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Jury deadlocks on most counts against Planet Herb owners

By Clay Duda

A mother and daughter busted for allegedly operating an illegal medical marijuana collective in Redding will have to again stand trial on a number of marijuana-related charges after jurors failed to reach a verdict in the case on Tuesday.

Following nearly two days of deliberation, the 12-person jury informed Shasta County Superior Court Judge Bradley Boeckman Tuesday afternoon that it failed to reach a consensus on all but one count, returning a not-guilty verdict for each of the former Planet Herb owners on charges of cultivating marijuana.

The jury was divided evenly on the other counts against both defendants, deadlocking 6-6 on seven felony charges brought against Linda Kay Silvey, 56, of Shasta Lake and her daughter Charree Mickay Richey, 34, of Redding. Those include allegations of maintaining a place for the sale or use of controlled substances, selling or transporting marijuana, possessing marijuana for sale, possession of concentrated cannabis and manufacture of a controlled substance.

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— Joseph Tully
Defense Attorney



Linda Kay Silvey, at left, looks on as a juror returns a not-guilty verdict on one count of marijuana cultivation. The 12-person jury deadlocked on a decision for seven other marijuana-related charges.

If convicted the two could face prison time, but prosecutor Emily Mees has said she would not seek a prison sentence since neither of the woman has a criminal history.

Martinez-based defense attorney Joseph Tully said he intended to pursue the case until his clients were fully vindicated.

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Agents with the Shasta County Interagency Narcotics Taskforce, or SINTF, arrested Silvey and Richey after a nine-month investigation that culminated in raids on their Lake Boulevard business and their two homes in July. The women have lived in Shasta County for 14 years and opened the collective in 2009.

Prosecutor Mees argued that paperwork recovered, along with more than \$80,000 in cash, a large amount of marijuana and other materials found, indicated the two were operating a for-profit marijuana business. But Tully contended that they were clear of any wrongdoing, saying the trial was nothing more than persecution and mud-slinging.

Juror Ronnean Mandell, 52, of Redding, stayed after the trial to speak with Richey, Silvey and their attorney.

“I don’t believe the prosecution had adequate evidence for guilty verdicts,” she said. “The folks on the other side of the verdict, I don’t believe they were applying the law but were going off their feelings or preconceptions.”

The District Attorney’s Office will decide whether to try the women again. ■