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October 27, 2003

Ms. Cathy Catterson
Clerk, Ninth Circuit Court of Appeals
95 Seventh Street
San Francisco, California 94103

Re: United States v. Oakland Cannabis Buyers' Cooperative, et al., No. 02-16534

Dear Ms. Catterson:

Pursuant to Federal Rule of Appellate Procedure 28(j), Appellants submit a copy of SB 420 (Cal. 2003), a pertinent and significant authority signed into law on October 12, 2003, after oral argument in this appeal.

SB 420 is the Legislature's first effort to implement the Compassionate Use Act of 1996. The new law's preamble, at Section 1(e), contains a provision dealing squarely with issues in this case. In language confirming the legitimacy of California's medical cannabis laws, the Legislature expressly "declares that it enacts this act pursuant to the powers reserved to the State of California and its people under the Tenth Amendment to the United States Constitution." This language is consistent with Appellants' federalism arguments set forth in Appellants' Opening Brief at 36-43 and Appellants' Reply Brief at 19-25.

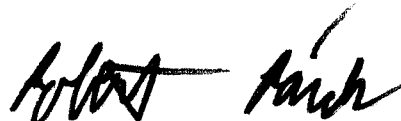
In Section 11362.765(c) the new law contradicts the government's contention that State law does not permit the sale of medical cannabis. In fact, SB 420 specifically authorizes the receipt of compensation, "including reasonable compensation incurred for services provided to an eligible qualified patient . . . to enable that person to use marijuana . . ." This provision is consistent with Appellants' State law arguments set forth in Appellant's Reply Brief at 23-25.

Moreover, Section 11362.775 affirms the legality of the Oakland Cannabis

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Buyers' Cooperative -- a collective cooperative organized under the California Consumer Cooperative Corporation Law. According to the new law, patients and caregivers "who associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes, shall not . . . be subject to" criminal sanctions. Similarly, in Section 1(b)(3), the Legislature declares, "It is the intent of the Legislature" to "Enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects." These provisions are consistent with Appellants' arguments set forth in Appellants' Opening Brief at 36 n.20, and 66-67, and in Appellants' Reply Brief at 16 n.9, and 23-25.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Raich". The signature is written in a cursive, somewhat stylized font.

Robert A. Raich

Enclosure

cc: See Service List

SERVICE LIST

United States v. Oakland Cannabis Buyers' Cooperative, et al.,
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