

EXHIBIT A

1 THE LAW OFFICES OF GLEW & KIM
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4 (714) 648-0004 telephone
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5

6 SUPERIOR COURT FOR THE STATE OF CALIFORNIA,
7 LONG BEACH JUSTICE CENTER
8

9 THE PEOPLE OF THE STATE OF
10 CALIFORNIA
11

12 Plaintiff,

13 vs.

14 JOE GRUMBINE, and
16 JOE BYRON Defendants.
17
18
19

Case No.: NA087478
}

DECLARATION OF ATTORNEY
CHRISTOPHER M. GLEW
}

20
21 I, CHRISTOPHER M GLEW, declare as follows:

22 I have personal knowledge of the facts herein and if called to testify I could and would
23 competently testify under oath.

24 I am an Attorney duly admitted to practice Law in the State of California. I am employed
25 at the Law offices of Glew and Kim, and I am the Attorney of Record for Joe Grumbine in the
above titled case.

26 I attest that the 170.1 attached to this declaration is a true and accurate statement of facts
27 to the best of my recollection and I hereby join in this motion to disqualify Judge Sheldon.

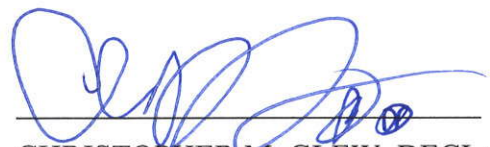
28 Specifically, I would like to be clear that I made this motion during trial orally and was denied
mid sentence by Judge Sheldon.

DECLARATION OF CHRISTOPHER M GLEW

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I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed this 5th day of January 2012 in Santa Ana, California.



CHRISTOPHER M. GLEW, DECLARANT

EXHIBIT B

Fwd:

From: Joe Grumbine <mail@willowcreeksprings.net>
To: Allison Margolin <allisonbrandi@mac.com>
Date: January 06, 2012 11:08:22 AM

----- Forwarded message -----

From: **Donna Lambert** <sunnysky23@yahoo.com>
Date: Thu, Jan 5, 2012 at 11:14 PM
Subject:
To: Joe Grumbine Main email <mail@willowcreeksprings.net>
Cc: Allison Margolin <allison@lasdopestattorney.com>, allison margolin <LASDOPESTATTORNEY@gmail.com>

From Donna Lambert

January 5, 2012

To Whom It May Concern,

Regarding: People v Joe Byron and Joe Grumbine Trial

My name is Donna Lambert. I have a bachelor degree in pre-law and I have worked as a social worker for Juvenile Parole. I am very familiar with the legal system.

I had the opportunity to sit through several sessions in the courtroom of Judge Sheldon, Dept K in Long Beach during motion hearings and the trial of Joe Grumbine and Joe Byron.

What I witnessed on the days that I sat in Judge Sheldon's courtroom was a judge who was clearly attempting to legislate from the bench and making no effort whatsoever to do his job, which was supposed to be a fair and impartial arbiter of the law. Judge Sheldon made no attempt to hide the fact that he himself was working with the prosecution to convict these two men.

I am very familiar with medical marijuana law. I study it and this medical marijuana movement obsessively. What I saw was a judge who was actually working with the prosecution and regardless of whether the prosecution even had a valid point, he just let them have what they wanted.

He did not listen to arguments in defense of the witness, in fact cut them off and attempted to prevent the defense attorneys from even defending their clients. Judge Sheldon demonstrated such hostility toward the defense attorneys, that most efforts to argue any points were denied immediately and without cause or reason, presumable to make it harder to mount an appeal.

Judge Sheldon appeared to be actually working with the prosecutor to be ensuring a conviction even before the trial started. It did not matter that the police first investigated the defendants and found no wrongdoing, but that the police later concocted lies and even obtained valid doctor recommendations to join this collective group. Nothing mattered as Judge Sheldon appeared to give the prosecutor free reign to present a false case of preventing the jury from hearing an semblance of truth, and denied defense arguments without reason.

The following is an example of the mockery of justice of JUST ONE SINGLE DAY that I took notes (typical courtroom hearing in dept K):

The issues argued on Thursday September 15, 2011 were as follows:

- **Prosecutor wants to prevent any “medical marijuana defense” from even being part of the trial.** This means a systematic removal of all facts that could exonerate Joe Grumbine and Joe Byron from being heard by the jury. She successfully put off that argument by dumping a huge pile of “evidence” on the defense the afternoon before this hearing.

- **Prosecutor wants to prevent jury from hearing about AG Guidelines** regarding medical marijuana. Judge lets her prevent the jury from hearing the guidelines given to all medical marijuana collective groups written by the highest prosecutor in the state.

- **Jury Instruction** – Prosecutor wants the standard CalJig “Compassionate Use Act of 1996 jury instruction” given to the jury, which would **prevent the jury from hearing** that under sb420 patients have a right to collectively associate and be excluded from sales and other marijuana related charges. So the judge is allowing the prosecutor to prevent the jury from knowing that laws were passed AFTER prop 215 which allowed for collective and cooperative associations of patients.

- **Prosecutor wants EXCLUDE witness or exculpatory evidence** entered regarding the legal operation of a collective. So anything showing that Joe Grumbine and Joe Byron were following the law or AG Guidelines would be prevented from being shown to the jury. No problem, Judge Sheldon agreed with that idea. It was so clear that he was trying to get a conviction himself that Judge Sheldon appeared to be in a partnership with the prosecutor;. This was not going to be a fair trial in any way shape or form if Judge Sheldon had his way.

- **The prosecutor wants to prevent any media** from documenting this trial with “electronic recording devices”. Judge Sheldon agreed with that also, appearing to be in agreement to a code of secrecy that would prevent this charade from being shown to the general public, and then later during the trial actually putting a gag order on the lawyers to prevent the public from taking notice to this travesty of justice.

- **Prosecutor wants to prevent supporters from wearing anything that could show support for the defendant.**

- **Prosecutor wants no witnesses for the defense that could testify that this was a legitimate medical marijuana collective.**

That was just fine with Judge Sheldon as he clearly wanted to prevent the jury from hearing anything related to the running of this collective from the jury so he just agreed again with whatever outrageous requests at preventing a fair trial that the prosecutor asked for.

Whatever the prosecutor wanted, Judge Sheldon was gleefully agreeing with. It was a joke. He was so clearly working with her and was nowhere near the neutral arbiter of facts that is his job.

So then when the judge has prevented any possibility of the jury hearing the truth, the defense attorneys step in and do a writ of appeal to a higher court, asking for an order to allow them to defend their clients. Within just (I believe) about 3 business days left until the trial date, a higher court orders that the defendants have a right to put on a defense. Judge Sheldon continues to do everything in his power to prevent a fair trial from taking place. He limits witnesses, allows defense witnesses to be harassed in the hall, puts up a screen so the jury cannot see the community support, overrules valid defense arguments without any reasoning

that can be written into an appeal and gives the prosecutor anything she wants to present her case and votes in her favor without reason.

Angered at this point now, Judge Sheldon no longer restrains himself from outright hostility to certain defense attorneys who are snapped at and overruled instantly if they even speak in defense of their clients. Where defense attorneys should have been allowed to make arguments they were cut off from speaking, berated, spoken down to with hostility and denied.

If Judge Sheldon was even remotely doing his job, which again is to be a neutral party, he would have postponed the trial date for at least several weeks for the defense to prepare. Instead, upon an order to allow a defense from a higher court than himself, he essentially does everything in his power to prevent a defense by insisting that the date of the trial go ahead in just a few days. No time whatsoever for the defense to prepare their case. Judge Sheldon continues to try to undermine the trial by limiting the witnesses that can testify, while allowing about a ratio of 1 defense witness to every 5 prosecution witnesses.

Judge Sheldon also allows certain detectives involved to actively harass witnesses for the defense in the hallway and threaten them also, again, Judge Sheldon being responsible for knowing about that and not putting a stop to this behavior, further preventing and semblance of a fair trial.

Judge Sheldon then tried to cover his own tracks by putting a gag order on the defense attorneys, presumably so that the media would not be aware of what a mockery of justice was taking place in courtroom K.

The problem with medical marijuana being considered an "affirmative defense" but then giving the judge the authority to prevent an "affirmative defense" from occurring was demonstrated in Long Beach in Department K. In addition, it is clear that judge Sheldon used his own bias and political leanings to force a conviction. This was in no way a "fair trial" and instead was a mockery of everything our criminal justice system is supposed to be, which is "innocent until proven guilty", not "the judge is against medical marijuana so we will prevent a fair trial". Political hostility and bias have no place in a courtroom. Joe Grumbine and Joe Byron should have this case reviewed and overturned. Quite frankly, the outpouring of community support shows that this particular collective group of patients, which has also many other programs than medical marijuana distribution should have been some indication that the medical marijuana patients involved were a true collective as the law intended and far more than just distributors of marijuana. In addition, the overblown claims to issues such as "profit" do not take into account, rent, the very high costs of indoor growing, payroll of collective members who are working instead of growing, etc. If you took those costs from the amounts blasted out by the prosecution, many people who have ran true collectives (as this was) have ended up barely making ends meet. Also, the lack of clarity in the law, and the city by city confusion as to zoning and acceptance of these storefronts makes it even more difficult for people who believe in the value of medical marijuana to avoid being caught up in what is essentially a political battle between those that want Americans to have a choice to use a safe non-toxic plant or be forced to purchase expensive pharmaceuticals from corporations that clearly control our federal government.

This control then trickles down the Federal Government coercing and influencing the state to attempt to undermine the will of the people by offering or withholding grant money.

This charade of a trial, held in courtroom K, by Judge Sheldon was the most obvious display of political undermining of the voters that I have ever seen. It is my belief that no human being belongs in a cage because of a plant, but when the voters legalized this in 1996, and the legislature gave us rights to associate in 2004, there is no judge in the State system that should be using their own political beliefs or associations to undermine the people in what is supposed to be a democracy.

Sincerely,

Donna Lambert

--

Blessings
Joe

EXHIBIT C

Declaration by Cynthia Johnston
Observations during the Long Beach trial of Joe Byron and Joe Grumbine.

January 5, 2012

What I observed during the entire Byron/Grumbine trial in Long Beach, California was the consistent and systematic demonizing and discrediting of the defendants and the defense attorneys by Judge Charles D. Sheldon. Making no attempt to hide his contempt for the defense attorneys and their defendants, he used procedural maneuverings to deny the defendants an affirmative defense, in effect defying the high court's ruling that they be given one.

The following are specific observations made by me while present in the courtroom on November 28, 2011 and December 1, 2011, during said trial.

Monday, November 28, 2011

On the first day of the trial, having been reversed on November 23 by the California Appellate Court and ordered to give the defendants the affirmative defense he had previously denied them, Judge Charles D. Sheldon refused to allow either defense attorney a continuance in order to subpoena a list of witnesses he had previously denied them. Stating first that they'd had plenty of time to prepare witnesses, and second, that it was "unlikely they would be called," he denied their motion for a continuance and started the trial on the spot.

Judge Sheldon told attorneys Allison Margolin (for Byron) and Gina Kim of Glew & Kim (for Grumbine) that he had *put a lot of time into preparing the jurors for a long trial*, allowed each defendant 6 witnesses each, announced repeatedly he was going forward with the trial and repeatedly told them they could appeal his decisions if they wanted to, thus setting a tone of disdain and contempt for the defense attorneys that persisted throughout the trial.

He also set a pattern of excluding exculpatory witnesses and evidence when he denied the defense the right to tell the jury that defendant Grumbine had been cleared of the same charges in Riverside County 5 weeks prior to the 2009 raids, by a judge who had dismissed the case, stating that Grumbine was in full compliance with California law. Throughout the trial I observed the police, prosecutor and the judge himself use tactics that would keep the whole truth from ever reaching the jurors. This applies to the collection of evidence during the undercover investigation, during the tri-county raids of 17 locations and to the evidence and witnesses allowed in court.

Thursday, December 1, 2011

The day began at 8:30 a.m. with Judge Judith L. Meyer refusing to hear a complaint at that time by Ms. Margolin that lead detective Oscar Valenzuela had been caught on tape threatening a witness if he didn't change his (pro-defendant) testimony. She scheduled a hearing for Monday, Dec. 5, 2011 at 8:30 a.m. when she would also deal with a motion to reconsider quashing the original warrant.

Declaration by Cynthia Johnston
Observations during the Long Beach trial of Joe Byron and Joe Grumbine.

January 5, 2012

In his courtroom, Judge Sheldon denied Allison Margolin's objection to the use of a snapshot from a video. He then turned to the prosecutor and in an avuncular tone invited her to "object any time you want." Later in the day, Judge Sheldon over-ruled one of Ms. Margolin's objections before she finished her sentence. He then began to over-rule before she was able to finish saying the word "objection." Ultimately, he ignored her objections altogether, not even bothering to say "over-ruled," but simply addressing the prosecutor or witness, with an apology for the intrusion, saying, "You may continue," or "you may go forward with the evidence."

During the testimony of lead detective Oscar Valenzuela, Judge Sheldon made a point of coddling the witness while showing obvious resentment every time Ms. Margolin asked a question. Attorney Christopher Glew (for Grumbine) complained that the defense questions were proper and necessary, but having all of them overruled suggested to the jury that they were only being asked to influence the jury.

While over-ruling all defense objections, the judge made a point of smiling upon detective Valenzuela, interpreting questions for him and helping him answer some of them.

Complaints about witness dissuasion on the part of Detective Valenzuela were ignored by the judge even though defense offered proof that Valenzuela went to the place of business of a defense witness and threatened him if he didn't change his testimony.

Monday, December 5, 2011

After the judge over-ruled many objections to his making everyone in the courtroom, including the jury, watch silent videos showing the same event over and over, Ms. Margolin asked the judge himself to watch the video, as well. Clearly annoyed, he said, "You want me to watch it? I'll watch it." After asking how long the video would last (15 minutes, 48 seconds) the judge blatantly did not watch the video.

