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# LOCAL NEWS

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## Motion seeks return of pot

### Lawyers for Wo/Men's group want seized plants, personal items from DEA

By **BRIAN SEALS**  
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As promised, attorneys for a local medical marijuana cooperative whose garden was raided by federal agents Sept. 5 will be in court today to try to get its pot plants back.

#### **DAVENPORT**

Ben Rice and Gerald Uelmen, attorneys for the Wo/Men's Alliance for Medical Marijuana, plan to file a motion this morning in U.S. District Court in San Jose. A hearing date will be set after the motion is filed.

The motion will seek the return of at least 130 marijuana plants seized by the Drug Enforcement Agency, as well as personal

items belonging to alliance co-founders Mike and Valerie Corral that were taken during the raid, attorneys said. The U.S. Attorneys Office has not filed criminal charges against the Corrals, and has not said whether any are planned.

Rice said he and Uelmen plan to attack the agency's probable cause for getting a search warrant. He said the affidavit shows that probable cause was based on viewing the alliance's Web site and on a fly-over of the Davenport property where the garden was located.

"I just don't know how they could justify that search," Rice said Monday.

DEA spokesman Richard Meyer said he

could not speak to specifics of the case. But he said the agency would fight returning the marijuana in any case.

"We're not a marijuana distribution center," Meyer said. "We seize drugs."

In some California cases, state courts have ordered the return of medical marijuana to its owners. Meyer said he was not aware of that happening in the federal court system.

The raid reverberated through the Golden State's medical marijuana community and drew criticism from local elected officials.

It also sparked a medical pot giveaway to about a dozen of WAMM's members last Friday on the steps of City Hall in a move that drew national media attention. The distrib-

ution was endorsed by six of Santa Cruz's seven City Council members, three former mayors and a county supervisor, all of whom attended the event.

While California voters approved medical marijuana use in 1996, the federal government still considers it a drug with no medical value.

Rice said more legal action on behalf of the alliance would be forthcoming in the form of a lawsuit against the DEA.

"This is only our first salvo," Rice said of the motion to be filed today.

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