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FILED  
MERCED COUNTY

2004 APR 21 AM 8:58

CLERK OF THE SUPERIOR COURT

*Richard Mitchell*  
DEPUTY

8 *Richard Mitchell*  
IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED

9 LOS BANOS DIVISION

10 THE PEOPLE OF THE STATE OF  
11 CALIFORNIA,

Plaintiff,

12 vs.

13 DENNIS AINSWORTH,

14 Defendants.

Case No. *LB77179*  
[D.A. # ]

ORDER AFTER DISMISSAL  
Re: DISPOSITION OF  
NON-CONTRABAND PROPERTY

Dept: *60*

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16 ORDER AFTER DISMISSAL Re: DISPOSITION OF NON-CONTRABAND PROPERTY  
17 TO THE CALIFORNIA HIGHWAY PATROL, CITY OF LOS BANOS POLICE,  
18 AND/OR COUNTY OF MERCED SHERIFF:

19 The Court makes the following FINDINGS AND ORDER:

20 That Proposition 215, now Health & Safety 11362.5, "ensures rights" [certain rights] to  
21 qualified patients and has decriminalized certain activity in the limited area of medical marijuana.  
22 Among the activities which are ensured rights for the status person; is the right to acquire, use,  
23 possess, and cultivate (which are sources of medicinal marijuana) marijuana under the conditions  
24 stated within H&S 11362.5. ~~The published California Attorney General's Opinion #03-411,~~  
25 ~~states that there are two statutes [H&S 11357 and 11358] that do not apply to the qualified~~  
26 ~~patient.~~ This criminal action has been dismissed as DENNIS AINSWORTH is a qualified patient  
27 He is entitled to have his seized legal medicinal marijuana [less than one ounce] restored to his  
28 possession. ~~Possession of marijuana for medical purposes is no different than a prescription drug.~~

1 Law enforcement is the custodian of evidence for the court and has no discretion in  
2 ~~disputing the return of non-contraband medicinal marijuana. See Evidence Code sections 1536~~  
3 ~~1540.~~

4 **GOOD CAUSE APPEARING, IT IS ORDERED:**

5 That the above mentioned law enforcement agency which is in possession and control of property  
6 seized from this former Defendant, DENNIS AINSWORTH is ordered to return his seized  
7 property, including his less than one ounce of medicinal marijuana, to him forthwith.

8 Dated: April 21, 2004

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10 ~~JUDGE of the SUPERIOR COURT~~  
11 ~~COUNTY OF MERCED~~  
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