marijuana into the legal supply. Why do
16 criminals do that?

17 MR. LONICH: Objection. That also
18 calls for speculation.

19 MR. HORTON: Your Honor, the sheriff
20 here has to study criminal motive as part of his
21 duty. He certainly can speak to the reasons
22 that certain practices occur.

23 JUDGE JULIUS: Anything further?

24 MR. LONICH: No.

25 JUDGE JULIUS: I'll allow the question,

1 and the answer will get weight according to the
2 basis for his opinion.

3 MR. LONICH: Understood.

4 THE WITNESS: What we've seen through
5 our criminal investigations as well as you know
6 active complaints as well as our informants that
7 again, regulation and growing regulated
8 marijuana is difficult. We have some growers
9 that have illegal grows on the side as well that
10 aren't inspected, that aren't regulated. We
11 don't know what pesticides or how they're being
12 grown. They're not paying taxes on that
13 particular product. And that illegal marijuana
14 is now infiltrated into their legal supply, and
15 now they're doubling their product and they're
16 shipping that product to a dispensary or a
17 distribution facility to market for them. And
18 so it's a way to undercut the market. It's a
19 way to make sure their bottom line is flush.

20 Also what we see is distribution
21 facilities. Distribution facilities again, have
22 a backdoor where they can get illegal marijuana
23 for cheaper than they can buy legal marijuana.
24 And then that can be a part of their business
25 model that creates more wealth for their

1 business, and they can market that whole
2 product, especially when you talk about
3 concentrates, right? Where it's not flower.
4 You're trying to concentrate that cannabis, and
5 they're using all of this illegal marijuana to
6 do that.

7 MR. HORTON: That's helpful. Now why
8 is regulation so difficult? What makes it so
9 costly?

10 THE WITNESS: Well, what happened
11 within California is we got too big, right? We
12 tried to create a mechanism in California for an
13 illegal industry to come compliant. But in
14 reality, what needs to happen is you have to
15 create the rules in place and have everyone step
16 up to those rules. And we also, again, got too
17 big -- 7,000 permits within California is too
18 much, right? We need to have those permits
19 regulated so that the businesses that are
20 growing marijuana or distributing marijuana can
21 actually survive in this. And what we're doing
22 is we're pushing out, you know, a lot of these
23 businesses because they can't thrive, and the
24 only way they can thrive is to go on the black
25 market.

1 BY MR. HORTON:

2 Q What accounts for some of the
3 compliance costs? Can you speak concretely to
4 some of the things that cause doing it legally
5 to be more expensive?

6 A Everything is regulated, but the grow
7 site, you look at a grow and the way that they
8 actually have marijuana grown inside of
9 facilities, the way that they have everything,
10 you know, the growing mediums, the spacing,
11 everything that they have to have as far as
12 workers go too. The worker aspect of things
13 makes marijuana very, very difficult because,
14 again, marijuana is very labor intensive, and so
15 you have to pay people an hourly wage to go
16 there and to trim, manicure marijuana throughout
17 the growth cycle and then ultimately, you know,
18 trim the bud when it's time for harvest. And so
19 all that stuff you have to have all of your
20 employee type, you know, break facilities,
21 restroom facilities, office space.

22 Everything has to be regulated as well
23 as track and trace. You're tracking every
24 single plant from, again, seed to sale, and you
25 have to tag plants. Now they're talking about

1 batch, you know, tagging. But essentially, you
2 got to tag every plant and then you have to scan
3 it, making sure that that can be traced back to
4 where specifically that plant was grown and
5 where that product ended up.

6 Q What was the track and trace system
7 called?

8 A The track and trace system in
9 California is called the METRC.

10 Q And does it work?

11 A It doesn't work, though it's something
12 that is, you know, it's in place because that's
13 the only thing they have, but it really can be
14 manipulated. It really can be, you know, though
15 it's designed to, again, track from seed to
16 sale. Ideally it could, but there's no way to
17 regulate that. We're trusting people to do this
18 correctly, but it could be manipulated, you
19 know, all different ways.

20 Q So can you build a trust-based system
21 on a formerly illegal industry?

22 A You can, but what you have to do is you
23 have to do it under highly regulated
24 circumstances and have those people or those
25 businesses come up to your standards and not

1 lower the standards to try and get people into
2 compliance.

3 Q Now one more question on this. What
4 risks are there to consumers when illegal
5 marijuana contaminates the legal supply?