Ms. Margolin asked that the record show that one of the prosecution's witnesses, Long Beach Police Detective Sean Irving of the Violent Sexual Predator Unit, was giving her threatening looks from the witness stand. The judge dismissed her concern, saying "I didn't see it." Considering the witness and the judge were facing the audience from the same line of sight, it would have been impossible for the judge to see Detective Irving's threatening looks. But I was facing Detective Irving and I saw them. I was afraid for Ms. Margolin's safety as I would characterize the looks as extremely menacing, if not downright murderous.

Defense attorney Chris Glew asked the witness, "When you looked for evidence, is it fair to say you were only looking for non-exculpatory evidence..." Judge Sheldon jumped in and answered for the witness. At another point the judge allowed evidence to be introduced over objections without looking at what the evidence was.

Declaration by Cynthia Johnston
Observations during the Long Beach trial of Joe Byron and Joe Grumbine.

January 5, 2012

One over-ruled defense objection I want to call attention to, although I had difficulty hearing, was about the difference between a vial of "cannabis or THC" which, if weight were a factor, would be a huge difference in that there are only traces of THC in a vial of cannabis. Again, I'm not sure I heard this correctly but it's indicative of the kind of information the jury was systematically denied in what appeared to me to be a concerted effort on the part of judge, prosecution and police to get a conviction at all costs.

I attended almost every day of the trial and have many notes if these are not sufficient. I hereby testify that the patterns I describe above continued throughout the entire trial.

Respectfully submitted,

Cynthia Johnston
303 345-3259

EXHIBIT D

Re: Grumbine medical marijuana case

1/5/2012

Hello,

After spending 4 or 5 full days and 2 or 3 half-days, sometimes with my wife and sometimes not, witnessing the goings on in Judge Sheldon's courtroom during the Grumbine/Byron trial, I've got to say that justice was clearly not achieved. I saw a judge totally stifling the defense and giving extra-wide leeway to the prosecution time and time again. The judge actually apologized to the prosecuting attorney when he was forced, on the rare occasion, to allow an objection from the defense.

The bias was obvious from day one when the judge ruled that medical marijuana could not be used as a defense and that the jury would not hear it, nor see all the witnesses testifying in this regard. Absolutely egregious! By what possible logic could a reasonable person arrive at that conclusion? He showed his cards over and over. Fortunately, in this matter, the medical marijuana decision was overturned by an appellate court. However, his pro-prosecution bent informed most of his actions throughout the trial.

He allowed the deputy attorney general (I think that's who it was; or, at least, someone higher up from that office) to seriously complain in open court, out of the jury's hearing, about some of the counselors on the defense and people associated with the defense, but, would not allow one word or question or response from the defense. Incredible and, it would appear, highly unusual.

We saw a judge many, many times need to be read back a previous question when an objection was brought up because he hadn't heard it. He seemed to be drifting a good amount.

The entire legal system has failed in this instance. It really seems that the system is looking to make an example out of someone to quash all medical marijuana collectives, and the Grumbine/Byron case became their mission. There were never any warnings given to the defendants before the huge police raid took place. Why not, when it is more than evident that the laws on the books governing this issue are cloudy and open to interpretation and misunderstanding. Very good people's lives and their families are being severely negatively affected absolutely unnecessarily. What a gigantic waste of time, money, and energy. Nobody was hurt from the "offenses" supposedly committed by the Joes Grumbine and Byron.

My faith in our legal and justice system is damaged by this ruling.

Sincerely disappointed and disillusioned,

Tax-paying, voting U.S. citizens
Bennett + KC Chesne
4229 Madison Ave.
Culver City, CA 90232

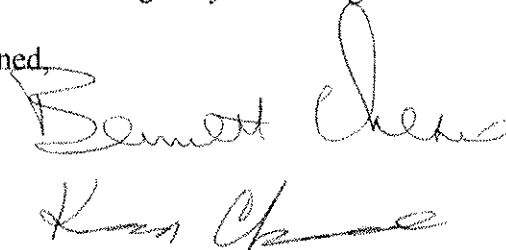
The image shows two handwritten signatures in black ink. The top signature is 'Bennett Chesne' and the bottom signature is 'KC Chesne'. Both signatures are written in a cursive, flowing style.

EXHIBIT E

Print Message

Fwd: No "Judge" of Character.

From: Joe Grumbine <mail@willowcreeksprings.net>
To: Allison Margolin <allisonbrandi@mac.com>
Date: January 06, 2012 10:06:08 AM

----- Forwarded message -----

From: **Rory Murray**. <elmoby59@yahoo.com>
Date: Thu, Jan 5, 2012 at 7:12 PM
Subject: No "Judge" of Character.
To: mail@willowcreeksprings.net

To Whom It May Concern,

I am writing this letter to bring to light what I consider a gross miscarriage of justice. And at the most obscene level. I'm referring to the so-called jury trial of Joe Byron and Joe Grumbine.

This trial was presided over by Judge Charles Sheldon. A man who from the beginning tried everything he could to stack the deck in favor of the D.A.'s agenda of appearing "tough on crime", even going as far as to try and deny the co-defendants their right to an affirmative defense!

He bragged several times that he would run the court "his way".

Thank the Lord, and an alert appellate court that Judge Sheldon was not allowed "his way" in this particular instance. But that would not deter him from his ultimate goal...

GUILTY on ALL COUNTS! And why not? Millions of taxpayer dollars were spent on this trial, so they HAD to have a guilty verdict or else.

* He overruled practically every objection that Defense Attorneys Chris Glew and Allison Margolin presented, while sustaining most of Prosecuting Attorney Jodi Castano's objections

* He stated many times, and on the record, that he was NOT paying attention.

* He leered lasciviously at one of the female defense witnesses.

* Speaking of Defense Witnesses, Mr. Byron and Mr. Grumbine were allowed only 6 witnesses apiece, while the prosecutors were allowed a whopping 40 witnesses..

* There were MANY allegations of witness tampering by lead Narcotics Officer, Oscar Valenzuela. Judge Sheldon refused to even listen to these allegations.

The prosecution was so desperate for a win that they actually stooped so low as to steal my court notes, lyrics and artwork. How do I know this? A: I was complimented on my lyrics by Prosecutor Castano and B: A detective in the case was actually called back to the stand to enter the reward poster that I taped to Egg Heaven's door into evidence.

I have never seen such pre-judicial treatment. Judge Sheldon should be disbarred. If this letter makes it's way to the Board of Judicial Review, I would be most grateful.

Judge Sheldon should have recused himself. He can never excuse himself.

He should be forced to step down immediately to start collecting that fat, undeserved pension

of his. But if there was REAL "Justice" in the state of California, Sheldon would be doing time for HIS misdeeds. And not Mr. Byron or Mr. Grumbine.

Thank You For Your Attention!

Rory Murray
951 295-1582

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Blessings
Joe

EXHIBIT F

Long Beach Post

Friday, January 6, 2012

Long Beach Post

Click here for print locations.

NEWS

Juror: Prosecution Proved Profit; Dispensary Bookkeeping "Buried" Byron & Grumbine

by Gregory Moore | Staff Reports | 12.29.11 |

13 | Text Size: ·

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2:40pm | A juror in the just-completed trial of Joe Grumbine and Joe Byron says that the pair's own meticulous paperwork showed their three medicinal-marijuana collectives to be turning a profit, while failing to show that profit being put back into the collectives.

The juror, who calls himself "a proponent" of medicinal cannabis and says he has several acquaintances with doctor recommendations to use cannabis, spoke with the *Long Beach Post* on the condition of anonymity. We'll call him 'Juro.'

"I'm sympathetic to the cause," Juro says. "I was a '70s kid. That should tell you a lot about my background towards the idea of using marijuana. [...] At first I was looking at it [i.e., the charges] that this was a big shell game that the City was throwing on. [...] They had to literally prove to me that these guys messed up. And unfortunately, they proved to me that these guys messed up. [...] I'm a proponent for this. I felt really bad having to put down a guilty verdict on this. But because of what they showed me and what I was told to follow, that was the only verdict I could

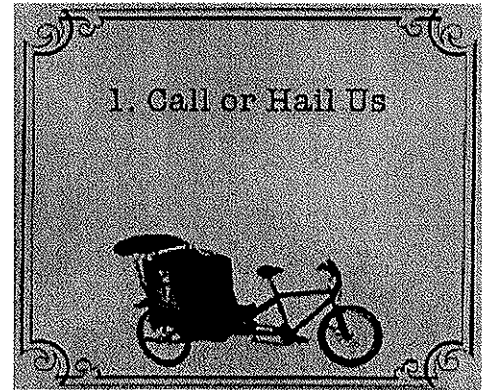
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give them."

According to Juro, the most damning piece of evidence was the defendants' meticulous bookkeeping.

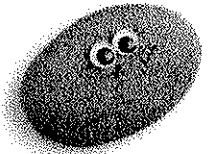
"Unfortunately, they kept really good records. Their records are what sunk them for us," Juro says. "All [their] paperwork was just immaculate, and they were showing at the end-of-the-day's sales report, the very last line there was, 'Profit Percentage.' Every day they were writing 48 to 50 percent profit. That's a lot of money per day. Their paperwork was pretty much showing us that, yes, they were making a profit. Now, they weren't showing what they were doing with any of this money. They said they were doing things with it, but they had nothing -- no paperwork, nothing -- saying that they were putting money into this, putting money over here into this, putting money towards some cancer project, or anything like that. They didn't put any of that down. [...] When they showed the one deal on the profit margin, that right there is pretty much what sealed their fate on any kind of *legal* sales. [...] If the paperwork wasn't so good, they might have been able to get away with it,"

During the trial, the prosecution seemingly ran together the question of



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Enrique Arturo Diemecke, Music Director

During the trial, the prosecution seemingly ran together the question of whether all storefront sales are illegal (an interpretation of the law that then-State Attorney General Jerry Brown contradicts in his 2008 guidelines -- about which Juro confirms the jury never got hear) and whether for-profit sales are illegal (which is undisputed). As a result, Juro came away from the legal arguments believing that storefront dispensaries are disallowed by state medpot law, but that some sales are legal, even if as such they are not called "sales."

"In a way, [storefront dispensaries] are illegal, according to the laws that they have set out," Juro says. "You really shouldn't have any storefront deal if you're collective. [...] [T]hey can make a sale to one of their collective members, [although] the sale wouldn't be considered an actual sale [...] it would be more like a reimbursement to the collective itself,. But for the fact that the prosecution was able to prove profit...if they couldn't have proved that to me, in my eyes [Grumbine and Byron] would have been not guilty [of the charges related to sales]."

Juro also says the prosecution demonstrated that the pair's three collectives - Fourth & Elm Natural Health Collective, 2200 Health Collective, and Unit D - did not function as properly organized nonprofit cooperatives.

"They were able to prove that [...] they weren't running as an actual cooperative, [where] every member has a say and owns that cooperative," he

says. "[During the trial] they asked a lot of people that were members there, and all they could say was that they were members, [but that,] 'They never asked me if I could do anything for the collective, and I never asked them if I could do something for the collective.'"

Juro also said that numerous persons who work in the three collectives testified that Grumbine and Byron "were running the show," which is not in keeping with Juro's understanding of what a collective is. "What I found is that a collective is owned by everybody who is a member," he says."

Since Juro did not feel that terms such as *collective*, *cooperative*, and *dispensary* were adequately defined within the courtroom, contrary to Judge Sheldon's instructions, Juro consulted the Internet.

"I had to look this stuff up," he said, "I really did, even though the judge said we weren't supposed to. I was really iffy on some stuff, so I had to look up what a collective was, I had to look up what a co-op was. And then I started looking at some of the California rules and regulations of it. And when it was proven to me that they were not an actual collective [...] that's when my vote got changed. [...] I felt compelled to do [outside research] because I wanted to make sure I was right on my convictions. And when I found out what the definitions of these things were...Because, you see, they never really defined those in the court. But myself, I needed to know. And I don't think it was that bad of a thing, because it didn't really sway my judgment any which way. It did let me know a few things, like a dispensary is a profit-driven entity, not one you can just break even with. [...] It even states: 'A dispensary is a profit entity.'"

Regarding Sheldon, Juro feels far less sure than some courtroom observers

that the judge was biased against the defense.

"He was running that court with a firm hand," Juro says. "It looked like he knew that he was going to have a big problem with this [trial], and he didn't want to make it a pony show. He did object to a lot of stuff that the defense threw out there -- objections and stuff like that; he over[ruled] a lot of them. But then when the defense got up there and started doing their thing, he was trying to be as fair as he could. [...] He definitely [overruled] a lot of objections that *they* [i.e., the prosecution] were throwing out. [But] he could

have been biased. He looked like he was a person that really didn't put up with this medical thing, and he probably feels that it's gotten out of hand -- which it really sorta has."

Juro was unaware of Sheldon's limitation on the number of witnesses the defense was allowed to call, and so chalked up the disparity in number between prosecution and defense witnesses as a mistake by defense attorneys Christopher Glew and Allison Margolin.

"Where the defense messed up is they didn't bring a ton of people out," Juro says. "They only brought out a couple of people."

Another example of Sheldon's bias alleged by many observers is a trial day when Sheldon had a partition erected to keep the jury from seeing the pro-defendant gallery. But Juro says this is a misrepresentation of what actually took place.

"To make it easier for us to see the screen, it was moved to the opposite side," Juro explains. "It was not a partition between the jury and the audience. [...] It had nothing to do with blocking out the little protesters that were sitting out there in the audience."

Juro reports that on several occasions supporters of Grumbine and Byron would attempt to approach jurors in the hallway, but that other supporters would typically intercede -- although on at least one occasion a protester did speak with a juror, a circumstance that was reported to Sheldon.

"That's what I called them: the protesters," Juro says. "They were quite comical."

In his final analysis, Juro says that, aside from the tax and power-theft charges against Byron (which Juro says were definitively proved), his guilty verdict came down to the question of profit -- a question Byron and Grumbine indirectly answered in the affirmative.

"I myself feel [the trial] was a total waste of taxpayers' money," Juro says. "If [the prosecution] had looked at my questionnaire form, they probably would not have picked me. [...] But when I walked in there, the judge asked me if I

could be fair. And I will be fair. [...] And there was proof of a profit, and they're not supposed to be making a profit. [...] That paperwork is what buried them. [...] With all that thrown out at us, all we could say was that they're guilty."



