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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO HEADQUARTERS

UNITED STATES OF AMERICA, Plaintiff, v. UKIAH CANNABIS BUYER'S CLUB; CHERRIE LOVETT; MARVIN LEHRMAN; and MILDRED LEHRMAN, Defendants.	Case No. C-98-00087-TEH DECLARATION OF SPECIAL AGENT DEBORAH MUUSERS

I, DEBORAH MUUSERS, do hereby declare and say as follows:

1. I am a Special Agent with the San Francisco Field Division of the Drug Enforcement Administration ("DEA"), United States Department of Justice, and have been so employed since July 1991.

2. I have received training from the DEA in specialized narcotic investigative matters including, but not limited to, the following: drug interdiction and detection, money laundering techniques and schemes, drug identification, and asset identification and forfeiture. This training

included specialized training in the preparation of narcotic and document search warrants for residences and businesses.

3. I have participated in numerous investigations specifically involving both the indoor and outdoor manufacture or cultivation of marijuana. In the course of these investigations, I have personally examined approximately 250 indoor and outdoor marijuana plants. I also have participated in the arrest of more than 100 individuals for violations of federal and state law regarding controlled substances. I also have received specialized training regarding the techniques used to grow marijuana. Based on my experience and training, I am familiar with the smell and appearance of growing and processed marijuana, as well as the smell of marijuana when it is burning. I also have participated in the obtaining and/or execution of more than 100 federal and California state warrants to search a particular place or premises for controlled substances and/or related paraphernalia, indicia, and other evidence of the commission of state and/or federal felony violations of law.

4. On October 24, 1997, I made an undercover purchase of one-eighth ounce of "Grade A" marijuana for $40 from the Ukiah Cannabis Buyer's Club ("UCBC"), a marijuana distribution business located at the Forks Theater, 40A Pallini Lane, in Ukiah, California. I made this undercover purchase using an undercover name, identification, and a phony physician statement. The circumstances of this purchase are as follows:

5. On October 24, 1997, I was provided with Official Authorized Funds and a phony physician statement, in anticipation of making an undercover purchase of marijuana from the UCBC. The phony physician statement used my undercover identity as the patient's name, and stated that this person suffers from "Menstrual Cramps." The marijuana distribution center designated was the "Ukaih [sic] C.B.C." The doctor listed on the statement also was a phony identity. A telephone number for the doctor listed on the statement was for an undercover telephone line to the DEA San Francisco. I also was provided with a concealed video and audio recording device with microphone.

6. At approximately 11:55 a.m., I walked toward the Forks Theater, and approached an adult male standing outside the UCBC who introduced himself as "Jamie." I told "Jamie" that I wished to establish membership. "Jamie" responded that I needed a piece of paper from a physician. I showed "Jamie" the phony physician statement, whereupon "Jamie" directed me to enter through the front door and see a receptionist.

7. I entered the UCBC, observed three desks in a room, and walked to the first desk, where I spoke with an adult female who introduced herself as "Marci." "Marci" introduced me to "Lori," an adult female who was the bookkeeper; "Cherri," who was the founder of the UCBC; "Jamie," who sells the marijuana; and an adult male, approximately 50-60 years of age, who was described as the individual who donated the space utilized by the UCBC, so that the club did not have to pay rent.

8. I sat at "Marci's" desk to fill out the paperwork for membership, including the medical reason I wished to purchase marijuana. I listed "menstrual cramps" in this section. I also was given a "caregiver" form to fill out, which I took with me to fill out later.

9. "Marci" then filled out a book with sequential numbering, and gave me a UCBC membership card. The membership card contains a UCBC insignia, the letters "UCBC," a blacked-out name for the "Director," with a phone number of 707-462-0691, and the statement, "[i]n compliance with Proposition 215" on the front. The back of the card list the UCBC's hours, which are Monday from 11:00 a.m. to 3:00 p.m.; Tuesday from 3:00 p.m. to 7:00 p.m.; Thursday from 11:00 a.m. to 3:00 p.m.; and Friday from 10:00 a.m. to 4:00 p.m. The back of the card also contains blank lines for "patient" and "caregiver." I filled in the section provided for "patient" using my undercover identity

10. After I had been given the UCBC membership card, "Marci" provided me with an article by a Dr. Tod Mikuriya on the safe use of cannabis, and escorted me to the back of the club, which "Marci" indicated doubled as a movie theater. "Marci" informed me that smoking marijuana on the premises was allowed, but that sharing was not. "Marci" also informed me that

the price of marijuana fluctuated, depending on their source of supply, and that the UCBC charged members the cheapest price they could, and that the prices sometimes changed weekly. "Marci" also suggested that I purchase some brownies containing marijuana, as eating them would supposedly help with menstrual cramps.