6 A The biggest risk to consumers is the
7 fact that it's not tested. You know, these
8 products oftentimes are grown with different
9 herbicides, pesticides. There's rodenticides in
10 the grow sites as well. All that stuff leaches
11 in the soil, gets into the plants, and to have a
12 product that is untested can cause all sorts of
13 public health type issues within someone that is
14 consuming that marijuana.

15 Q So that's a good segue to our next
16 topic. I would like to talk a little bit about
17 environmental issues and contamination. What
18 are the environmental effects generally of
19 marijuana cultivation?

20 A There are a lot because, especially in
21 Humboldt County, people are growing throughout
22 the county. They're growing in the hills, and
23 these areas aren't agricultural places.

24 JUDGE JULIUS: Yes.

25 MR. LONICH: Your Honor, I would just

1 object seemingly to this line of questioning on
2 relevancy. I'm not sure what this has to do
3 with the rescheduling matter at hand.

4 JUDGE JULIUS: Mr. Horton.

5 MR. HORTON: This pertains to public
6 health issues, which I think will become clearer
7 upon further questioning.

8 JUDGE JULIUS: I'll allow some leeway,
9 but when we're talking about environmental
10 effects, I want to make sure that we keep this
11 relevant and on track to the issues that are
12 before this Court and not veer too far away from
13 that.

14 MR. HORTON: Another reason for
15 relevance, Your Honor, is that environmental
16 crime is highly associated with marijuana grows,
17 and we have indicated that the sheriff would
18 speak to marijuana-associated crime, and this is
19 one kind of crime.

20 JUDGE JULIUS: I also have concerns
21 about the relevance of environmental crime to
22 the issue before this Court. So again, I will
23 allow some leeway, but I want to make sure that
24 our questions are focused on issues that are
25 relevant to what I have to decide in the

1 rescheduling, not issues that may be relevant to
2 a legislature if they were considering it that
3 consider other things than what this tribunal
4 does. So I will give some leeway, but keep it
5 focused, please.

6 MR. HORTON: Understood. We'll --

7 MR. LONICH: Thank you.

8 MR. HORTON: We'll focus on public
9 health. Sheriff, you mentioned the use of
10 pesticides and rodenticides. Do these come from
11 legal sources?

12 THE WITNESS: Well, the EPA has not
13 provided a -- there's no pesticide that's
14 authorized to use ~~i~~on marijuana because EPA, it's
15 illegal federally, so EPA does not make
16 recommendations for pesticides for marijuana.
17 So it has to be an organic pesticide that has to
18 be used on marijuana in California.

19 We find that there's illegal pesticides
20 that are used because, you know, they work very,
21 very well as far as to do what they do as far as
22 keeping pests and bad stuff off the marijuana.
23 But what it does is it contaminates the
24 marijuana.

25 BY MR. HORTON:

1 Q Where do these pesticides come from?

2 A All over. It comes in from out of
3 state, but we're also seeing pesticides from out
4 of the country. Illegal Chinese pesticides are
5 a part of some of the illegal grow sites. We
6 had illegal Chinese pesticides in Siskiyou
7 County. We see them in Oklahoma, and those are
8 the areas where a lot of marijuana is being
9 grown right now.

10 Q Have illegal pesticides harmed law
11 enforcement?

12 A Yes. Just last year we had Siskiyou
13 County Sheriff's Office serving a search warrant
14 in an area where it was actively fumigating as
15 they were entering, and they experienced a lot
16 of medical issues and had to be hospitalized
17 over that exposure.

18 Q And can marijuana users tell when a bud
19 has chemical residue or is contaminated?

20 A To my knowledge, no, unless it's
21 tested.

22 Q One last question on this theme. What
23 is a BHO lab?

24 A BHO is bunny -- sorry, butane honey oil
25 and it is something that's to where you can take

1 a lot of the marijuana plant and solvents to get
2 the resins out of the marijuana. The butane
3 honey oil is the chemical compound that comes
4 out of the marijuana, and it's used for, you
5 know, again, ingesting edibles, smoking, that
6 kind of thing.

7 Q Do these labs present any unique risks
8 to growers or to consumers?

9 A Yes, because they use solvents, and
10 with solvents they are highly flammable. And
11 we've seen places essentially blow up throughout
12 the county because of it. It becomes a very,
13 very big issue, you know, for public health, but
14 also the fire departments, as well as creating
15 wildfire situation.