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Gregory's Favorite Links

Gregory's Archives

January, 2012

- 01.06.12 Nominations for "Long Beach Heroes" Open Until January 19
- 01.05.12 Occupy Long Beach Leaves Lincoln Park, Will Use January Meetings in Bixby Park to "Restructure"

December, 2011

- 12.30.11 LBPD's New Year's Strategy: Heading Off Bad Behavior at the Pass
- 12.29.11 Juror: Prosecution Proved Profit; Dispensary Bookkeeping "Buried" Byron & Grumbine
- 12.28.11 UPDATE: Wideman Suspends Plans for Lawsuit Against City; May Pursue Ballot Measure
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John B. Greet

Of course they were "doing things" with their profits and of course they never documented what those things were.

They were doing what every business-person SHOULD do with his or her profits...enriching themselves. That is the entire "point" of running a business as opposed to an entirely philanthropic enterprise...to enrich oneself.

Despite what 95% of collective owner/operators will claim, enriching themselves is "precisely" why they got into the medpot industry in the first place. Nor should there be one single thing wrong with doing so, if the activity that one is enriching oneself from is entirely lawful in the first place.

Marijuana collectives are "not" entirely lawful, however. And the moment that anyone decides to try to manage or operate a collective in the U.S., whether in California or anywhere else, they are violating statutory federal law.

Amend or abolish the CSA, and all of these complications go away.

Amend the CSA and marijuana becomes legal for medical professionals to prescribe and for pharmacies to dispense.

Abolish the CSA and the people of California can truly decide for themselves whether to legalize marijuana and, if so, to what degree. This is precisely how our nation was intended to operate.

With a very small, extremely limited federal government and with states or localities passing laws that suit "them" best.

Jury of Our Peers

I can bet, the arguments by both sides went right over the heads of these jurors. If "Juro" is typical of the panel, the defendants had no chance.

not a lawyer

Since Juro did not feel that terms such as collective, cooperative, and dispensary were adequately defined within the courtroom, contrary to Judge Sheldon's instructions, Juro consulted the Internet.

"I had to look this stuff up," he said, "I really did, even though the judge said we weren't supposed to.

Seems to me that's a mistrial right there. Hope the defense reads this article. especially since those terms aren't part of CUA or MMPA .

flowers

Shady shady business kinda glad they got shut down!

Diana Lejins

Of course the defense did not have many witnesses--the judge disallowed them. The prosecution was favored every step of the way. In my book, it should be the other way around--innocence should be presumed and favored over an overly-zealous and prejudiced prosecutor and/or judge.

Additionally, isn't it interesting that pharmaceutical and health insurance companies can make obscene profits off of sick people (at times contributing to their deaths) and we don't even bat an eye.

The State was supposed to have a program to furnish patients with medical marijuana; the dispensaries are only filling in a gap where the State failed its due diligence.

Legalizing, taxing and regulating marijuana is the only sensible way to eliminate this quagmire--it's time for change!

Listening

I agree with Greet (for the second time this week, what's happening to me?)and Diana. They are right, this is a problem that is not going away until the laws change.

How much time are we going to allow to be wasted in trials and city council meetings, not to mention the billable hours law enforcement must spend policing or performing busts on those who don't comply?

<http://www.lbpost.com/news/greggorymoore/12997>

- 12.23.11 Occupy Long Beach Arrestee Maintains Innocence Despite "No Contest" Plea; OLB Marches Against Police Brutality
- 12.22.11 Sorting Through Subjectivity, or What Really Happened in Lincoln Park Tuesday?
- 12.21.11 Police Brutality Alleged in Tuesday Arrest at Occupy Long Beach Site
- 12.14.11 Council Deadlocks on Medpot Ban, Will Revisit in January
- 12.13.11 Occupy Movement and Law Enforcement Put on Big, Nonviolent Show at Port
- 12.06.11 Reports of Occupy Long Beach's Demise Greatly Exaggerated; OLB Report Compiled Without OLB Input
- 12.05.11 Shaun Lumachi, Co-Founder and Publisher of the Long Beach Post, Dead at 33
- 12.02.11 OC Sheriff's Department Says All Sales of Marijuana Illegal, Investigation Involving Belmont Shore Collective Ongoing
- 12.01.11 Socks and So Much More: How an 8-Year-Old CEO Is Helping the Underprivileged

November, 2011

- 11.30.11 Councilmember Gabelich Confirms Interceding on Behalf of Occupy Long Beach
- 11.29.11 OC Sheriff's Department: Belmont Shore Medpot Collective Raided for Being Part of "Criminal Organization"
- 11.28.11 Police Choose Not to Confiscate OLB Property, OLB Chooses Not to Vacate Park
- 11.27.11 Murder Parolee at Large Apprehended Near Bixby Park After Flight from Police
- 11.23.11 Senator Lowenthal Calls Treatment of UC Protestors "Outrageous and Disturbing," Calls for Hearing
- 11.23.11 El Dorado Nature Center Restoration Under Way
- 11.22.11 "Zombie Walk" Organizer Says Event Planning "Doesn't Have to Be This Difficult"
- 11.21.11 Occupy Long Beach Try to Leave Tents Up Overnight, Police Respond in No Uncertain Terms
- 11.18.11 Occupy Long Beach and the Police: Dances with Democracy
- 11.17.11 Protest Turns to Ruckus at CSU Chancellor's Office; Hubbub Spills Over to OLB Encampment
- 11.16.11 Occupy Long Beach at City Council: They Came, They Talked, They... Settled?
- 11.15.11 Police Monitoring Media Presence, "Anarchists" at Occupy Long Beach
- 11.14.11 Occupy Long Beach: Does Misery Love Company?
- 11.08.11 VIDEO: Occupy Long Beach Disrupts Council Meeting, Gets Topic Agendized for Next Week
- 11.08.11 Tonight: Occupy Long Beach Will Ask City Council for More Than Words

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It is clear that cannabis will eventually become more decriminalized than it is now, given that it is inherently safer than alcohol and does provide some proven relief for those suffering from some debilitating illnesses.

It is time to address the issue and cut through the false demonization that outlawed it in the 1930's.

SheldonLied

I don't believe anyone that is anonymous. Even if he does have a beard, ponytail and wears a biker/stoner hoodie. The defense didn't bring out enough witnesses because Chuckie (Sheldon) didn't allow them. The jurors only saw what the judge allowed and not all the evidence. Evidence of expenses was disallowed, as was California Law, SB420 (the law) was disallowed, Attorney General guidelines on how to properly run a dispensary was disallowed. Had the jurors seen it all they would have come with a different outcome. Long Beach is a kangaroo court, sport.

Constant Observer

I was a courtroom observer for this trial except one day. I also saw the pretrial 20 or so days. The states witnesses had been polished and practiced between the pretrial and trial. I also saw the multiple 402 motions suppressing the evidence all throughout the trial. The jury was not given a fair picture of the operation or the evidence. Drs., retired law officers and other patients witnesses were denied there right to speak out for these defendants. Witnesses were told they would be prosecuted if they testified. The jury didn't see this. The evidence that supported the defense case was not to be found and presented as not existing. the defense witnesses were told that they could not discuss these issues either. This was unbelievable trial As Juro said things were not explained but there was evidence suppressed altogether from the jury. Didn't the jury notice that the prosecution had Charles Monson on stand. He was in charge of data and procedures, yet she asked him no questions. She spent time asking the others, why? I left that trial feeling disappointed in our legal system.

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spiritwoman

yes.. all the supporters will state that this trial was unjust.. but have you forgotten what the state laws state on this issue?
the paperwork has proved that it was for profit.. and if you check the articles of what was stated from Joe and Joe in a restaurant.. they even stated the purpose of opening up those stores was to make monies off of them due to the fact that their other business was not doing it for them... this guy has hung himself in the courts..
and the laws states it is illegal to make a profit.. period.. but no one reads it.. or they justify that they are coops, coperatives, which is totally run a diffent way and a separate enity then store front dispensaries, which years ago they were not allowed even then.. so.. what can i say.. this law do not allow comerialized business and it is still ilgal for profit by the state as well as by the Federal Government.. Before you open up any place concerning cannabis.. don't be stupid.. read the laws, research the cases. and go by what Prop 215 states..

no one is above the laws.. not even you..

Joe may be a nice guy.. but his followers are blinded to the illegal actions taken behind this person...
People have the right to be able to state what they feel on this issue.. but still .. no matter what your views are, or what you beleive should have been done.. its stil the laws that are followed.
And once the trial is over with.. it is not a mistrial just because a jurer came out and spoke.. they had all the facts.. .. but still.. what Joe and Joe did.. was guilty of all charges.. ALL CHARGES!!..

pity.. this had to happen.. for i was really rooting for these guys.. but good luck anyway trying to change this verdict..

Mara Felsen, Esq.

I was sickened reading this article. This juror admitted to, nay, bragged about, committing extreme misconduct. In direct contravention to Judge Sheldon's express orders, he freely admitted to conducting his own internet research on the very terms that would and did decide the fate of these two defendants. Now these two former human beings can become detritus of the criminal justice system based on this grave miscarriage of justice. How can people maintain any faith at all in our court system when wrongful convictions such as these are carried out in such a cavalier manner? I am truly disheartened.

Connie

A response to flowers comments: "Shady Shady business, glad they got shut down" - IF the jurors had ALL the information necessary to do their job properly, this would have been a different outcome. SO - my question to you is, since the judge was obviously biased and didn't give the whole story; which is SHADY in my estimates, using your logic - shouldn't then the judge and courtroom be shut down. That's MY concern - those in power not

...to your legal treatment with the judge and courtroom as well as the... these in particular not allowing us our proper day in court to properly defend ourselves. Let's hope you never get caught in "the system" cause good luck with getting any compassion in the oh so fair verdict of people's court - that like yourself, read one thing and make snap decisions.

Zardo

There was plenty of exculpatory evidence, but Judge Sheldon blocked it from being seen or heard. He intended to block any medical defense, and portray the defendants as simple street drug dealers. It was a kangaroo court run by a judge with a vendetta and personal dislike for the defendants. Between that, and the fact that Juro looked things up, when he had been instructed not to, should be enough to declare a mistrial at the very least. But, in reality, this case should be completely overturned on appeal, once it gets to a court with an honest judge.

John B. Greet

I think it is really great that we live in a nation where criminal defendants who have been convicted of crimes have full access to a legal appeals process and ample opportunities to have their convictions overturned.

Pops

Looks like there are a lot of arm chair Lawyers , don't blame the jury but blame the system blame the person who wrote the law in the fist place . This law has so many holes in it Swiss cheese would be embarrassed

Listening

@ greet- Yes! It IS great that convicted criminal defendants have access to an appeals process. What is not great however, is that we have a judicial system that empowers judges who exhibit judicial bias in such a way that the defendants convictions are called into question. What is also not great is that we have city and state politicians and lawmakers passing laws that are vague and ambiguous, or contradict federal law.

Kity

Hmmmm - imagine that-

Activist judges are just FINE - until they disagree with YOUR point of view. Don't like what you got in the way of Judgeships in Long Beach? Blame yourselves. These numb nuts are ELECTED to their positions. That old adage is true - be careful what you ask (or vote) for! Because you just might GET IT!

concerned

Spirit Woman you seem to view your self as an expert on SB 420. Let me educate you a bit you moron! Collectives are non-profit which means you can pay salaries and expenses to keep the business afloat. If youre such an expert you would know that non profit can make millions of dollars throughout the year as long as the business has no profit at the end of the fiscal year. Put that in your pipe and smoke it!!!!!!!

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EXHIBIT G

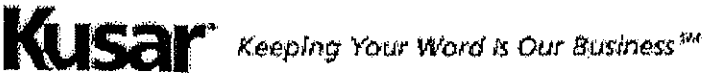
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Plaintiffs,)
)
 vs.) .CASE NO. NA087478
)
 BYRON,)
)
 Defendant.)
 _____)

UNDISCLOSED TAPED DISCUSSION
Audiotaped November 23, 2011
Orange, California

TRANSCRIBED BY: GAIL T. BERARDINO, C.S.R. NO. 4045



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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Plaintiffs,)
)
 vs.) CASE NO. NA087478
)
 BYRON,)
)
 Defendant.)
)

Undisclosed Taped Discussion between
Detective Oscar Valenzuela and Hanz Kroesen,
Taken at Selman Chevrolet, 1800 East Chapman
Avenue, Orange, California 92867, on November 23,
2011, transcribed by Gail T. Berardino, CSR No.
4045.

1 NOVEMBER 23, 2011, ORANGE, CALIFORNIA

2 * * *

3

4 UNKNOWN SPEAKER: Bam. Sound real quick. This
5 is probably going to be -- sorry.

6 Hi, ma'am. Yeah. Hey, I'm a detective with
7 Long Beach PD. I'm looking for a employee of yours, Hanz
8 Kroesen?

9 UNKNOWN SPEAKER: He's in the parts department.

10 DETECTIVE VALENZUELA: Parts department?

11 UNKNOWN SPEAKER: Yeah.

12 DETECTIVE VALENZUELA: Okay. Where would that be,
13 towards the back?

14 UNKNOWN SPEAKER: Yeah, all the way down that hall,
15 it's to the right-hand side.

16 DETECTIVE VALENZUELA: On the right-hand side?

17 UNKNOWN SPEAKER: Uh-huh.

18 DETECTIVE VALENZUELA: Thank you.

19 UNKNOWN SPEAKER: You're welcome.

20 DETECTIVE VALENZUELA: This one, maybe, bro?

21 UNKNOWN SPEAKER: Yeah, I don't really have any in
22 stock. I can order filler net hoses for you, but it's not
23 something that we stock.

24 UNKNOWN SPEAKER: I mean, I don't need a band or
25 anything, just a straight -- something.

1 UNKNOWN SPEAKER: Right.. Yeah, I mean, we could look
2 it up by year and get something that's -- and order a
3 piece for you, but I don't have -- we don't even stock it
4 anymore.

