

Yolo drug case poised to test medical marijuana laws

By Lauren Keene

A former UC Davis Fire Department captain turned Woodland business owner is facing criminal charges for allegedly selling marijuana out of his hydroponics store.

But the attorney for Paul Brandon Fullerton Jr. and his wife Maricel, who also has been charged, says that Paul Fullerton — who retired from UCD in January 2014 after suffering a work-related spinal injury — is a medical marijuana user whose alleged actions are legal under state law.

“Law enforcement is woefully ignorant of the law, or they simply don’t care,” lawyer Joseph Tully said. “I feel very confident they’ll be vindicated in court.”

The couple both pleaded not guilty in Yolo Superior Court on Friday to felony counts including marijuana sales, possession of marijuana for sales, cultivation of marijuana, child endangerment and importation of a large-capacity rifle magazine.

“Law enforcement is woefully ignorant of the law, or they simply don’t care,” lawyer Joseph Tully said. “I feel very confident they’ll be vindicated in court.”

Both the marijuana possession and cultivation charges carry enhancements alleging both defendants were armed with firearms in the commission of those felonies.

The allegations stem from a Yolo Narcotic Enforcement Team investigation that began in late 2015, said Davis police Lt. Paul Doroshov, whose agency oversees the countywide drug task force.

According to Doroshov, YONET agents received a tip that Paul Fullerton was selling marijuana out of his North East Street business, Lil’ Shop of Growers, which sells soils, fertilizers and other plant-growing products and equipment to the general public, with an emphasis on marijuana grows.

On Feb. 18, agents served a search warrant at the Fullertons’ business, where they reported finding “a large amount U.S. currency, marijuana and other evidence suggesting drugs were being sold,” Doroshov said.

A second warrant served at

the couple's Woodland home reportedly revealed more currency, marijuana plants, seven firearms, two loaded high-capacity rifle magazines, processed and packaged marijuana and other drug-sales evidence.

The criminal complaint filed in the case on Feb. 29 noted that 22 pounds of marijuana was found at the residence, while another seven pounds was seized from the East Street business. Neither location was a licensed dispensary, Doroshov said, and "when you start selling it, that's when it becomes illegal."

Tully disagreed. He said California's SB 420, which broadened the Compassionate Use Act enacted in 1996, allows qualified medical marijuana users to collectively associate with one another, given that no profits are made and the transactions are cash-based — which accounts for the currency found at Fullerton's home and business.

"You don't need to be a dispensary, so long as everybody has a doctor's recommendation," which can be either written or verbal, Tully said. "He had a small backyard grow, divided among close friends in a marijuana collective."

Sales conducted out of the business could be a zoning violation but are still legal, Tully says.

According to Tully, the firearms found during the searches were legally owned and registered, and the high-capacity magazines came into Fullerton's possession before the law prohibiting them came into effect on Jan. 1, 2014. The couple's young child, he added, was never exposed to either the weapons or the marijuana.

A UCD firefighter for just over 19 years, Fullerton began using medical marijuana as an alternative to pills to manage his pain.

"My world opened up," he told the Woodland Daily Democrat newspaper in a profile of his business published last fall, noting that he hoped to show Yolo County officials the positive aspects of medical marijuana.

Tully said authorities did not shut down the Fullertons' business, but the couple bailed out of the Yolo County Jail following their arrests to discover their home had been bugged.

"I've never come across that in any case I've ever tried," he said.

The couple's case is due back in court May 27 for a pre-hearing conference. ■