16 Q Shifting gears now, let's talk about
17 trafficking and violent crime associated with
18 marijuana. Have you seen human trafficking or
19 labor trafficking on marijuana grows?

20 A Yes, we have.

21 Q And where do the trafficking victims
22 generally come from?

23 A Well, they come from all over, but
24 we've seen as the price per pound gets low -- I
25 think I have to give a little history lesson

1 here, so excuse me. So in the past, you know,
2 under the Green Rush, marijuana's being sold
3 for, you know, upwards of 2,000 to 3,000 dollars
4 a pound. I mean, it was very, very lucrative.
5 At that point in time, we had people come from
6 all over the world, essentially. They were
7 called trimmer grants. They came into Northern
8 California, and they came in for the sole
9 purpose of trimming marijuana in illicit grows
10 throughout the county. And they were paid 200
11 dollars a pound to grow marijuana. And people
12 sat back, and they provided all of the food and
13 a place to camp, and they were there for two to
14 three months, you know, trimming marijuana at
15 different grow sites in Northern California.
16 They just went from one grow site to another
17 grow site.

18 A good trimmer can do a pound, you
19 know, up to two pounds a day. But it's that
20 labor intensive that it comes about. And, you
21 know, 200 dollars and all of your food and
22 everything taken care of, you know, living two
23 to three months, people create a lot of wealth
24 for people that were laboring. What we found
25 now is that because marijuana only sells for 300

1 dollars a pound, you can't pay someone 200
2 dollars a pound to trim marijuana anymore. So
3 now it becomes labor is the biggest liability
4 when it comes to illicit marijuana. And how do
5 you cut labor costs? You cut labor costs by
6 bringing in labor from out of the area and house
7 them there. So we're seeing essentially cartels
8 and people from Mexico and South America being
9 brought up into America and then pushed out
10 through different labor markets to manicure
11 marijuana in illicit marijuana grows throughout.

12 And with a promise to pay either for their
13 travel into the United States or they get paid
14 after the grow season. And so that is going on
15 throughout California and the United States. Or
16 people are, you know, paid under the table for
17 pennies on the dollar.

18 We've just experienced a gentleman in
19 Humboldt County that called his consulate. I
20 believe it was January/February of this year.
21 He was stuck on a marijuana farm, and he was
22 from Mexico, and he was there at a legal
23 marijuana farm. He wasn't being paid. He was
24 told he needed to stay there to make sure the
25 marijuana was continuing to be grown. He was

1 abandoned on this grow site. So he ended up
2 calling his consulate saying, the grower hasn't
3 shown up in weeks. I'm trapped. I need help.
4 And so we sent our marijuana enforcement team
5 there, and we rescued him from this area. And
6 yeah, he was being trafficked. Come to find his
7 story that he was from Mexico. He was
8 trafficked into America, and he was brought to
9 this grow site with a promise for a paycheck,
10 and he was never paid.

11 Q Are trafficking victims ordinarily able
12 to call for help like that?

13 A You know, sometimes they are, but you
14 know, when you look at Northern California, a
15 lot of these grow sites are living off the grid,
16 and that's what they market off of. They bring
17 people to areas where they live off the grid.
18 There's no cell service. There is no ability to
19 call. There's no ability to actually find your
20 way out because you're miles and miles away from
21 the roads. And again, you have a promise there
22 that you're going to get paid, but there's no
23 guarantee. There's no labor code. There's no
24 essential people looking after you and that
25 becomes a problem.

1 Q What are living conditions like for
2 people who are trafficked?

3 A Deplorable. It's like a third world
4 country. People living on the ground, living in
5 huts. Very poor public health issues. No
6 running water, you know, no toilets. All the
7 things that would have to be provided to you if
8 you had someone actually living on site. I
9 mean, you have to pay them. You have to provide
10 a living facility for them if they're living on
11 site per the labor code. All that stuff is
12 undercut and not provided for.

13 Q Let's turn to violent crime. Have you
14 seen violent crime connected with marijuana?

15 A Yes. During the Green Rush, I would
16 say we contributed roughly half of our
17 homicides, you know, to marijuana, and most of
18 our armed robberies were from marijuana.

19 Q What kind of people or groups are
20 responsible for this kind of conduct?

21 A We have lots of different people that
22 are part of it, but mostly it's fueled by greed.
23 Organized crime cartels and people that value
24 money over people essentially are causing this
25 crime here in Northern California.