5 UNKNOWN SPEAKER: Okay.

6 UNKNOWN SPEAKER: But if you've got an application --

7 DETECTIVE VALENZUELA: What was the address here,
8 1800 East Chapman?

9 UNKNOWN SPEAKER: 2000, 3500 HP stick. Okay. You
10 know, that was probably from (inaudible).

11 UNKNOWN SPEAKER: Right.

12 DETECTIVE VALENZUELA: Hanz, right?

13 MR. KROESEN: Yeah.

14 DETECTIVE VALENZUELA: Remember me?

15 UNKNOWN SPEAKER: We've got a --

16 DETECTIVE VALENZUELA: From Long Beach?

17 MR. KROESEN: Long Beach.

18 DETECTIVE VALENZUELA: Yeah.

19 MR. KROESEN: Why don't you guys switch spots --

20 DETECTIVE VALENZUELA: Can I talk to you?

21 MR. KROESEN: -- for a second so he can --

22 DETECTIVE VALENZUELA: Thanks.

23 UNKNOWN SPEAKER: There you go.

24 UNKNOWN SPEAKER: Hi, can I help you?

25 DETECTIVE VALENZUELA: Oh, we're okay.

1 Detective Valenzuela.

2 MR. KROESEN: Oh.

3 DETECTIVE VALENZUELA: Is there somewhere we can talk
4 in private so that you don't -- what is the easiest way?

5 MR. KROESEN: Let me just talk to my manager.

6 DETECTIVE VALENZUELA: Okay, great.

7 No; no, go ahead. We're good, thank you.

8 UNKNOWN SPEAKER: Oh, you guys -- I'm sorry. I
9 just -- I didn't see you for a while, I didn't know if you
10 called me.

11 UNKNOWN SPEAKER: Is that for Pete?

12 UNKNOWN SPEAKER: Yes.

13 UNKNOWN SPEAKER: Okay, right here.

14 UNKNOWN SPEAKER: Oh, okay. Or you were about to
15 call me.

16 MR. KROESEN: Where you guys parked at?

17 DETECTIVE VALENZUELA: Right over here, that black --
18 that black Explorer. We'll just go talk over there.

19 How you been?

20 MR. KROESEN: Good. How about you?

21 DETECTIVE VALENZUELA: Not about. Not too bad. Been
22 working here long?

23 MR. KROESEN: A few months.

24 DETECTIVE VALENZUELA: A few months?

25 MR. KROESEN: Yeah, I think about four or five.

1 DETECTIVE VALENZUELA: You used to be a salesman,
2 right, before, car salesman before?
3 MR. KROESEN: No, parts sale.
4 DETECTIVE VALENZUELA: Oh, parts sales, okay.
5 MR. KROESEN: Still doing the same thing.
6 DETECTIVE VALENZUELA: Okay, all right. Did you just
7 come back to work for the same place or --
8 MR. KROESEN: Yeah, uh-huh.
9 DETECTIVE VALENZUELA: Oh, okay.
10 MR. KROESEN: Yeah. They had an opening. I was laid
11 off, and then returned.
12 DETECTIVE VALENZUELA: Okay.
13 MR. KROESEN: We had an opening.
14 DETECTIVE VALENZUELA: All right. A couple of
15 things, okay?
16 MR. KROESEN: Uh-huh.
17 DETECTIVE VALENZUELA: First and foremost, going to
18 be serving you with a Subpoena --
19 MR. KROESEN: Okay.
20 DETECTIVE VALENZUELA: -- to appear in court --
21 MR. KROESEN: Uh-huh.
22 DETECTIVE VALENZUELA: -- obviously on this whole
23 Byron drug-buying matter.
24 MR. KROESEN: Uh-huh.
25 DETECTIVE VALENZUELA: All right? So you're going to

1 get one of these here in just a second. Let me have you
2 initial right there. Perfect.

3 This is for November 28th, at 8:30 a.m. It
4 says, be in court. That's going to be Monday, okay?

5 MR. KROESEN: Monday?

6 DETECTIVE VALENZUELA: Yeah, that's going to be
7 Monday. Unfortunately, I just got this today.

8 MR. KROESEN: Well, see, that's the thing is they
9 were supposed to give me some good notice and --

10 DETECTIVE VALENZUELA: Unfortunately --

11 MR. KROESEN: -- at least talk to me on what I'm
12 going to testify on.

13 DETECTIVE VALENZUELA: Unfortunately, you know,
14 they -- they just said, "Hey, you know what? We're going
15 to have him come in and testify."

16 MR. KROESEN: I won't be able to say much on
17 anything. My lawyer's --

18 DETECTIVE VALENZUELA: Okay.

19 MR. KROESEN: -- basically told me on that.

20 DETECTIVE VALENZUELA: Listen, okay? You're not
21 under arrest.

22 MR. KROESEN: Uh-huh.

23 DETECTIVE VALENZUELA: Nothing like that. The only
24 thing you need to do is tell the truth.

25 MR. KROESEN: Okay.

1 DETECTIVE VALENZUELA: Okay? That's what you need to
2 do.

3 MR. KROESEN: Okay.

4 DETECTIVE VALENZUELA: I've got your reports as far
5 as what you told the initial investigating officers --

6 MR. KROESEN: Uh-huh.

7 DETECTIVE VALENZUELA: -- on this particular case.
8 I'll be quite frank. It's a lot of hogwash, okay? You
9 know a lot more than what you're telling us, okay? I
10 basically am coming here, okay, because the D.A. --

11 MR. KROESEN: Uh-huh.

12 DETECTIVE VALENZUELA: -- told me to --

13 MR. KROESEN: Uh-huh.

14 DETECTIVE VALENZUELA: -- all right? The D.A. wants
15 to reach out to you, okay, and say, "Hey, listen, you come
16 in, you tell the truth, you talk to us, all right, we'll
17 see what we can do, okay?"

18 I can't sit here and tell you, "Hey, I can do A,
19 B, C and D for you" --

20 MR. KROESEN: Uh-huh.

21 DETECTIVE VALENZUELA: -- okay? I'm sorry. You're
22 not the only one --

23 MR. KROESEN: Uh-huh.

24 DETECTIVE VALENZUELA: -- okay, that we're reaching
25 out to for this.

1 MR. KROESEN: Yes.

2 DETECTIVE VALENZUELA: I've already subpoenaed a
3 couple other people.

4 MR. KROESEN: Uh-huh.

5 DETECTIVE VALENZUELA: They're going to be coming in,
6 okay?

7 MR. KROESEN: Yeah.

8 DETECTIVE VALENZUELA: I know that at one point
9 during this whole thing you were a manager, you were in a
10 management capacity, you had a little bit more know-how as
11 to far -- how everybody -- everything went and how it
12 worked, okay? I need you to tell me the truth about all
13 that, all right?

14 I'm not looking -- I'm not here looking to put a
15 case on you. I'm not really interested in -- in -- in
16 you --

17 MR. KROESEN: Yeah.

18 DETECTIVE VALENZUELA: -- okay? That's not what I'm
19 concerned about. You may've believed whatever you were
20 doing was right and that you were doing it correctly and
21 this, that and the other, all right, but ignorance is not
22 a -- ignorance is not a --

23 MR. KROESEN: Yeah, but when --

24 DETECTIVE VALENZUELA: -- a defense in this matter,
25 it's not.

1 MR. KROESEN: Yeah, but when you have a lawyer
2 telling you what you're supposed to do and not supposed to
3 do, how are you, you know, supposed to know if this is
4 what --

5 DETECTIVE VALENZUELA: Ignorance is not a --
6 ignorance is not a defense.

7 MR. KROESEN: But that's not ignorance, having --
8 having a lawyer who is --

9 DETECTIVE VALENZUELA: It's not my fault you got this
10 particular lawyer.

11 MR. KROESEN: Well, I'm not happy with him, I can
12 tell you that.

13 DETECTIVE VALENZUELA: You know, it's not my fault
14 you got this particular attorney, okay.

15 MR. KROESEN: Yeah.

16 DETECTIVE VALENZUELA: I can't -- I can't vouch for
17 what he told you and what he didn't tell you. Only you
18 know what this guy told you, all right? But that still,
19 under the law, is not an excuse --

20 MR. KROESEN: Uh-huh.

21 DETECTIVE VALENZUELA: -- okay?

22 What do you think about potentially coming in,
23 meeting with the D.A.'s, seeing what they can do and going
24 from there?

25 MR. KROESEN: What do you mean, "seeing what they can

1 do"? Like as in take a statement or --

2 DETECTIVE VALENZUELA: Take a statement, yes,
3 potentially provide you with full immunity, meaning that
4 if you admit on the stand to having done something wrong,
5 they can't pursue it, and they won't pursue it against
6 you. Full immunity, that's what they're telling you.

7 MR. KROESEN: Huh.

8 DETECTIVE VALENZUELA: That's what I'm looking --
9 that's what I'm looking for.

10 MR. KROESEN: Okay.

11 DETECTIVE VALENZUELA: I want to extend this out to
12 you right now and tell you, "Hey, you want that to happen,
13 you want an opportunity to do that, you tell me 'yes.' I'm
14 going to give you my phone number, okay, and we can meet,"
15 okay. Obviously it's got to happen really fast here,
16 because this is quickly approaching.

17 MR. KROESEN: Well, yeah, Monday.

18 DETECTIVE VALENZUELA: It's -- yeah.

19 MR. KROESEN: (Inaudible) notice.

20 DETECTIVE VALENZUELA: There's some -- there may be a
21 little bit of a setback where it may not start on Monday,
22 so we've got a little bit of room to breathe --

23 MR. KROESEN: Uh-huh.

24 DETECTIVE VALENZUELA: -- okay?

25 MR. KROESEN: So how will I know that, like, and not

1 come to work? I mean, because that's the thing is I work
2 every --

3 DETECTIVE VALENZUELA: If you tell me right now, if
4 you tell me right now, "Hey, that's something I'm willing
5 to entertain," I will make the phone call right now to the
6 D.A.'s office and say, "Hey, listen, he's willing to come
7 in and talk to you, he's willing to come in and tell the
8 truth of how this thing operated."

9 I know it's for profit, okay. I know that
10 Byron --

11 MR. KROESEN: See, I don't know that part of it --

12 DETECTIVE VALENZUELA: Hold on. I know that
13 Byron --

14 MR. KROESEN: -- honestly.

15 DETECTIVE VALENZUELA: I know that Byron and Drumbine
16 were making a ton of money, okay? You and I both know
17 that they were making a ton of money. Yeah, they were.

18 MR. KROESEN: I can't say that, because I'm not the
19 one who does -- who did a lot of what they do there, so,
20 you know, I mean, I'll be honest with you, I'm not the one
21 who talked to people coming in and getting --

22 DETECTIVE VALENZUELA: Who did you --

23 MR. KROESEN: -- medicine.

24 DETECTIVE VALENZUELA: What are the guys that you
25 bought this medicine from? They were just vendors, dude.

1 They were guys that just came in, signed a form, "Here.
2 Hey, by the way, I'll sell you a pound for \$1,500 bucks,"
3 2,000 bucks, 800 bucks, whatever it is, okay. And then
4 you turn around and sell it for, you know, 20, \$25 a gram.

5 That's not -- you and I both know that's not
6 correct, okay? And I just -- you know what? Like I said,
7 I ain't interested in putting a case on you. I'm not
8 interested in any of that, all right?

9 MR. KROESEN: Uh-huh.

10 DETECTIVE VALENZUELA: What I want is somebody to
11 come in, tell the truth, okay? If you're -- if -- if
12 you're willing to come and talk to the D.A. and spell it
13 out, what you know, but be honest -- I need you to be
14 honest in order for this to work.

15 MR. KROESEN: Well, honestly, I'll be honest with
16 you --

17 DETECTIVE VALENZUELA: Okay, go ahead.

18 MR. KROESEN: -- that, really, I don't know what type
19 of detective work happened before and what have you, but
20 some of the things that they said in the -- in the case
21 was not -- was 100 percent unfounded.

22 DETECTIVE VALENZUELA: Like what?

23 MR. KROESEN: Like bringing stuff from Mexico. I
24 mean, they had a Highway Patrol officer --

25 DETECTIVE VALENZUELA: Nobody said anything like

1 that.

2 MR. KROESEN: -- lost his job for a while because of
3 this, you know.

4 DETECTIVE VALENZUELA: Nobody's saying --

5 MR. KROESEN: But all that --

6 DETECTIVE VALENZUELA: There's nothing -- nothing to
7 do with my case.

8 MR. KROESEN: Okay.

9 DETECTIVE VALENZUELA: I don't know where you're
10 getting that information from.

11 MR. KROESEN: Yeah, because that's when it first
12 started, and that's what they were saying, that and
13 stealing electricity and what have you.

14 DETECTIVE VALENZUELA: I'm the lead investigator on
15 this case.

16 MR. KROESEN: And then my house gets raided, when I'm
17 just, like -- I really didn't order the computer stuff,
18 like as in surveillance --

19 DETECTIVE VALENZUELA: And guess what?

20 MR. KROESEN: -- setting that up.

21 DETECTIVE VALENZUELA: And that's all very important
22 to me.

23 MR. KROESEN: Yeah.

24 DETECTIVE VALENZUELA: All of that is very important.
25 I'm the lead investigator on this case --

1 MR. KROESEN: Uh-huh.

2 DETECTIVE VALENZUELA: -- all right? That's why I'm
3 here.

4 MR. KROESEN: Uh-huh.

5 DETECTIVE VALENZUELA: You know there's videos. You
6 know we've got videos.

7 MR. KROESEN: (Inaudible) video, you know.

8 DETECTIVE VALENZUELA: No; no; no. You know we've
9 got videos of purchases and all sorts of stuff. I don't
10 know if you've been made privy to any of that from your
11 attorney. I'm assuming you're talking about Mr. Glue.

12 MR. KROESEN: Yeah.

13 DETECTIVE VALENZUELA: Yeah. He's Mr. Byron's
14 attorney or --

15 MR. KROESEN: Drumbine.

16 DETECTIVE VALENZUELA: -- Mr. Drumbine's attorney,
17 yes.

18 MR. KROESEN: But he was the attorney for the
19 collective, right?

20 DETECTIVE VALENZUELA: He was the attorney for the
21 collective.

22 MR. KROESEN: And he was supposed, you know, to have
23 us, like, be writing what we were supposed to do or what
24 have you.

