

Received  
Washington State Supreme Court

JUN 04 2014  
E CPD  
Ronald R. Carpenter  
Clerk

WASHINGTON STATE SUPREME COURT

JOHN WORTHINGTON,

Appellant,

v.

WESTNET,

Respondents,

CASE NO. 900370

**SUPPLEMENTAL DECLARATION  
IN SUPPORT OF MOTION FOR CR  
11 SANCTIONS**

**I, John Worthington declares as follows.** I am the plaintiff in this action. I am over the age of 18 years, competent to testify, and I have personal knowledge of the facts stated herein.

1. On September 13, 2008, I was sent a document which contained a memorandum showing official Kitsap County policy directing all Kitsap County Sheriff personnel to use the West Sound Narcotics Enforcement Team as a record keeping center for medical marijuana patients and primary care givers. This document contradicts the Kitsap County and WestNET arguments that Kitsap County is the records keeping party for WestNET. Since Worthington was a medical marijuana patient, his records would have been kept with WestNET pursuant to the attached memorandum. WestNET and Ione George have misled the Supreme Court on WestNET public records procedures. Additional sanctions should be applied. (Exhibit 1)
2. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

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Executed on this 4<sup>th</sup> day of June, 2014

BY *John Worthington*  
John Worthington  
4500 SE 2<sup>ND</sup> PL.  
Renton WA.98059

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**Certificate of Service**

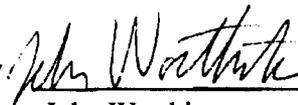
I certify that on the date and time indicated below, I caused to be served  
By EMAIL to WEST NET , a copy of the documents and pleadings listed below  
upon the attorney of record for the defendants herein listed and indicated below.

**1. SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION FOR  
CR 11 SANCTIONS**

**WESTNET  
IONE GEORGE  
KITSAP COUNTY  
614 Division Street  
PORT ORCHARD, WA 98366-4678**

I declare under penalty of perjury under the laws of the United States that the  
foregoing is True and correct.

**Executed** on this 4<sup>th</sup> day of June, 2014

**BY**   
**John Worthington  
4500 SE 2<sup>ND</sup> PL.  
Renton WA.98059**

# EXHIBIT 1

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OFFICE OF  
STEVE BOYER

# KITSAP COUNTY SHERIFF

614 DIVISION ST. MS-37 • PORT ORCHARD, WASHINGTON 98366 • (360) 337-7101 • FAX 337-4923

September 13, 2008

John Worthington  
4500 SE 2<sup>nd</sup> Place  
Renton, WA 98059

Re: Request for records

Dear Mr. Worthington,

On July 1, 2008, You viewed documents pursuant to your request of MY 12 AND May 20, 2008.

You requested a copy of only two of those, which I find I did not mail to you. I have enclosed herein a copy of meeting notes titled "Police Department; and Steve Boyer, Undersheriff Mike Davis, Lt. Jim Harris and Lt. Don Lutes, Kitsap County Sheriff's Office". It is four pages in length. And a copy of the document titled "Department of Justice Bureau of Justice Assistance Grant award number 2006-DJ-BX-1162. It is five pages in length.

I apologize for the lateness of these documents. Please contact me at (360) 337-7017 if you have questions about this letter or our response.

This completes our response to all your requests for documents. If you believe that our response does not complete your requests please contact me.

Thank you.

Sincerely,

David White

Chief  
Detective/Support Services Division

By:

Katherine Collings  
Lieutenant, Support Services



Police Department; and

Sheriff Steve Boyer, Undersheriff Mike Davis, Lt. Jim Harris and Lt. Don Lutes, Kitsap County

Sheriff's Office

In that meeting, we agreed to use the following analysis and guidelines in dealing with those criminal cases involving a potential "medicinal marijuana" defense. At this time, the contents of this memorandum are for the use of Kitsap County law enforcement personnel only.



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- (1) The initiative bars prosecution of qualifying patients and primary care givers.

To be a qualifying patient, the person must be a patient of a physician who has issued valid documentation indicating that the potential benefits of the medical use of marijuana would likely outweigh the health risk to the particular qualifying patient. The qualifying patient must also have been diagnosed by a physician as having a terminal or debilitating medical condition. A terminal or debilitating medical condition means: cancer, human immunodeficiency virus (HIV or AIDS), multiple sclerosis, epilepsy or other seizure disorder, spasticity disorders, intractable pain which is unrelieved by standard medical treatments and medications, glaucoma, or any further medical condition duly approved by the Washington state medical quality assurance board.