1 Q Can you name some of the gangs or
2 cartels involved?

3 A Absolutely. So we have the Sinaloa
4 cartel. We have the Jalisco New Generation
5 cartel. We have Chinese, the People's Republic
6 of China sends people over to California. We
7 have Bulgarian, Russian crime families that are
8 here in Northern California that are operating
9 these businesses and these illicit grows. Some
10 of them are covering behind legal grows, but
11 they are definitely a part of this where people
12 can make money, where organized crime can make
13 money, they're going to do it, and they're going
14 to exploit the system, and that's exactly what
15 they did in Northern California.

16 Q Are there any domestic gangs that are
17 involved?

18 A I mean, essentially, we have outlaw
19 motorcycle gangs that are running different
20 parts of marijuana. But back in the heyday,
21 organized crime throughout America wanted a
22 piece of the action, and they came to Northern
23 California to get that action because it was
24 that lucrative. We have contacts through the
25 DEA in all parts of the United States, whether

1 it's a connection to Northern California. And
2 that's through the cartel, that's through
3 organized crime, like I said, through the
4 Russians, Bulgarians and Chinese. We see the
5 ties all over, and there are DEA briefs that
6 will talk exhaustively about this.

7 Q What is Murder Mountain?

8 A Murder Mountain is it's an area of
9 Humboldt County, but that's just slang. It's
10 called Rancho Sequoia, that's actually the real
11 name of the area where Murder Mountain is
12 referred to. It is essentially an area where
13 there's a lot of marijuana parcels in kind of a
14 small area of southern Humboldt County.

15 Q Was there a notable case that occurred
16 there?

17 A There was. It was a part of the Murder
18 Mountain Netflix series. It's Garrett
19 Rodriguez's homicide.

20 Q To the extent that you can speak about
21 it, what happened?

22 A Garrett Rodriguez came from San Diego
23 to work in a marijuana garden in southern
24 Humboldt County. And he was there as sometimes
25 people do, like I talked about, I guess, the

1 draw to get a part of the business or be a part
2 of the business and make money from marijuana
3 drew Garrett Rodriguez to Northern California.
4 He then met an individual in southern Humboldt,
5 provided work for his farm, and subsequently, he
6 was killed and murdered, you know, at this farm.

7 Q Was there any vigilante justice meted
8 out?

9 A Yes. We knew that Garrett Rodriguez
10 was missing, and this occurred, I believe, in
11 2013, so 13-plus years ago. Garrett Rodriguez
12 was part of a missing persons case. His family
13 called, reported him missing, said he came up to
14 Humboldt County to work on a marijuana farm, and
15 they couldn't find him. They didn't -- he
16 wasn't answering his calls. He wasn't checking
17 in. They were concerned for his welfare.

18 We did a welfare check at where he was
19 working, and no one knew or saw anything. We
20 knew that there was something nefarious that
21 happened to Garrett just based upon the fact
22 that he just fell off the map, and we heard
23 rumors that he had been killed. At that point
24 in time, we started to turn up the heat, and
25 this area, again in southern Humboldt County,

1 had a lot of illicit marijuana groves. So what
2 we ended up doing was we ended up serving search
3 warrants on every marijuana grow in that area,
4 looking for information, looking for, you know,
5 and trying to again push out the illegal
6 marijuana in that area.

7 Well, that pressure that it caused
8 caused several of the local residents to band
9 together because they knew what happened, but
10 they didn't want to tell us about it. They
11 didn't want to be witnesses, but they decided
12 that they felt like it's in their best interest
13 to find Garrett Rodriguez.

14 Q Well, I won't ask you to comment
15 further on a pending case. So let's talk about
16 a couple cases that are closed. If I can turn
17 to slide 37, please. Who is this gentleman
18 depicted on the screen?

19 A On the screen is a gentleman that was
20 named Michael Wilde.

21 Q So what did Michael Xylon Wilde do?

22 A Michael Wilde managed a marijuana grow
23 in kind of central east Humboldt County in the
24 Kneeland area of Humboldt. And as it's depicted
25 on the picture, it's a satellite view of his

1 marijuana grow, and you can see that there's
2 several hoop houses in this area, and they all
3 were his marijuana grow.