25 DETECTIVE VALENZUELA: So he was telling you guys how

1 to do everything, how to set it up?

2 MR. KROESEN: Well, that -- that's basically -- I
3 mean, when -- when --

4 DETECTIVE VALENZUELA: Did you deal with him, or did
5 Mr. Byron and Drumbine deal with him?

6 MR. KROESEN: They dealt with him.

7 DETECTIVE VALENZUELA: Yeah. They made sure that you
8 never got to deal with that end of it, right? They --
9 they compartmentalized certain things so you didn't know
10 how certain things worked maybe?

11 MR. KROESEN: Well, see, that's the thing is, like
12 when I saw on the wall --

13 DETECTIVE VALENZUELA: Uh-huh.

14 MR. KROESEN: -- from the State of California, their
15 stuff, and then the City of Garden Grove, their stuff at
16 the main thing, then, you know, if it's by the State
17 saying that, "Hey, you know, we're going to take your
18 money," and then the City, you know, "Hey, here's this," I
19 mean, how -- how is that right that they get to do that
20 and take the money from it and issue those types of
21 documents for the places when this is illegal? You know,
22 I don't understand --

23 DETECTIVE VALENZUELA: Did you see what all those
24 documents said?

25 MR. KROESEN: Well, it said, like on the --

1 DETECTIVE VALENZUELA: "General" -- "general
2 merchandise store."

3 MR. KROESEN: Well, on the -- on the retail it said
4 that it was a marijuana collective.

5 DETECTIVE VALENZUELA: DOE doesn't care. Board
6 Of Equal- -- you can sell nuclear bombs. As long as you
7 report your sales tax on that particular nuclear bomb,
8 you're okay with DOE, all right? Might be illegal to sell
9 nuclear bombs and this, that and the other, doesn't
10 matter. DOE doesn't care as long as you pay your sales
11 tax, okay?

12 MR. KROESEN: What about all the stuff they took from
13 my house?

14 DETECTIVE VALENZUELA: I've got all that stuff. I've
15 got that in custody.

16 MR. KROESEN: Even the Long Beach police officer's
17 mug that somebody gave me from, like, over 15 years ago?

18 DETECTIVE VALENZUELA: I don't know.

19 MR. KROESEN: I mean, that was taken from my house.

20 DETECTIVE VALENZUELA: If it's there, it might be
21 there.

22 MR. KROESEN: I mean, that's, like, a blow.

23 DETECTIVE VALENZUELA: I've also got all your guns.

24 MR. KROESEN: Yeah.

25 DETECTIVE VALENZUELA: I've got your assault rifle.

1 different place, so not any of those could get together.

2 DETECTIVE VALENZUELA: The assault rifle, what type
3 is it?

4 MR. KROESEN: SAR1.

5 DETECTIVE VALENZUELA: SAR1?

6 MR. KROESEN: Yeah, I bought it right down the
7 street, at Turner's.

8 DETECTIVE VALENZUELA: When was that?

9 MR. KROESEN: I can't remember.

10 DETECTIVE VALENZUELA: Did you ever register it?

11 MR. KROESEN: Oh, yeah, when I bought it, definitely.

12 DETECTIVE VALENZUELA: Right, but after the ban took
13 place?

14 MR. KROESEN: I'm not too sure.

15 DETECTIVE VALENZUELA: You didn't.

16 MR. KROESEN: Oh, I didn't?

17 DETECTIVE VALENZUELA: No.

18 MR. KROESEN: See, I registered it in the first
19 place, and I've had it forever.

20 DETECTIVE VALENZUELA: Yeah, I know, but when the ban
21 took place --

22 MR. KROESEN: Uh-huh.

23 DETECTIVE VALENZUELA: -- I've had it -- I have a
24 couple assault rifles that I purchased prior to the ban.
25 The ban took place, then I had to re-register it with DOJ,

1 otherwise it would be a felony.

2 MR. KROESEN: Yeah, because I even had a Los Angeles
3 sheriff shoot it, and he really liked it. He said, "I
4 wish I would have got one" --

5 DETECTIVE VALENZUELA: Sure -- sure -- sure is a nice
6 rifle.

7 MR. KROESEN: Oh, yeah.

8 DETECTIVE VALENZUELA: Anyway, would you be willing
9 to come down, entertain the thought, talk to the D.A.?
10 All I want is the truth, man.

11 MR. KROESEN: Yeah, I would --

12 DETECTIVE VALENZUELA: All I want --

13 MR. KROESEN: -- I would talk to him --

14 DETECTIVE VALENZUELA: -- is the truth.

15 MR. KROESEN: -- definitely.

16 DETECTIVE VALENZUELA: The last thing I want --

17 MR. KROESEN: Is there any way I could do it not in
18 business hours?

19 DETECTIVE VALENZUELA: Of course.

20 MR. KROESEN: Thank you.

21 DETECTIVE VALENZUELA: What time do you work?

22 MR. KROESEN: I work until 5:30.

23 DETECTIVE VALENZUELA: Oh, you -- every day?

24 MR. KROESEN: Yeah, except for Saturdays, I
25 work until 4:00.

1 And, quite frankly, I've got no issue and no
2 beef with people who have a medical marijuana
3 recommendation and use marijuana for whatever ailment they
4 have. I ain't got no problem with that. That's cool.
5 If that's what the -- you know, that's what the voters
6 voted on, let it be, all right?

7 But there's a lot of other things I do have a
8 problem with. You know, I have a problem with individuals
9 using all those laws to mask, quite frankly, just
10 straight-up dope dealers. That's what it is.

11 Give me a second. I'll be right back. I've got
12 to make that phone call, but I'm going to do it in private
13 here.

14 MR. KROESEN: Do you want me to walk away, so I can
15 get back to my work?

16 DETECTIVE VALENZUELA: Yeah, go ahead, and I'll be
17 right over there in just a second.

18 MR. KROESEN:.. Sounds good.

19 DETECTIVE VALENZUELA: Perfect.

20 * * *

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REPORTER'S CERTIFICATE

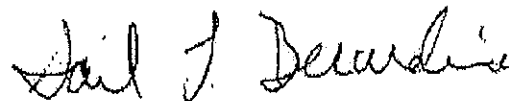
I, the undersigned Certified Shorthand Reporter holding a valid and current license issued by the State of California, do hereby certify:

That the foregoing taped proceedings were transcribed by me and is a true record of the taped proceedings.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have subscribed my name on this date: December 1, 2011.



Certified Shorthand Reporter

EXHIBIT H

Barbara Ayala
2120 Via Puerta Unit Q
Laguna Woods, CA 92637

January 6, 2012

To whom it may concern,

I attended a trial proceeding on December 7, 2011 at the Long Beach court house. The trial was for Joe Byron and Joe Grumbine. The Judge was Judge Sheldon.

I sat in the courtroom and I was stunned when a woman (Sally Thomas) asked the Judge if she could speak. The Judge said yes the attorney's objected saying it had nothing to do with the case. The objection was overruled. This woman started pacing, spewing all kinds of insults to the attorney's especially Allison Margolin. She went on for over 10 minutes pacing and spewing insults that had nothing whatsoever to do with this trial. I sat stunned at this woman's temper tantrum! I was more stunned that the Judge allowed it!! After Sally Thomas left the court room Allison Margolin asked if there could be a break and the Judge said NO! It was obvious that to ALL in the courtroom that the woman's ranting had upset the attorneys. What she was talking about had NOTHING to do with this case. I was embarrassed for the woman as she made a complete ass out of herself. I later learned that she was the District Attorney. I believe this woman (Sally Thomas) and Judge Sheldon should be reprimanded for their unprofessional behavior.

Again on December 13, 2011 I attended the trial and the Judge was definitely not paying attention to what was being said. He asked the clerk to read back the last testimony so many times I lost count. At one point he said "I was writing and I did not hear that". The attorneys had made several objections and each time the Judge said he would hear them at the end of the day. Witness after witness said whatever they wanted and the attorneys couldn't object because he was going to hear that at the end of the day? I have never attended a court proceeding that was done this way. So I sat in the courtroom at the end of the day to see how this was going to play out. To my surprise the Judge removed his robe. He was reminded by the attorneys that he was going to hear the objections at the end of the day. The Judge said well....I have removed my robe so court is not in session "I forgot".

It was apparent to me that this Judge was having memory losses regularly. It was also apparent he believes that any person using Medical Marijuana should be in jail.

Regards,



Barbara Ayala

EXHIBIT I

ORIGINAL

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

NOTICE:
SERVE COPIES OF THE ENCLOSED
WRIT ON ALL PARTIES AND THE
TRIAL COURT, THEN RETURN THE
ORIGINAL WITH PROOF OF SERVICE.

JOSEPH BYRON et al.,

Petitioners,

v.

THE SUPERIOR COURT OF THE
COUNTY OF LOS ANGELES,

Respondent;

THE PEOPLE,

Real Party in Interest.

B237009

(L.A.S.C. No. NA 087478)

(CHARLES D. SHELDON, Judge)

ALTERNATIVE WRIT OF MANDATE

TO THE SUPERIOR COURT:

Good cause appearing therefor, you are hereby required either to:

(a) Vacate the September 22, 2011 order in Los Angeles County Superior Court case No. NA 087478, entitled People v. Joseph Byron et al., granting the People's motion in limine to exclude Petitioners' affirmative defenses pursuant to Health and Safety Code section 11362.775; and thereafter make a new and different order denying same, or

(b) In the alternative,

SHOW CAUSE before this court in its courtroom at 300 South Spring Street, Third Floor, Los Angeles, California, on March 13, 2012, at 9 a.m., why a peremptory writ of mandate ordering you to do so should not issue.

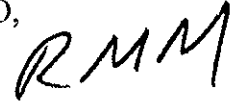
If respondent court chooses to comply with alternative (a), then a certified copy of the minute order showing compliance shall be filed via facsimile with this court on or before December 19, 2011.

The written return in opposition to the writ shall be served and filed on or before January 20, 2012.

Any reply thereto shall be served and filed on or before February 6, 2012.

By order of this Court.

WITNESS THE HONORABLE ROBERT M. MALLANO,
Presiding Justice of Division One of the Court of Appeal
of the State of California, Second Appellate District.



ATTEST my hand and the seal of this court this 23rd day of November 2011.

JOSEPH LANE, Clerk

By _____



Deputy Clerk

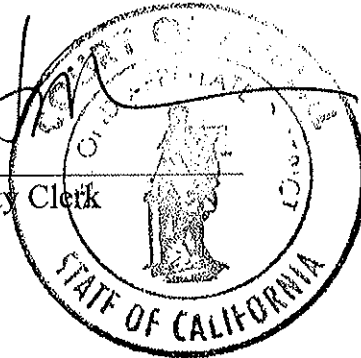
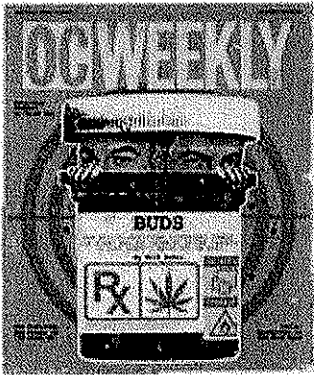


EXHIBIT J

[UPDATED W/JUDGE'S LATEST ANTICS] Joe Byron and Joe Grumbine Trial: It's a Kangaroo Courtroom

By Nick Schou

published: Wed., Dec. 7 2011 @ 3:02PM



UPDATED, DEC. 7, 3 P.M.: The good news, if you can call it that, is that Judge **Charles Sheldon**, the 80-something judge in the trial of **Joe Byron** and **Joe Grumbine**, the former operators of a pair of **Long Beach** cannabis collectives as well as **Garden Grove's Unit D** dispensary, has taken down the screen preventing jurors from seeing the defendants' supporters in the audience. The bad news: Sheldon, according to observers, has continued to display clear signs of bias against the accused pot purveyors.

On Dec. 5, for example, Sheldon sustained all seven prosecutorial objections while overruling no less than 44 defense objections, sustaining only one. And yesterday, Sheldon berated defense attorney **Christopher Glew** for his repeated attempts to get supposedly "expert" prosecution witnesses about medical marijuana to provide any details about their knowledge or training.

For that display, Glew filed a motion for a mistrial but of course Sheldon denied it. Now, the lawyers are filing a motion with the criminal division's presiding judge to have Sheldon removed from the case. Neither Glew, who represents Grumbine, nor **Allison Margolin**, can discuss the case because of a gag order Sheldon ordered for the duration of the trial, which is expected to last at least one more week.

ORIGINAL POST, Dec. 2, 1 P.M.: There's a reason why the marijuana-selling trial of **Joe Byron**

and **Joe Grumbine**, the former owners of a pair of Long Beach cannabis collectives, is unfolding in **Long Beach Superior Court's** Department K. The letter, as Judge **Judith Meyer** (who last month referred the case to Judge **Charles Sheldon**) once drew laughs for explaining, stands for that lovable bouncy rodent from Down Under: the kangaroo.

As jokes go, it's not that funny, though: As the first week in Byron and Grumbine's trial in Sheldon's courtroom draws to a close today, it's becoming rapidly clear the robe-wearing octogenarian isn't exactly worried about appearing overwhelmingly biased against the two defendants.

First of all, Sheldon denied the two Joes their right to mention medical marijuana in their defense. This prevented their attorneys from sending subpoenas to witnesses who could testify they were following state law, which, in California, allows patients to smoke marijuana for medical reasons and to establish collectives to grow the plants. But thanks to a ruling last week by the **California Court of Appeal**, Sheldon was left with no choice but to allow such witnesses to testify.

On Monday, when confronted with this ruling, however, Sheldon refused a follow-up motion by the defense to delay the trial for a week so defense lawyers **Alison Margolin** and **Christopher Glew** could get ahold of those previously off-limits witnesses. No dice, ruled Sheldon, who insisted the trial start right away. It's been all downhill from there. According to court observers and the blog of the activist group **The Human Solution**, Sheldon has ruled against almost every defense objection, including ones in which prosecution witnesses were rambling onstage without answering any pending question, in which cases Sheldon simply instructs prosecutors to pose a question so that the witness can keep going.