11. "Marci" then left and returned to the reception area, and I stood at a glass counter and examined the various items for sale. The prices varied from $15 for one-eighth ounce of "Mexican," to $40 for one-eighth ounce of "Grade A."

12. I agreed to purchase one-eighth ounce of "Grade A," whereupon "Jamie" took a baggie containing what appeared to be marijuana out of a drawer and handed it to me. I handed "Jamie" $40 in return.

13. At approximately 12:10 p.m., I exited the UCBC, and subsequently met with two fellow Special Agents at a designated rendezvous location, whereupon I turned over the bag of suspected marijuana to these agents for evidentiary purposes.

14. The bag of suspected marijuana which I purchased from the UCBC on October 24, 1997, was subsequently marked as Exhibit 44, and was transferred to the DEA Western Regional Laboratory for analysis.

15. In addition, the audio and video equipment which I utilized during my undercover purchase of marijuana from the UCBC on October 24, 1997, successfully recorded this purchase. The original tapes and recordings are currently maintained by a non-drug evidence custodian of the San Francisco Field Division of the DEA, along with the UCBC membership card with which I was provided.

16. During this visit to the UCBC to establish membership, I did not observe any other commercial activity ongoing at the UCBC except for the distribution of marijuana.

17. On November 14, 1997, Special Agent Artemis Haywood and I made an undercover purchase of one-eighth ounce of "Grade A" marijuana for $35 from the UCBC. The circumstances of this purchase are as follows:

18. On November 14, 1997, Special Agent Haywood and I were provided with Official Authorized Funds and the UCBC membership card that had previously been issued to me on October 24, 1997, in anticipation of making an undercover purchase of marijuana from the UCBC.

19. At approximately 11:45 a.m., Special Agent Haywood and I entered the UCBC and were greeted by an adult female who introduced herself as "Marci." "Marci" asked what we needed, and I stated that I wanted to sign up my friend as a caregiver. "Marci" referred us to an unidentified adult female ("UF1"), who was sitting in the desk across from "Marci."

20. Special Agent Haywood and I sat down in front of UF1's desk. UF1 asked me for her membership card, which I produced. UF1 also asked S/A Haywood for identification, and S/A Haywood produced her undercover identification. UF1 then made a copy of S/A Haywood's undercover identification, and asked S/A Haywood to sign a caregiver form and to sign my membership card in the slot marked caregiver. After S/A Haywood had filled in her undercover identity in this section, UF1 took the card and, after having the card laminated, returned it to me. UF1 then introduced S/A Haywood to the following people: "Marci," the receptionist; "Marvin," the club owner; "Jamie," the assistant manager; and "Cherri," the director.

21. Special Agent Haywood and I then proceeded through to the back of the club with "Jamie." "Jamie" went behind a glass counter and asked me what I wanted to purchase. I asked for one-eighth ounce of "Grade A," and was handed a clear plastic baggie containing what appeared to be marijuana. I handed "Jamie" $35 in return.

22. At approximately 2:40 p.m., Special Agent Haywood and I exited the UCBC, and subsequently met with a fellow Special Agent at a designated rendezvous location, whereupon they transferred the bag of suspected marijuana to him for evidentiary purposes.

23. The bag of suspected marijuana which I purchased from the UCBC on November 14, was subsequently marked as Exhibit 53, and was transferred to the DEA Western Regional Laboratory for analysis.

24. During this visit to the UCBC to make an undercover purchase of marijuana, I did not observe any other commercial activity ongoing at the UCBC except for the distribution of marijuana.

I declare under penalty of perjury that the foregoing is true and correct.

DEBORAH MUUSERS

Executed this 9th day of January 1998