4 JUDGE JULIUS: You've used that word
5 before, hoop house. Could you explain --

6 THE WITNESS: Sure.

7 JUDGE JULIUS: A little bit more what
8 that is?

9 THE WITNESS: Yeah. What we see on the
10 picture here is they're white tubes that you see
11 from Google Earth. And essentially what these
12 are is plastic PVC pipe and PVC pipe with rebar
13 and wood that are bound together in a half
14 circle from one ground to the other, and it
15 creates, you know half circle and they cover to
16 with Visqueen grow material, and essentially it
17 creates a makeshift greenhouse. You can
18 customize that greenhouse to the area where your
19 grow site is. You can get two to three rows
20 within that greenhouse. And again, it makes
21 growing marijuana a whole lot easier in these
22 type of environments.

23 You see that there's several hoop
24 houses there in this grow site. And Michael
25 Wilde, I guess, purchased or brought to his grow

1 site two Guatemalan nationals that worked his
2 grow site all season. When I mean season, from
3 summertime until fall when he can harvest all of
4 his marijuana.

5 MR. HORTON: What happened to those
6 workers?

7 THE WITNESS: We found out that he
8 promised the workers at the end of the season
9 that he would end up paying them for the whole
10 season after he sold his product. What ended up
11 happening is he showed up the day that the
12 harvest was done, everything was finished, and
13 instead of a paycheck, he brought a gun. And he
14 ended up chasing down the two individuals,
15 shooting them, one in the head and one in the
16 face. The one in the head died instantly. The
17 one that was shot through the face ran off into
18 the woods, and Michael Wilde ended up hunting
19 him all night long in this area of rural
20 Humboldt County.

21 BY MR. HORTON:

22 Q And did law enforcement catch up with
23 him?

24 A Yes. Luckily, as you see in the upper
25 left-hand screen, there is a lighter green space

1 in that screen. That's where the top of the
2 hill is, and there happens to be a CAL FIRE air
3 base in that area. The worker made it up to
4 that CAL FIRE air base and went to some
5 firefighters with his injury and explained in
6 Spanish what happened to him.

7 At that point in time it was morning,
8 we, the Humboldt County Sheriff's Office, rushed
9 up there, end up locating Michael Wilde,
10 locating the scene, locating the homicide victim
11 and another victim that was also there that was
12 chased. And he wasn't shot, but he was also a
13 worker on that farm. And so we got everyone
14 together and got a case together determined that
15 Michael Wilde then murdered these individuals
16 instead of paying them or attempted to murder
17 them.

18 Q So Michael Wilde was brought to
19 justice?

20 A Yes. This is the case that the FBI
21 ended up taking, and he was federally prosecuted
22 for this crime where he is serving federal
23 prison.

24 Q Who is Ulysses Rodriguez?

25 A Ulysses Rodriguez is also a marijuana

1 grower that in 2018 he decided that two of his
2 workers that he believed ripped him off he
3 wasn't going to turn them in to law enforcement
4 because he was running an illegal operation. He
5 decided to shoot and kill them and burn their
6 bodies.

7 Q Slide 41, please. What does this
8 depict?

9 A This depicts a witness that was driving
10 by the vehicle that the victims had and that
11 drove to -- after the victims were shot and
12 killed, Ulysses put their bodies in the back of
13 the SUV, pulled it onto a rural roadway, and lit
14 it on fire.

15 Q And this image?

16 A That is after the fire was extinguished
17 of the victim's vehicle.

18 Q Thank you. Have any officers faced
19 violence while engaged in marijuana enforcement?

20 A Absolutely. This is why,
21 unfortunately, we have to bring our firearms
22 when we go and do services of search warrants
23 because we've had a Humboldt County sheriff's
24 deputy that was shot at a marijuana -- illicit
25 marijuana farm or grow site. Even a couple

1 years ago, an El Dorado County sheriff was shot
2 and killed at a illegal marijuana grow site. So
3 there's a level of danger that is there with
4 these illicit grow sites.

5 Q Sheriff, I have just one last question
6 for you, and that is who is Josie Honsal?

7 A Josie's my daughter. And, you know, I
8 have three -- I have four children. Josie came
9 to us because my wife and I were foster parents.

10 And so Josie was placed with us. She was born
11 drug addicted. We got her six days old out of
12 the hospital. She was born tox positive for THC
13 and methamphetamine. And my wife and I were
14 there six days after she was born and took her
15 home and experienced the withdrawals and the
16 symptoms from coming off of being born drug
17 addicted.