Today, Sheldon went so far as to order a screen erected between the jury and the audience to prevent jurors (some of whom observers have already been noticed rolling their eyes at Sheldon) from seeing audience members, most of whom support the two defendants.

Supporters have been protesting the trial for weeks now, gathering every morning at 8 on the courthouse steps. The protests--and the trial itself--are scheduled to resume Monday morning.

Showing 18 comments



Heresy 1 month ago

The only thing I can think of to say is:

Our system is a sham, and I am completely ashamed of my so called "Justice System". I literally hang my head in shame, and if Judge Sheldon took a good long look at himself, he would too.



Sage 1 month ago

When do they retire these judges that are complete idiots?



James Morrow 1 month ago

Someone needs to get this BITCH off the bench



James Burnett 1 month ago

SPEECHLESS!



Sunwu18 1 month ago

Let's face it, there is still a powerful force working against medical marijuana in any way possible and there are still many people who have been successfully brainwashed by decades of anti marijuana propaganda. This judge is straight out of a Cheech and Chong movie. What's scary is the judges in those movies are a satire of judges 30 years ago but this schmuck is current and for real.



Donald Luke Vermillion 1 month ago

Expect nothing less from these morons!!!



mjgerry 1 month ago

we can't let this travesty go on this s**t has got to stop!! all facets of the government including judges, police, and elected officials all think they are god or something and are forcing their opinions and beliefs on all of us and that is not what the constitution states. it's nation supposed to be a nation: OF THE PEOPLE, FOR THE PEOPLE, BY THE PEOPLE!! NOT BIASED, PROPAGANDIZED, IDIOTS WHO SOMEHOW GOT ELECTED. DO YOU SUPPOSE THEY BOUGHT VOTES??? WE HAVE ALL GOT TO GET OUT AND VOTE THIS ELECTION. WE WILL NEVER GET THESE BOZOS OUT OF OFFICE IT WE ALL SIT BACK AND WAIT FOR THE NEXT GUY TO DO IT. VOTE RON PAUL!! AND ALL OTHER LIBERATARIAN PARTY MEMBERS.



Mitch Mandell 1 month ago in reply to mjgerry

One way to stop this is to show up and support us at court this week (Dec 5 - Dec 10)

We fill the court and protest everyday, showing solidarity for the Joe's and the cause. Come join us at the Long Beach Court house everyday this week at 9:00am, look for the folks with green ribbons. It's at 415 Ocean Dr. in Long Beach. (google "Long Beach Court house" for a map) We'll be there, will you?



Mitch Mandell 1 month ago

To make it more jumpy, the judge refuses the jury to see or hear about the Attorney Generals; Guidelines (written by Gov. Gerry Brown when he was AG) for what a legal dispensary can and can not do. This is the document that 99% of all dispensary use when setting up a legal shop.

Anyone interested in reading them, you can find them here.

<http://aboutmedicalmarijuana.c...>



Phil Better 1 month ago

Re-Trial



ZZardozz 1 month ago

Good reporting. The OC Weekly ought to teach their sister publication in LA how to write factual articles about cannabis!



Shawn Micheal Gilbert 1 month ago

I hate america.bunch of dirty twats.no justice for the stoner.



20ftJesus 4 weeks ago

I bet the judge realizes he screwed up, but he can't back away -- he's going to keep the MMJ defense from being heard.

The only thing we can hope for now is that the jury is already aware of California law concerning MMJ or jury nullification perhaps.



MarijuanaLaw 4 weeks ago

It is said that justice and the law belongs to the twelve in the jury box. You have to believe that they have the courage to put this travesty to rest.

It is clear that cannabis will eventually become more decriminalized than it is now, given that it is inherently safer than alcohol and does provide some proven relief for those suffering from some debilitating illnesses.

It is time to address the issue and cut through the false demonization that outlawed it in the 1930's.

SheldonLied

I don't believe anyone that is anonymous. Even if he does have a beard, ponytail and wears a biker/stoner hoodie. The defense didn't bring out enough witnesses because Chuckie (Sheldon) didn't allow them. The jurors only saw what the judge allowed and not all the evidence. Evidence of expenses was disallowed, as was California Law. SB420 (the law) was disallowed, Attorney General guidelines on how to properly run a dispensary was disallowed. Had the jurors seen it all they would have come with a different outcome. Long Beach is a kangaroo court, sport.

Constant Observer

I was a courtroom observer for this trial except one day. I also saw the pretrial 20 or so days. The states witnesses had been polished and practiced between the pretrial and trial. I also saw the multiple 402 motions suppressing the evidence all throughout the trial. The jury was not given a fair picture of the operation or the evidence. Drs., retired law officers and other patients witnesses were denied there right to speak out for these defendants. Witnesses were told they would be prosecuted if they testified. The jury didn't see this. The evidence that supported the defense case was not to be found and presented as not existing, the defense witnesses were told that they could not discuss these issues either. This was unbelievable trial As Juro said things were not explained but there was evidence suppressed altogether from the jury. Didn't the jury notice that the prosecution had Charles Monson on stand. He was in charge of data and procedures, yet she asked him no questions. She spent time asking the others, why?
I left that trial feeling disappointed in our legal system.

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I left that trial feeling disappointed in our legal system.

spiritwoman

yes.. all the supporters will state that this trial was unjust.. but have you forgotten what the state laws state on this issue?

the paperwork has proved that it was for profit.. and if you check the articles of what was stated from Joe and Joe in a restaurant.. they even stated the purpose of opening up those stores was to make monies off of them due to the fact that their other business was not doing it for them... this guy has hung himself in the courts.. and the laws states it is illegal to make a profit.. period.. but no one reads it.. or they justify that they are coops, croperatives, which is totally run a diffent way and a separate enity then store front dispensaries, which years ago they were not allowed even then.. so.. what can i say.. this law do not allow comerialized business and it is still illgal for profit by the state as well as by the Federal Government.. Before you open up any place concerning cannabis.. don't be stupid.. read the laws, research the cases. and go by what Prop 215 states..

no one is above the laws.. not even you..

Joe may be a nice guy.. but his followers are blinded to the illegal actions taken behind this person... People have the right to be able to state what they feel on this issue.. but still .. no matter what your views are, or what you beleive should have been done.. its stil the laws that are followed. And once the trial is over with.. it is not a mistrial just because a jurer came out and spoke.. they had all the facts.. .. but still.. what Joe and Joe did.. was guilty of all charges.. ALL CHARGES!!..

pity.. this had to happen.. for i was really rooting for these guys.. but good luck anyway trying to change this verdict..

Mara Felsen, Esq.

I was sickened reading this article. This juror admitted to, nay, bragged about, committing extreme misconduct. In direct contravention to Judge Sheldon's express orders, he freely admitted to conducting his own internet research on the very terms that would and did decide the fate of these two defendants. Now these two former human beings can become detritus of the criminal justice system based on this grave miscarriage of justice. How can people maintain any faith at all in our court system when wrongful convictions such as these are carried out in such a cavalier manner? I am truly disheartened.

Connie

A response to flowers comments: "Shady Shady business, glad they got shut down" - IF the jurors had ALL the information necessary to do their job properly, this would have been a different outcome. SO - my question to you is, since the judge was obviously biased and didn't give the whole story; which is SHADY in my estimates, using your logic - shouldn't then the judge and courtroom be shut down. That's MY concern - those in power not

allowing us our proper day in court to properly defend ourselves. Let's hope you never get caught in "the system" cause good luck with getting any compassion in the oh so fair verdict of people's court - that like yourself, read one thing and make snap decisions.

Zardoz

There was plenty of exculpatory evidence, but Judge Sheldon blocked it from being seen or heard. He intended to block any medical defense, and portray the defendants as simple street drug dealers. It was a kangaroo court run by a judge with a vendetta and personal dislike for the defendants. Between that, and the fact that Juro looked things up, when he had been instructed not to, should be enough to declare a mistrial at the very least. But, in reality, this case should be completely overturned on appeal, once it gets to a court with an honest judge.

John B. Greet

I think it is really great that we live in a nation where criminal defendants who have been convicted of crimes have full access to a legal appeals process and ample opportunities to have their convictions overturned.

Pops

Looks like there are a lot of arm chair Lawyers , don't blame the jury but blame the system blame the person who wrote the law in the fist place . This law has so many holes in it Swiss cheese would be embarrassed

Listening

@ greet- Yes! It IS great that convicted criminal defendants have access to an appeals process. What is not great however, is that we have a judicial system that empowers judges who exhibit judicial bias in such a way that the defendants convictions are called into question. What is also not great is that we have city and state politicians and lawmakers passing laws that are vague and ambiguous, or contradict federal law.

Kity

Hmmmm - imagine that-

Activist judges are just FINE - until they disagree with YOUR point of view. Don't like what you got in the way of Judgeships in Long Beach? Blame yourselves. These numb nuts are ELECTED to their positions. That old adage is true - be careful what you ask (or vote) for! Because you just might GET IT!

concerned

Spirit Woman you seem to view your self as an expert on SB 420. Let me educate you a bit you moron! Collectives are non-profit which means you can pay salaries and expenses to keep the business afloat. If youre such an expert you would know that non profit can make millions of dollars throughout the year as long as the business has no profit at the end of the fiscal year. Put that in your pipe and smoke it!!!!!!

EXHIBIT K

From: Jessica Lux <jrlux@sbcglobal.net>
Date: January 6, 2012 6:09:00 AM PST
To: 'Allison Margolin' <allisonbrandi@mac.com>, 'Joe Grumbine' <mail@willowcreeksprings.net>
Subject: Impression of Bryon & Grumbine trial day 1, Monday 11/28/2011
Part 1 of 2

I was a court attendee for the Bryon & Grumbine trial day 1, Monday 11/28/2011.

I had been following the pre-trial hearings as a court reporter for the Prison Outreach Press. I attended court because the defendant told me that an appellate motion was granted the week prior in his favor. I expected that there would be more discussion between the lawyers and the judge about this motion.

My understanding that Joe Byron (client of Allison Margolin) was not disallowed an affirmative defense.

The 2nd Appellate District finding from 11/23 read said the judge had to either
a) Vacate the Sept 22,2011 order excluding an affirmative defense OR
b) Show cause on March 13, 2012 at 9 AM at [some location in L.A.]
If the judge complied with a), then he was supposed to send a copy of the minute order to [...]

As an audience member, I expected that the judge would either say he was complying with a) (then there would be a slight delay so that the defense could request witnesses who had been disallowed in the pre-trial hearings) or say he was doing something else under b) (which would mean there was a delay because he had to talk to the appellate court before proceeding with this trial).

In court, the judge appeared without his robe, off the record and admonished Allison Margolin and Gina Kim that "I'm going to do this by the book!" He talked over their requests to subpoena witnesses. [Someone said] they faxed a minute order to see if the stay was lifted.

The bailiff then read rules to the audience "Do not talk to, talk outloud, ...to be overheard... Try to interfere with or try to influence jurors. Any violation will be dealt with by contempt proceedings."

At 11 AM, the judge returned to the bench

From: Jessica Lux <jrlux@sbcglobal.net>
Date: January 6, 2012 6:28:09 AM PST

To: 'Allison Margolin' <allisonbrandi@mac.com>, 'Joe Grumbine' <mail@willowcreeksprings.net>

Subject: Impression of Bryon & Grumbine trial day 1, Monday 11/28/2011
Part 2 of 2

The bailiff then read rules to the audience "Do not talk to, talk outloud, ...to be overheard... Try to interfere with or try to influence jurors. Any violation will be dealt with by contempt proceedings."

At 11 AM, the judge returned to the bench. He said "to the attorney from the Glew Law Firm. What is your reason for a stay?"

Gina Kim (for defendant Byron) replied

- 16-20 witnesses who need to be subpoenaed
- Also Detective Jesse Hernandez is not available for a month due to knee surgery. His possible testimony is from 6 undercover buys; also investigating officer on the case who signed material and exculpatory documents.

Allison Margolin (for defendant Grumbine) replied

Margolin: On 2 court dates previous to this date the court instructed me not to subpoena witnesses.

Judge interrupts: "Actually, the court said 'not likely...'"

Allison: No, you said no.

Allison Margolin continues with

- Mr. Byron's doctor and 10 other witnesses. Mark Hood. I did not subpoena witnesses because I felt I could be in contempt of court [based on your instructions].
- I also join Ms. Kim on Jesse Hernandez, officer signing document, 6 buys, also he visited collective.
- [with the holiday schedule] I need until the 2nd week of Feb. to acquire those witnesses

Judge turns to Ms. Castano: "What can you tell me? Can he testify in a wheelchair?"

Jodi Castano says she found out last week. There were complications. Long Beach PD policy is no testifying while on medical leave.

Judge asks: "Where is Mr. Glew? On trial?"

Gina Kim responds No, but he is away on another case. "I can't fathom ANY good attorney subpoenaing witnesses on this case during a stay." [in reference to the fact that we are waiting in the morning to see if the stay of the appellate court has been lifted]

Judge says: You should have known the trial is today. That is the ruling – we are going forward with this trial. Miss Margolin – I’m asking for a ... ruling. On the emergency stay with court of appeals. 50 jurors – we waited to see if the stay would be lifted or not

[AT THIS POINT, the author of this document has witnessed every second of court room discussion and I still have not heard whether the stay was lifted or not. No one has said if the fax to the appellate court was responded to.]

Judge talking: We are now going to go forward and I am going to have all the jurors answer these questions. Get these to the 50 jurors so you will have answers when you start picking jurors. You’ve had plenty of time to subpoena any witnesses. Starting today, tomorrow, for this 4 week trial. In recess now. I will come back.

Attorney Kim [trying to say something]

Judge: You are in recess now!

Attorney Kim: I have to make a statement on record.

Judge: When we come back.

