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CONFIDENTIAL

FILED UNDER SEAL

7 IN THE SUPERIOR COURT
8 MADERA COUNTY, STATE OF CALIFORNIA

9
10 PEOPLE OF THE STATE OF
11 CALIFORNIA,
12
13 Plaintiff,
14 vs.
15 RAY MITCHELL NORRIS, ET. AL.
16 ,
17 Defendant

No. 13844

REQUEST FOR FUNDS TO HIRE
EXPERT WITNESS FOR TRIAL
(PENAL CODE 987.2, EV. CODE
730), AFFIDAVIT OF WILLIAM
LOGAN

HRG: July 8, 1997

Time: 8:30 a.m.

18 COMES NOW THE Defendant, RAY MITCHELL NORRIS, by and through
19 his attorney, WILLIAM LOGAN, and hereby moves the Court for an order authorizing
20 the payment of reasonable and necessary funds to secure the services of an expert
21 witness at the trial of the matter.

22 This motion is made on the grounds that the services of the expert, Dr. Eugene
23 Schoenfeld, are required at the trial to adequately present the defense, and to allow the
24 jury to properly asses the evidence, and the guilt or innocence of the defendant, and
25 that the defendant is indigent, without the money, means, or property to hire the
26 expert, and that a fair trial necessitates the presentation of this witness.
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1 The motion is based on this request, FILED UNDER SEAL, the provisions of
2 PENAL CODE §987.2, and EVIDENCE CODE §730, the affidavit of WILIAM
3 LOGAN, attached hereto, the financial declaration of the defendant, and such other and
4 further evidence, oral and documentary, as may be adduced at the hearing. This request
5 is filed UNDER SEAL, and is confidential, because it contains private and
6 confidential information about the defendant which is not subject to prosecution
7 discovery, but is necessary for the Court to make an informed decision on the request.

8 Respectfully submitted,

9 June 27, 1997

10 WILLIAM LOGAN, Attorney for
11 RAY NORRIS, Defendant

12 STATEMENT OF THE CASE

13 The defendant is charged with possession for sale of marijuana and other
14 offenses. He was found in possession of a quantity of recently harvested marijuana, in
15 the process of manicuring and drying the pot.

16 The defendant has been examined by Dr. EUGENE SCHOENFELD, M.D.,
17 regarding his medical condition and his use of marijuana as medicine to treat his
18 chronic, ongoing problems. Dr. Schoenfeld has given the opinion that the defendant is
19 suffering from a condition that is and was amenable to marijuana therapy, and that such
20 condition existed at the time of the arrest. The defendant intends to present this defense
21 at the trial, and if fact this is the only defense in the case.

22 The defendant needs to present the testimony of Dr. Schoenfeld at the trial so
23 that the jury can determine if he comes within the provisions of HEALTH AND
24 SAFETY CODE § 11362.5.

1 IN RE TARTAR (1959) 52 Cal. 2d 250, 339 P. 2d 553

2 *see also* California Criminal Law, 2d edition, Bernard Witkin, section 28.

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4 The defendant's financial declaration is attached, and it clearly established that
5 he is indigent, and without funds to hire this necessary witness. The defendant has
6 exhausted his available resources for the defense of the case. He paid for his initial
7 consultation with Dr. Schoenfeld, but is unable to marshal the \$2500.00 necessary to
8 present the testimony at the trial.

9 IT IS THEREFORE RESPECTFULLY SUBMITTED that the Court should order
10 and authorize the payment of \$2500.00 as the reasonable and necessary expenses for
11 the presentation of this testimony at trial.

12 June 27, 1997

13 _____
 WILLIAM LOGAN, Attorney for
 RAY NORRIS Defendant

14 **AFFIDAVIT OF WILLIAM LOGAN**

15 I WILLIAM LOGAN do hereby declare and state that:

16 I am the Attorney for the Defendant RAY NORRIS,

17 I have investigated this case, and I am informed and believe that the Defendant
18 has a medical condition which is amenable to marijuana therapy. The Defendant was
19 seen by Dr. Eugene Schoenfeld earlier this year, and was found to be an appropriate
20 person to use marijuana to treat his chronic medical conditions, pursuant to Health &
21 Safety Code § 11362.5.

22 Dr. Schoenfeld is the world's foremost specialist in psychopharmacology and
23 addiction medicine, and has treated and examined thousands of marijuana users. He has
24 been active in the area of cannabis therapy for years, and has qualified and testified on
25 these issues in Courts in California. His resume is attached.
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