18 Eventually went through the legal
19 channels, and parental rights were terminated,
20 and ultimately we adopted Josie as one of our
21 children. So you know, she's great because
22 she's my only daughter. I have three sons and a
23 daughter, and she's perfect and beautiful and so
24 but we've seen the challenges of adopting a
25 child that's been born drug addicted, and it's

1 very personal for me.

2 MR. HORTON: Thank you for your
3 testimony today, Sheriff, and thank you for your
4 public service. With that, Your Honor, the
5 Opposed States rest.

6 JUDGE JULIUS: Thank you very much. I
7 have just two questions.

8 THE WITNESS: Sure.

9 JUDGE JULIUS: And then I'll ask the
10 government how they'd like to proceed with their
11 cross. You had used the word legalization a
12 couple of times. How do you define that?

13 THE WITNESS: Yeah. A couple forms of
14 legalization. One was through Proposition 215
15 and then refined legalization through Prop 64.
16 Prop 64 really brought legalization to Northern
17 California or California in general and
18 especially through our own land use. We finally
19 have regulation when it comes to legalization.

20 JUDGE JULIUS: Okay. So and 215 was
21 the Compassionate Use Act?

22 THE WITNESS: Correct.

23 JUDGE JULIUS: Is that right? And so
24 that was for medical purposes?

25 THE WITNESS: Yes.

1 JUDGE JULIUS: And then the later
2 action was for recreational use?

3 THE WITNESS: Correct.

4 JUDGE JULIUS: Okay. And then are you
5 familiar with the Controlled Substances Act
6 definition of marijuana, the federal definition
7 that's contained at 21 United States Code § 802
8 subsection 16?

9 THE WITNESS: I'm not totally familiar
10 with that, but --

11 JUDGE JULIUS: I can read it to you.

12 THE WITNESS: Okay.

13 JUDGE JULIUS: It's a mouthful. If you
14 need me to repeat anything, just let me know.

15 THE WITNESS: Okay.

16 JUDGE JULIUS: So I can also show you.
17 I don't have enough copies for counsel, but if
18 you'll indulge me, I promise I'm using the
19 controlled substances.

20 THE WITNESS: You're fine. You're
21 fine. I believe you.

22 MR. HORTON: Counsel trusts the Court.

23 JUDGE JULIUS: Thank you. I appreciate
24 that. So Mr. Phillips is handing you one. It's
25 16A, is what's included in --

1 THE WITNESS: Great.

2 JUDGE JULIUS: The definition of
3 marijuana, and then I'll just read it into the
4 record. I'm asking all of our provisional
5 experts the same question --

6 THE WITNESS: Okay.

7 JUDGE JULIUS: So it's not unique to
8 you. So subject to paragraph B, the terms
9 marihuana and marijuana, alternatively spelled
10 with an H or a J, mean all parts of the plant
11 Cannabis sativa L., whether growing or not; the
12 seeds thereof; the resin extracted from any part
13 of such plant; and every compound, manufacture,
14 salt, derivative, mixture, or preparation of
15 such plant, its seeds, or resin. And then part
16 B talks about what's not included, and that is
17 the terms marihuana and marijuana, again,
18 spelled variously with an H or a J, do not
19 include subsection little I hemp as defined in
20 Section 16-39(0) of Title 7 or under subsection
21 ii. The mature stalks of such plant, fiber
22 produced from such stalks, oil or cake made from
23 the seeds of such plant, any other compound,
24 manufacture, salt, derivative, mixture, or
25 preparation of such mature stalks (except the

1 resin extracted therefrom), fiber, oil, or cake,
2 or the sterilized seed of such plant which is
3 incapable of germination.

4 As I said, it's a mouthful. How does
5 this definition compare to the definition of
6 marijuana that you've been using during your
7 testimony, and how you view marijuana through
8 your course of work?

9 THE WITNESS: I mean, it mirrors it as
10 far as State of California goes. You know, I
11 know there's a couple different references to
12 marijuana and cannabis. It heavily talks about
13 cannabis, Cannabis sativa, Cannabis indica and
14 all the derivatives of that plant when it comes
15 to whether it's planting, selling,
16 manufacturing, and so it falls in line with what
17 the State of California says.

18 JUDGE JULIUS: Okay. Thank you.

19 THE WITNESS: Thank you.

20 JUDGE JULIUS: Counsel, so it's now
21 11:44. We usually take lunch at noon, but I --

22 MR. MALEY: If the Court's inclined, I
23 believe that my cross-examination would fit
24 within that time. If the sheriff is
25 comfortable, if he wanted to take a break, I'm

1 more than happy to indulge, but I'll leave it up
2 to you.