EXHIBIT L

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SOUTH K HON. CHARLES D. SHELDON, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. NA087478
)	
01 JOSEPH BYRON, AND)	
02 JOE GRUMBINE,)	
)	
DEFENDANTS.)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(PARTIAL TRANSCRIPT)
DECEMBER 6 AND 7, 2011

APPEARANCES:

FOR THE PEOPLE:	STEVE COOLEY, DISTRICT ATTORNEY
	BY: JODI, DEPUTY
	18000 FOLTZ CRIMINAL JUSTICE CENTER
	210 WEST TEMPLE STREET, 18TH FLOOR
	LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT BYRON:	ALLISON MARGOLIN AND J. RAZA LAWRENCE, ATTORNEYS AT LAW 8484 WILSHIRE BLVD. #440 BEVERLY HILLS, CALIFORNIA 90211
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FOR THE DEFENDANT GRUMBINE:	CHRISTOPHER GLEW AND SCOTT THOMAS ATTORNEYS AT LAW 1851 EAST FIRST STREET SUITE 840 SANTA ANA, CALIFORNIA 92705
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TERRI A. MANZON, CSR NO. 4667
OFFICIAL REPORTER

COPY

1 CASE NUMBER NA087478
2 CASE NAME: PEOPLE VS. JOSEPH BYRON AND JOE
3 GRUMBINE
4 LONG BEACH, CALIFORNIA TUESDAY, DECEMBER 6, 2011
5 DEPARTMENT SOUTH K HON. CHARLES D. SHELDON, JUDGE
6 REPORTER: TERRI A. MANZON, CSR NO. 4667
7 TIME: 1:32 P.M.
8

9 APPEARANCES:

10 DEFENDANT BYRON, PRESENT WITH COUNSEL, ALLISON
11 MARGOLIN AND J. RAZA LAWRENCE, ATTORNEYS AT LAW;
12 DEFENDANT GRUMBINE, PRESENT WITH COUNSEL, CHRISTOPHER
13 GLEW AND SCOTT THOMAS, ATTORNEYS AT LAW; JODI
14 CASTANO, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE
15 PEOPLE OF THE STATE OF CALIFORNIA.

16
17 --000--
18
19

20 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN
21 COURT, OUTSIDE THE PRESENCE OF THE JURY:)

22
23 THE COURT: THE CLERK TOLD ME YOU HAD SOMETHING YOU
24 WANTED TO SAY, MS. MARGOLIN.

25 THE CLERK: THE JURORS ARE WALKING IN RIGHT NOW.

26 THE COURT: OKAY. I THOUGHT THEY WERE ALL IN THERE.
27

28 (SHORT PAUSE)

1 THE COURT: THE CLERK TOLD ME YOU WANTED TO SAY
2 SOMETHING TO ME AND PUT IT ON THE RECORD. GO AHEAD.

3 MS. MARGOLIN: OKAY.

4 MR. LAWRENCE: YOUR HONOR, THERE IS AN ISSUE THAT WE
5 WANTED TO RAISE RELATING TO THE EXCLUSION ORDER THAT YOUR
6 HONOR MADE SHORTLY BEFORE LUNCH.

7 THE COURT: WHICH ONE?

8 MR. LAWRENCE: WELL, WE'VE HEARD -- BASICALLY AN
9 INDIVIDUAL ASSOCIATED WITH THE DISTRICT ATTORNEY'S OFFICE --

10 THE COURT: I EXCLUDED HER.

11 MR. LAWRENCE: APPARENTLY, THERE WAS AN INCIDENT
12 WHERE THERE WAS A POLICE REPORT FILED FOR SOME TYPE OF
13 BATTERY INVOLVING AN INCIDENT WITH OUR WITNESS AND SOMEONE
14 CONNECTED WITH THE DISTRICT ATTORNEY'S OFFICE PUSHING THEM --

15 THE COURT: YES.

16 MR. LAWRENCE: -- OR --

17 THE COURT: WHAT DOES THAT HAVE TO DO WITH MY RULING?

18 MR. LAWRENCE: WELL, IT WAS A RELATED INCIDENT BUT ON
19 THE OTHER SIDE WHERE OUR DEFENSE WITNESS AND OUR DEFENSE
20 ATTORNEY WERE ESSENTIALLY ASSAULTED BY SOMEONE CONNECTED WITH
21 THE DISTRICT ATTORNEY'S OFFICE.

22 THE COURT: CLAIMED ASSAULT.

23 MR. LAWRENCE: CLAIMED, RIGHT.

24 THE COURT: ALLEGED.

25 MR. LAWRENCE: ALLEGED, EXACTLY. JUST AS WAS THE
26 CASE BEFORE LUNCH WHERE THE COURT HELD A HEARING.

27 THE COURT: I MADE A RULING BASED ON THE HEARSAY
28 EVIDENCE AND EVERYTHING I HEARD.

1 BUT WHAT'S THE TIE-IN?

2 MR. LAWRENCE: WELL, WE WOULD REQUEST A SIMILAR
3 HEARING BASED ON THAT INCIDENT AS TO WHETHER THAT
4 INDIVIDUAL --

5 THE COURT: SHOULD BE EXCLUDED?

6 MR. LAWRENCE: -- SHOULD BE EXCLUDED, CORRECT.

7 THE COURT: WELL, IF SHE COMES IN, I'LL DECIDE THAT.

8 MR. LAWRENCE: OKAY.

9 MS. MARGOLIN: THANK YOU, YOUR HONOR.

10 MR. LAWRENCE: THANK YOU.

11 THE COURT: YOU CAN LOOK AROUND. YOU KNOW WHAT SHE
12 LOOKS LIKE. YOU CAN DECIDE IF YOU WANT TO STOP THE
13 PROCEEDINGS.

14 MR. LAWRENCE: OKAY. THANK YOU.

15 THE COURT: OKAY.

16

17 (WHEREUPON THE REQUESTED PROCEEDINGS WERE
18 CONCLUDED.)

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1 CASE NUMBER: NA087478
2 CASE NAME: PEOPLE VS. JOSEPH BYRON AND JOE
3 GRUMBINE
4 LONG BEACH, CALIFORNIA WEDNESDAY, DECEMBER 7, 2011
5 DEPARTMENT SOUTH K HON. CHARLES D. SHELDON, JUDGE
6 REPORTER: TERRI A. MANZON, CSR NO. 4667
7 TIME: 10:45 A.M.
8

9 APPEARANCES:

10 DEFENDANT BYRON, PRESENT WITH COUNSEL, ALLISON
11 MARGOLIN AND J. RAZA LAWRENCE, ATTORNEYS AT LAW;
12 DEFENDANT GRUMBINE, PRESENT WITH COUNSEL, CHRISTOPHER
13 GLEW, ATTORNEY AT LAW; JODI CASTANO, DEPUTY DISTRICT
14 ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF
15 CALIFORNIA.
16

17 --000--
18
19

20 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN
21 COURT, OUTSIDE THE PRESENCE OF THE JURY:)
22

23 MS. MARGOLIN: BEFORE WE START, WE HAVE TO REQUEST A
24 HEARING BASED ON THE ENTRANCE OF SOMEONE IN THE COURTROOM.

25 THE COURT: I WAS JUST TOLD IN THE HALLWAY THAT
26 MS. THOMAS, THE HEAD D.A. OF LONG BEACH, WANTED TO SAY
27 SOMETHING TO THE COURT OUTSIDE THE PRESENCE OF THE JURY.

28 WHAT WOULD YOU LIKE TO SAY?

1 MS. THOMAS: GOOD MORNING, YOUR HONOR.

2 THANK YOU FOR ALLOWING ME THE TIME THIS
3 MORNING --

4 THE COURT: GOOD MORNING.

5 MS. THOMAS: -- TO MAKE A RECORD IN THIS CASE.

6 AS THE HEAD OF THE DISTRICT ATTORNEY'S OFFICE,
7 SALLY THOMAS FOR THE RECORD, I CERTAINLY DIDN'T ANTICIPATE
8 GOING ON THE RECORD IN THIS CASE BECAUSE I HAVE A VERY
9 QUALIFIED AND COMPETENT ATTORNEY WHO IS HANDLING IT.
10 HOWEVER, LAST FRIDAY, THERE WAS SOME SERIOUS AND UNFOUNDED
11 ACCUSATIONS DIRECTED TOWARDS ME THAT, AFTER CONSIDERING THE
12 SOURCE, I CHOSE TO IGNORE.

13 MONDAY, WHEN I CAME IN, I FOUND OUT THEY HAD
14 BEEN LEVELED AGAIN TO THE BAILIFF IN THIS COURTROOM. AGAIN,
15 CONSIDERING THE SOURCE, THAT WOULD BE COUNSELOR MARGOLIN, I
16 DETERMINED THAT I WOULD IGNORE IT.

17 YESTERDAY I UNDERSTAND THAT THE COURT HAD A
18 HEARING ABOUT AN AUDIENCE MEMBER WHO HAD CONFRONTED THE
19 DISTRICT ATTORNEY OUTSIDE OF THIS COURTROOM AND AFTER THE
20 HEARING, THE COURT EXCLUDED THAT WITNESS -- OR THAT AUDIENCE
21 MEMBER. AND COUNSELOR MARGOLIN ASKED HER PARTNER COUNSELOR,
22 I BELIEVE HIS NAME IS LAWRENCE, TO INDICATE ON THE RECORD
23 THAT THE HEAD DEPUTY, THAT IS ME, HAD BEEN HITTING AND
24 KICKING DEFENSE WITNESSES -- NOW, I WASN'T HERE SO I DON'T
25 KNOW THE EXACT LANGUAGE -- AND ASSERTED THAT I -- THERE
26 SHOULD BE A HEARING AND THAT I SHOULD BE EXCLUDED FROM THE
27 COURTROOM.

28 THE COURT OBVIOUSLY NOTED THAT I WASN'T HERE

1 AT THE TIME AND SAID THAT YOU WOULD WAIT UNTIL I GOT HERE TO
2 ADDRESS IT AND HERE I AM.

3 SO I THINK THAT THE COURT KNOWS HOW SERIOUS
4 THESE ACCUSATIONS ARE, AND I, AS AN OFFICER OF THE COURT WHO
5 AM BOUND TO TELL THE TRUTH, AM ASKING THIS COURT TO ALLOW ME
6 TO MAKE A RECORD ABOUT THE TRUTH OF WHAT HAPPENED IN THIS
7 CASE. AND IN LIGHT OF THESE SPECIOUS, UNFOUNDED,
8 INFLAMMATORY STATEMENTS THAT COUNSEL HAVE ACTUALLY PUT ON
9 THIS RECORD, IT IS AN ABSOLUTE NECESSITY.

10 NOW, I WISH I COULD SAY I WAS SURPRISED THAT
11 THIS HAPPENED, BUT, QUITE FRANKLY, IT IS VERY CONSISTENT WITH
12 WHAT I HAVE SEEN IN THIS COURTROOM BY COUNSEL ON A DAY-TO-DAY
13 BASIS IN TERMS OF THE DISRESPECT FOR THIS COURT, THE
14 DISRESPECT FOR THIS PROCESS, AND THE DISRESPECT FOR THIS
15 JURY.

16 AND MORE IMPORTANTLY, I HAVE A STELLAR LEGAL
17 CAREER THAT HAS SPANNED 30 YEARS, AND I HAVE AN ETHICAL
18 REPUTATION THAT IS NOT GOING TO BE TARNISHED BY COUNSEL IN
19 THIS PROCEEDING.

20 IF YOU ASK ANY ATTORNEY I HAVE EVER DEALT
21 WITH, THEY WOULD TELL YOU THAT I AM HIGHLY ETHICAL AND FAIR
22 TO EVERY DEFENSE ATTORNEY AND EVERY DEFENDANT I HAVE EVER
23 ENCOUNTERED IN MY POSITION.

24 I CANNOT ALLOW THESE ACCUSATIONS TO GO
25 UNFOUNDED OR UNANSWERED, AND I WOULD LIKE TO MAKE A RECORD
26 ABOUT WHAT HAPPENED, AND I WOULD LIKE TO DO IT UNINTERRUPTED,
27 WITH THE PERMISSION OF THE COURT.

28 THE COURT: YOU HAVE MY PERMISSION. GO AHEAD.

1 MS. THOMAS: THANK YOU.

2 LAST FRIDAY, WHEN I CAME INTO COURT IN THE
3 AFTERNOON, AS THE COURT WAS CONFIGURED, THE FRONT ROW OF THE
4 AUDIENCE, AS THE COURT KNOWS, THERE'S THE ATTORNEY BAR AND
5 THEN THERE ARE THE SEATS AND THEY'RE LIKE THEATER SEATS AND
6 THEY, YOU KNOW, PULL DOWN TO SIT DOWN ON AND THEY'RE UP WHEN
7 YOU'RE NOT SITTING ON THEM. THERE'S A VERY SMALL AISLE WAY
8 TO WALK DOWN.

9 MS. MARGOLIN: I'M SORRY. IT'S JUST THAT, YOUR
10 HONOR, I'D ASK IF --

11 THE COURT: DO NOT INTERRUPT.

12 MS. MARGOLIN: OKAY. I'M SORRY.

13 MS. THOMAS: CONSTANTLY, THE BAILLIFF, WHO IS THE
14 CHARGE OF THIS COURTROOM --

15 MR. GLEW: YOUR HONOR, IF I CAN JUST INTERRUPT --

16 THE COURT: NO, THERE IS NO INTERRUPTION.

17 MR. GLEW: WELL, I UNDERSTAND, BUT --

18 THE COURT: THERE IS NONE.

19 MR. GLEW: -- BUT --

20 THE COURT: YOU MAY CONTINUE, MS. THOMAS.

21 MR. GLEW: THE --

22 THE COURT: PLEASE DO NOT INTERRUPT.

23 MR. GLEW: -- THE NATURE OF YOUR SPEECH IN THE WAY
24 YOU'RE SPEAKING TO ME IS INAPPROPRIATE.

25 THE COURT: YES, I AM SPEAKING FORCEFULLY BECAUSE I
26 FEEL I HAVE TO FROM TIME TO TIME IN THIS TRIAL. AND RIGHT
27 NOW I JUST SPOKE FORCEFULLY.