A "primary care giver" means a person who is eighteen (18) years of age or older, and is responsible for the housing, health or care of the patient, and has been designated in writing by the patient to perform the duties of a primary care giver pursuant to the initiative. The legislation also indicates that a person may be the primary care giver to only one patient at any one time.

- (2) The Initiative is very specific. Any person, whether patient or care giver, who seeks to avoid prosecution by raising the affirmative defense created by the initiative must have on his or her person or under his or her control documentation provided by a physician licensed to practice medicine in the state of Washington showing that the patient suffers from one of the specified medical conditions and that marijuana, in the opinion of the physician, will provide relief to the patient and that the prospect of that relief outweighs the risks of marijuana. The documentation provided by the physician must be presented to "any law enforcement official who questions the patient (or caregiver) regarding his or her medical use of marijuana." Initiative 692, Sec. 5 (2)(c). If, upon law enforcement inquiry, no documentation is produced, treat the encounter as you would any other. However, if the person identified as the patient obviously suffers from some physical ailment or infirmity, use discretion in deciding whether to arrest.
- (3) If upon inquiry, the patient or care giver produces what purports to be documentation from a physician, the following procedures should be followed:
- (a) The marijuana should be seized and the written documentation purportedly authorizing the possession or use of marijuana should be seized. This property should be carefully identified and accounted for--if the documentation checks out, it will have to be returned.
  - (b) Police reports on the incident should be forwarded to the Kitsap County Prosecuting Attorney's Office no later than the next judicial day following the seizure of the marijuana and purported documentation.
  - (c) No arrests should be made.

It is anticipated that the policy of seizure notwithstanding a physician's documentation will remain in effect only until the medical community sets standards for appropriate

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documentation or until such standards emerge from local practice. When standards for documentation have been determined, you will be notified.

- (4) The Kitsap County Prosecuting Attorney's Office will attempt to examine the police reports no later than the day after receipt in order to determine if the documentation establishes, pursuant to the Initiative, a legitimate medical reason for the person to be possession of marijuana .
- (5) The initiative refers to the authorized possession of a sixty (60) day supply of "medical marijuana". The initiative authorizes the possession by the "qualifying patient" or the "primary care giver". It has been determined at the meeting that anything more than a pound of marijuana is presumptively more than a sixty (60) day supply. It is therefore appropriate to seize more than a pound of marijuana in the possession of a person who claims to be using it to treat his or her medical condition or who possesses that amount as a primary care giver regardless of the physician's documentation. This analysis will be subject to change as further information concerning the "medical use" of marijuana develops.

- (6) It was also agreed that all law enforcement personnel should use the West Sound Narcotics Enforcement Team as a record keeping center concerning persons who claimed to be qualified patients and persons who claim to be primary care givers. It would also make sense for Westnet to be aware of any physicians who are providing written documentation. Please route copies of all reports concerning the medical use of marijuana to WESTNET.

It is anticipated that Deputy Prosecuting Attorney Matthew L. Clucas will be handling the review of most

cases involving "medical marijuana". He should be contacted by any law enforcement officer seeking information. Chief Deputy Prosecuting Attorney Christian C. Casad will be available to consult with you whenever there is difficulty in reaching Mr. Clucas.

We, as members of law enforcement, need to proceed in an efficient and organized manner in dealing with the "medical marijuana" initiative. The voters have spoken on this issue, and it is our obligation to respect and give effect to this change in drug law while doing what we can to guard against its abuse. All of the policies expressed in this memorandum will be subjected to regular review. Any changes will be passed on forthwith.

As always, if this memorandum creates any questions or the desire to make comments, please feel free to contact Mr. Casad, Mr. Clucas and/or Prosecuting Attorney Hauge.

RDH:CCC/nlh

## OFFICE RECEPTIONIST, CLERK

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, June 04, 2014 8:00 AM  
**To:** 'john worthington'  
**Subject:** RE: supplemental declaration in support of cr 11 sanctions

Rec'd 6-4-14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** john worthington [mailto:worthingtonjw2u@hotmail.com]  
**Sent:** Wednesday, June 04, 2014 7:14 AM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** supplemental declaration in support of cr 11 sanctions

Please file this with the court.

Thank you

John Worthington