3 JUDGE JULIUS: Mr. Horton, do you have
4 any thoughts?

5 MR. HORTON: No objection.

6 JUDGE JULIUS: Okay. I think based on
7 the schedule, it may be possible that we could
8 wrap everything up before lunch, and then we
9 could just dismiss everyone. But I don't want
10 anyone to feel constrained by the time. We do
11 have time, but I'm happy to let government
12 counsel do their cross, and then we can revisit
13 depending on what you would anticipate for any
14 redirect or anything from there. But let's go
15 ahead and proceed with what we can do, and then
16 we'll check in with each other.

17 CROSS-EXAMINATION

18 MR. MALEY: Good morning, Sheriff
19 Honsal.

20 THE WITNESS: Morning, Counselor.

21 BY MR. MALEY:

22 Q Based on your testimony today, you
23 would agree that the safety of people in
24 Humboldt County is important to you?

25 A Absolutely.

1 Q And you'd agree that the enforcement of
2 drug crimes is crucial to ensuring that safety
3 in Humboldt County?

4 A Yes, sir.

5 Q And much of your testimony today
6 focused on criminal activity that occurs in
7 Humboldt County and its neighboring counties,
8 Mendocino and Trinity, correct?

9 A Correct.

10 Q And you testified that this area
11 collectively is known as the Emerald Triangle?

12 A Correct.

13 Q And indulge me, we'll reiterate it for
14 the record, the Emerald Triangle is in the state
15 of California, correct?

16 A Yes.

17 Q And you'd agree that to a certain
18 extent, marijuana consumption, even
19 recreationally, is legal in the State of
20 California?

21 A Yes.

22 Q Medical marijuana is legal in
23 California, correct?

24 A Yes.

25 Q And that may not be true in other

1 states?

2 A That's correct.

3 Q And in fact, you'd agree that generally
4 the legal status of marijuana in Nebraska,
5 Indiana, and Idaho is different than that of
6 California?

7 A Correct.

8 Q And you'd agree that during your direct
9 testimony, you explained how the concept of
10 medical marijuana in California has influenced
11 the prevalence of illicit marijuana growth in
12 the state of California?

13 A Yes, I did.

14 Q And during your direct testimony, you
15 explained how this illicit manufacturing and
16 movement of marijuana that occurs in the Emerald
17 Triangle is likely due to some combination of
18 the geography of Northern California, the low
19 population density and the difficulty of
20 enforcing in that area, correct?

21 A Yes.

22 Q And you'd agree with me that based on
23 this and how you spoke about Humboldt County's
24 uniqueness, it is a one of one type of place
25 with respect to illicit marijuana growth,

1 correct?

2 A I would say so, yes.

3 Q And you'd agree with me that if I
4 reference the words Emerald Triangle, I'd be
5 talking about a location that is, to an extent
6 with regard to Humboldt County, in your
7 jurisdiction?

8 A Yes.

9 Q And it would fall in the jurisdictions
10 of the Mendocino and Trinity Sheriffs as well,
11 correct?

12 A Yes.

13 Q So it would be fair to say that it
14 would not be a jurisdiction of any sheriff in
15 the state of Nebraska, Indiana, or Idaho?

16 A Correct.

17 MR. MALEY: That concludes my line of
18 questioning.

19 JUDGE JULIUS: Okay. Mr. Horton?
20 Thank you, Mr. Maley.

21 MR. HORTON: May I ask the Court's
22 indulgence for a moment to confer with co-
23 counsel?

24 JUDGE JULIUS: Absolutely.

25 MR. HORTON: Appreciate it. Your

1 Honor, I think the States could do a very brief
2 redirect.

3 JUDGE JULIUS: Absolutely and again, I
4 don't want you to feel constrained by the lunch
5 hour. Take your time, Counsel.

6 REDIRECT EXAMINATION

7 MR. HORTON: I appreciate it, Your
8 Honor, I don't expect this will take too long.
9 Sheriff, in the course of your duties, do you
10 interact with law enforcement colleagues in
11 other states?

12 THE WITNESS: Yes, I do.

13 BY MR. HORTON:

14 Q Can you name some of the other states
15 with whom you've been in touch?

16 A I've been in touch with sheriffs from
17 Oklahoma -- is the biggest one right now, and
18 I've been in touch with sheriffs from Oregon as
19 well as Idaho.