28 YOU MAY CONTINUE, MS. THOMAS.

1 MS. THOMAS: THANK YOU.

2 IN THE AISLE WAY HERE, THE -- WHERE I'VE BEEN
3 SITTING DURING THE PENDENCY OF THIS CASE, THE BAILIFF HAD TWO
4 LAW CLERKS SEATED. APPARENTLY, ONE -- THE ONE LAW CLERK, I
5 DON'T SEE HIM HERE TODAY, MR. THOMAS PERHAPS, AND THERE'S
6 ANOTHER YOUNG GENTLEMAN WHO IS HERE WHO WAS REALLY JUST FINE
7 THE OTHER DAY. THEY WERE SEATED IN THAT AISLE, AND THE
8 BAILIFF ASKED ME TO SIT CLOSER TO THE WALL SO I CERTAINLY
9 FOLLOWED THE DIRECTION OF THE BAILIFF.

10 MR. THOMAS HAD HIS BRIEFCASE IN THE WALKWAY
11 WHERE PEOPLE HAD TO WALK. ME, SPECIFICALLY. SO WHEN I
12 ENTERED INTO THE AISLE WAY TO GO TAKE MY SEAT, HE DID NOT
13 MOVE THE BRIEFCASE. I HAD TO STEP OVER IT, AND THAT'S WHAT I
14 DID, AND SAT DOWN.

15 THE COURT -- THERE WAS A HEARING. THE COURT
16 ASKED MS. CASTANO AND THE ATTORNEYS IF THEY HAD ANY LEGAL
17 AUTHORITY. SO I GOT UP TO CALL ONE OF MY LAWYERS TO DO SOME
18 RESEARCH. WHEN I GOT UP, I HAD TO STEP OVER HIS BRIEFCASE
19 BECAUSE, OF COURSE, AGAIN HE DIDN'T MOVE IT.

20 MR. GLEW: WITH ALL DUE RESPECT, YOUR HONOR --

21 MS. THOMAS: AND I --

22 THE COURT: DO NOT INTERRUPT, SIR.

23 MR. GLEW: YOUR HONOR, THIS IS A LEGAL ISSUE.

24 THE COURT: DO NOT INTERRUPT.

25 MR. GLEW: BUT --

26 THE COURT: DO NOT INTERRUPT.

27 MS. THOMAS: AND I WENT TO THE BAILIFF'S PHONE, MADE
28 A CALL, AND THEN I WALKED BACK AND HAD TO STEP OVER HIS

1 BRIEFCASE AGAIN AND SAT DOWN.

2 MY LAWYER CAME INTO THE COURTROOM. I GOT UP
3 AGAIN, STEPPED OVER HIS BRIEFCASE, WALKED OUT, ASKED THE
4 LAWYER TO DO SOME RESEARCH. WHEN I CAME BACK IN, I ATTEMPTED
5 TO WALK BACK IN, AND THIS TIME, UNFORTUNATELY, I WAS UNABLE
6 TO STEP OVER HIS BRIEFCASE WITHOUT TRIPPING AND I TRIPPED. I
7 ALMOST FELL. I CAUGHT MYSELF. I SAT DOWN. AND MR. THOMAS
8 LOOKED AT ME AND SAID, "EXCUSE YOU."

9 NOW, MY FIRST THOUGHT IS, "BOY, HAVE WE LOST
10 CIVILITY IN THE COURTROOM."

11 BUT THE JURY WAS IN THE BOX --

12 MR. GLEW: I'M GOING TO OBJECT TO THIS. THESE PEOPLE
13 AREN'T EVEN HERE. THIS IS TESTIMONY THAT IS GOING ON THE
14 RECORD IN OUR CASE.

15 MS. THOMAS: THE JURY WAS IN THE BOX --

16 THE COURT: THERE IS NO JURY.

17 YOU MAY CONTINUE.

18 MR. GLEW: BUT IT'S AN OBJECTION.

19 MS. THOMAS: THANK YOU.

20 THE JURY WAS IN THE BOX SO I DID NOT RESPOND
21 TO HIM AT THAT TIME.

22 AT THE BREAK I SAID TO HIM I WAS QUITE
23 SURPRISED AT WHAT HE HAD SAID TO ME BECAUSE HE HAD HIS
24 BRIEFCASE IN MY WAY, NEVER ATTEMPTED TO MOVE IT, AND I
25 TRIPPED AND ALMOST FELL. AND I'VE HAD ENOUGH INJURIES. I
26 DON'T NEED ANYMORE. AND I TOLD HIM THAT I THOUGHT IT WOULD
27 HAVE BEEN MORE APPROPRIATE FOR HIM TO SAY EXCUSE ME TO ME.

28 HE SEEMED TO UNDERSTAND THAT. HE SAID HE WAS

1 SORRY. HE PUT HIS BRIEFCASE THEN UP ON THE CHAIR, AND I
2 COULD -- I HAD INGRESS AND EGRESS FOR THE REST OF THE
3 AFTERNOON. NOT A PROBLEM.

4 I DID SEE HIM SPEAKING TO COUNSEL MARGOLIN AT
5 THE BREAK AND HEARD MY NAME, BUT THIS IS BUSINESS. I IGNORE
6 THAT STUFF.

7 THE AFTERNOON WENT ON. WHEN I CAME BACK, I
8 SAT IN THE SAME SPOT, AND THE PROCEEDINGS ENDED. WHEN THE
9 PROCEEDINGS ENDED AND THE JURY LEFT AND EVERYBODY LEFT --
10 MOST OF THE PEOPLE LEFT, COUNSELOR MARGOLIN WAS SPEAKING TO
11 WHO I NOW KNOW IS A WITNESS, A BLONDE-HAIRED WOMAN, JUDITH
12 RUGH PERHAPS. BUT SHE WAS SPEAKING TO HER, AND THE WITNESS,
13 REFERRING TO THIS WOMAN, WAS STANDING AT THE END OF THIS
14 AISLE WAY WHERE I WAS. SHE HAD HER BRIEFCASE THERE. SHE WAS
15 STANDING WITH HER BACK TO THE AISLE, AND COUNSELOR MARGOLIN
16 WAS SPEAKING TO HER FACING MY DIRECTION.

17 NOW, I WAITED A COUPLE OF MINUTES BECAUSE I
18 THOUGHT THEY WOULD CONCLUDE THEIR CONVERSATION AND I WOULD BE
19 ABLE TO GET UP AND WALK OUT. THAT WASN'T THE CASE. SO I
20 STOOD UP, BECAUSE I NEEDED TO GET OUT OF THE COURTROOM
21 OBVIOUSLY, AND I WALKED UP BEHIND THIS WOMAN AND I SAID,
22 "EXCUSE ME." SHE DIDN'T RESPOND. SO I SAID, "EXCUSE ME"
23 AGAIN. SHE DIDN'T RESPOND. I SAID, "EXCUSE ME" AGAIN. I
24 WASN'T GOING TO YELL AT HER. SO SINCE SHE DIDN'T RESPOND
25 AGAIN, I TOOK MY RIGHT HAND AND I TAPPED HER ON THE SHOULDER
26 LIGHTLY.

27 NOW, I WANT YOU TO REMEMBER THAT THERE WERE
28 SIX BAILIFFS IN THIS COURTROOM, COUNSELOR MARGOLIN WAS

1 TALKING TO THIS PERSON, AND THERE WERE OTHER PEOPLE IN THE
2 COURTROOM.

3 THE WITNESS, IF SHE IS A WITNESS, TURNED AND
4 LOOKED AT ME, MOVED A SLIGHT BIT, AND I WAS ABLE TO BARELY
5 GET AROUND HER BUT I GOT AROUND HER.

6 AT THAT POINT I HEARD COUNSELOR MARGOLIN SAY
7 SOMETHING ABOUT ME INTIMIDATING OR DOING SOMETHING TO THEIR
8 WITNESSES ALL DAY. I CAN'T ALLOW THAT TO GO UNANSWERED SO I
9 TOLD HER THAT THAT WAS INAPPROPRIATE AND IT WAS UNTRUE. WE
10 HAD A DISCUSSION, IT ENDED, AND AT SOME POINT I OPENED THE
11 COURTROOM DOOR TO ALLOW OUR VIDEO CART TO BE TAKEN OUT BY
12 SOMEBODY. COUNSELOR MARGOLIN WALKED QUICKLY FROM BEHIND ME
13 AND WALKED OUT OF THE COURTROOM FIRST AND TALKED TO THE
14 BLONDE WOMAN. THERE WAS A CROWD OF PEOPLE OUT THERE,
15 INCLUDING ONE OF THE DEFENDANTS, MR. GRUMBINE. AND COUNSELOR
16 MARGOLIN SAID, "MS. THOMAS HAS BEEN KICKING AND HITTING OUR
17 DEFENSE WITNESSES ALL AFTERNOON."

18 AGAIN, I CAN'T ALLOW THAT TO GO UNANSWERED,
19 AND I SAID, "THAT IS NONSENSE, TO PLEASE KNOCK IT OFF. THAT
20 THIS IS BUSINESS." I KNOW THAT SHE TAKES THIS VERY
21 PERSONALLY, BUT THIS IS BUSINESS.

22 SHE THEN SAID TO ME, "YOU HIT THIS WOMAN RIGHT
23 HERE," POINTING TO THE BLONDE WOMAN.

24 I EXPLAINED TO THE WOMAN, WHO WAS STANDING
25 THERE, THAT SHE DIDN'T HEAR ME WHEN I TRIED TO GET BY, AND
26 SHE DID AGREE THAT SHE NEVER HEARD ME. AND I SAID, "SO I
27 JUST TAPPED YOU ON THE SHOULDER." AND SHE SAID, "OKAY. I
28 DIDN'T UNDERSTAND THAT."

1 AND, AGAIN, I SAID TO COUNSELOR MARGOLIN,
2 "THIS IS BUSINESS. IT IS NOT PERSONAL. AND IF YOU WOULD
3 LIKE TO DISCUSS SOMETHING, LET'S LEAVE THE HALL AND GO TO MY
4 OFFICE."

5 WHAT SHE SAID IS, "OH, NO, NO. THAT'S OKAY
6 BECAUSE WE HAVE A REPORTER RIGHT HERE."

7 KEEPING IN MIND THERE'S A GAG ORDER IN
8 EFFECT -- I KNOW THAT BECAUSE I WAS HERE WHEN THE COURT
9 ISSUED IT -- I SAID TO HER, "THIS IS BUSINESS. IT IS NOT
10 PERSONAL." AND THE REPORTER CHIMED IN, "YES, BUT IS IT
11 JUSTICE?"

12 AT THAT MOMENT, I CAME BACK INTO THE COURTROOM
13 AND I LEFT THE COURTROOM. AGAIN, I JUST CHOSE TO IGNORE IT,
14 CONSIDER THE SOURCE.

15 BUT I CAME IN MONDAY. THE COURT KNOWS THAT
16 THERE WAS A REPORT MADE TO THE BAILIFF. IN MY OPINION, IT'S
17 A FALSE POLICE REPORT, FALSE REPORT.

18 MR. GLEW: I'M GOING TO OBJECT, YOUR HONOR. THIS IS
19 STILL OUR RECORD.

20 MS. THOMAS: THIS IS MY RECORD. THIS IS MY RECORD.

21 MR. GLEW: THIS IS OUR TRIAL.

22 THE COURT: I AM LISTENING TO HER.

23 MR. GLEW: BUT I'M OBJECTING.

24 THE COURT: I DON'T CARE WHETHER YOU'RE OBJECTING NOW
25 BECAUSE I JUST SAID I'M LISTENING TO HER. SO YOU NOTED YOUR
26 OBJECTION BECAUSE TERRI TOOK IT DOWN, THE REPORTER.

27 YOU MAY CONTINUE.

28 MS. THOMAS: THIS NOW, THAT IT HAS GONE ON THE RECORD

1 BY MR. LAWRENCE, IT HAS REACHED THE POINT THAT IS BEYOND
2 OUTRAGEOUS. IT IS BEYOND THE PALE IN TERMS OF UNPROFESSIONAL
3 AND UNETHICAL CONDUCT ON THE PART OF COUNSEL AND UNFOUNDED
4 ACCUSATIONS AS IT RELATES TO ME. AND IT IS REALLY
5 UNFORTUNATE THAT COUNSEL DOES NOT HAVE THE INSIGHT TO BE
6 EMBARRASSED AND ASHAMED OF HER BEHAVIOR.

7 BUT DESPITE THAT, I AM ASKING THIS COURT AT
8 THIS MOMENT, BECAUSE HER -- HER RENDITION OF THE FACTS IN
9 OPEN COURT, NOT ON THE RECORD, HAS BEEN SO DISTORTED -- HAS
10 SO DISTORTED THE TRUTH, IT AMOUNTS TO A LIE, AND NOW SHE HAS
11 ALLOWED IT TO BE PUT ON THE RECORD, WHICH IS COMPLETELY
12 INAPPROPRIATE. IT HAS GONE FAR ENOUGH. THANKFULLY, MY LEGAL
13 RECORD SPEAKS FOR ITSELF.

14 AND I AM ASKING THIS COURT AT THIS MOMENT TO
15 ALLOW THIS RECORD TO BE THE END OF THIS SUBJECT ON THE RECORD
16 FOR THIS TRIAL, AND THAT COUNSEL'S REQUEST FOR A HEARING AND
17 THAT I BE EXCLUDED FROM THIS COURTROOM BE DENIED.

18 THANK YOU, YOUR HONOR.

19 THE COURT: OKAY. I'M NOW GOING TO GO FORWARD WITH
20 THE TRIAL. IF ANYBODY WANTS TO SAY ANYTHING AT THE END OF
21 THE DAY TODAY, THEN YOU CAN DO THAT. WE'LL BREAK A LITTLE
22 EARLY AND SO FORTH.

23

24 (WHEREUPON THE REQUESTED PROCEEDINGS WERE
25 CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. SOUTH K HON. CHARLES D. SHELDON, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)	NO. NA087478
)	
PLAINTIFF,)	
)	
VS.)	REPORTER'S
)	CERTIFICATE
01 JOSEPH BYRON, AND)	
02 JOE GRUMBINE,)	
DEFENDANTS.)	

I, TERRI ANN MANZON, C.S.R. NO. 4667, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING PAGES, 1 THROUGH 13, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON DECEMBER 6 AND 7, 2011.

DATED THIS 8TH DAY OF DECEMBER, 2011.



TERRI A. MANZON, C.S.R. NO. 4667
OFFICIAL REPORTER