20 Q So why have you been in touch with the
21 sheriffs in Oklahoma specifically?

22 A Because what Oklahoma's experiencing
23 right now is what California experienced during
24 our Green Rush, and so we're talking about the
25 trends, talking about criminal activity and what

1 can be expected there.

2 Q Are there other states similar to
3 Oklahoma in this respect?

4 A Well, I think Oklahoma's the biggest
5 one that stands out, but as legalization does
6 occur there's more and more states that are
7 recognizing the impact marijuana does have on
8 you illegal activity.

9 Q So there may be other Humboldts in
10 development at the moment?

11 A There could be, yes.

12 MR. HORTON: That's all, Your Honor.

13 JUDGE JULIUS: Thank you, Mr. Horton.

14 And thank you --

15 THE WITNESS: Thank you.

16 JUDGE JULIUS: Sheriff --

17 THE WITNESS: Appreciate it.

18 JUDGE JULIUS: For your testimony. Very
19 much appreciate it. You're free to step down,
20 and you can go about your day, or if you'd like
21 to remain and observe, you can.

22 THE WITNESS: Okay.

23 JUDGE JULIUS: But thank you again.

24 THE WITNESS: Thank you. I appreciate
25 it.

1 JUDGE JULIUS: That was the last item
2 we had on schedule for testimony. Any other
3 issues to raise procedurally with regard to
4 testimony evidence before I close the
5 evidentiary record?

6 MR. HORTON: No, Your Honor, not from
7 the States.

8 MR. LONICH: Nothing from the
9 government, Your Honor.

10 JUDGE JULIUS: Thank you both, Counsel.
11 So with that, the evidentiary record in the
12 matter of Scheduling of Controlled Substances,
13 Proposed Rescheduling of Marijuana, hearing
14 docket No. 26-96, DEA docket 1362 is now closed.

15 The tribunal has heard 11 days of
16 testimony from all designated parties' witnesses
17 and received thousands of pages of admitted
18 documents as reflected in the record and the
19 transcripts. The tribunal understands the
20 strong views held by many on all sides of the
21 issues involved in this matter and is very
22 grateful for the professionalism demonstrated by
23 counsel and the parties throughout this hearing.

24 The tribunal is also impressed by the
25 promptness of the filings and the flexibility of

1 counsel and the parties, particularly given the
2 hearing's expedited nature and its occurrence
3 around a major federal holiday. The tribunal
4 will soon issue an order setting forth
5 instructions and deadlines for submitting
6 proposed transcript corrections and written
7 closing arguments.

8 The issue in this case, again, is
9 whether marijuana, as defined in the Controlled
10 Substances Act codified at 21 United States Code
11 802 Subsection 16, other than those products
12 already in Schedule III, should be moved to
13 Schedule III. As discussed in the tribunal's
14 preliminary order and reiterated throughout the
15 hearing, designated parties' written closing
16 arguments may challenge the provisionally
17 accepted expertise of witnesses and argue the
18 weight the tribunal should afford to any
19 testimony or admitted document.

20 In making a recommended decision on the
21 proposed rescheduling of marijuana, I give my
22 solemn promise to counsel, the designated
23 parties, and the public that I will thoroughly
24 consider and evaluate all the evidence presented
25 at this hearing. My recommendation will not be

1 the final decision in this case. After I issue
2 a written decision that is recommending a
3 decision, the designated parties will have an
4 opportunity to raise exceptions to that
5 recommendation for the DEA Administrator's
6 consideration. The final agency determination
7 will ultimately be issued by the DEA
8 Administrator.

9 Again, the tribunal thanks all the
10 counsel for their advocacy in this matter and
11 wishes them and the designated parties well.
12 This hearing is now adjourned. Thank you
13 everyone.

14 (Whereupon, the above-entitled matter
15 went off the record at 11:53 a.m.)
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1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript
3 was duly recorded and accurately transcribed
4 under my direction; further, that said
5 transcript is a true and accurate record of the
6 proceedings; and that I am neither counsel for,
7 related to, nor employed by any of the parties
8 to this action in which this matter was taken;
9 and further that I am not a relative nor an
10 employee of any of the parties nor counsel
11 employed by the parties, and I am not
12 financially or otherwise interested in the
13 outcome of the action.

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20 James Cordes
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