

Up in smoke: When the law gets hazy

No contest plea ends long-running drug case

By Lauren Keene

His court case resolved, a retired UC Davis fire captain convicted of illegal marijuana sales says he was the focus of a “witch hunt” by overzealous Yolo County drug agents and prosecutors.

“For what? What did they get out of it?” said Paul Fullerton, whose home and hydroponics business, Lil’ Shop of Growers in Woodland, were raided by the Yolo County Narcotics Enforcement Team (YONET) in February 2016.

The result was felony drug, child endangerment and weapon-related charges against Fullerton and his wife Maricel, which ended with a misdemeanor plea deal and the dismissal of Maricel’s case in full.

By then, the couple had racked up tens of thousands of dollars in legal bills, which continue to mount in civil actions to get their seized property back. Maricel Fullerton, a licensed vocational nurse who works in

They hired Joseph Tully, a Bay Area attorney who has handled dozens of similar cases throughout the region. He described local authorities as being “woefully ignorant” of medical marijuana laws.

“It’s like law enforcement operates on a mentality from 20 years ago. It’s silly,” Tully said. “But it has real consequences to real human beings, real lives.”



Paul Fullerton, of Woodland’s Lil’ Shop of Growers says the drug case against him was a “witch hunt.”

hospice care, received a lifetime ban from working at state-licensed facilities following an administrative hearing where a YONET agent testified against her.

Fullerton, meanwhile, was ordered to register as a narcotics dealer for three years and wear an ankle monitoring bracelet for three months as conditions of

his probation.

He's speaking out now, he said, because he knows of others who are going through similar ordeals, and he wants to give them a voice.

"I'm an example of the many like me that can't speak out," Fullerton, 45, said during a recent interview at his shop.

Both YONET, which is overseen by the Davis Police Department, and the Yolo County District Attorney's Office defend their handling of the case, which began with allegations that Fullerton unlawfully sold marijuana out of his business for profit on multiple occasions.

"At the time this case happened, this was illegal," said Davis police Lt. Paul Doroshov, noting that the November 2016 passage of Proposition 64, which legalized recreational marijuana use, allows commercial cannabis sales by those who obtain a state-issued permit.

"If he did this today it would be a much lesser crime," Doroshov added. "We've evolved too with the laws, but Mr. Fullerton's case happened before that."

Chief Deputy District Attorney Jonathan Raven noted that YONET agents reported finding marijuana, guns and thousands of dollars in cash in the Fullertons' home where a 5-year-old child also lived — a "dangerous and volatile

combination" reflected in the charges that were filed.

"What was very scary and dangerous in the report was that Mr. Fullerton's 5-year old child had access to the guns," which ultimately resulted in Child Welfare Services becoming involved as well, Raven said.

A UCD firefighter for 20 years who earned multiple commendations on the job, Fullerton suffered a work-related spinal injury in 2001 that led to multiple surgeries and ultimately a medical retirement in 2014. He began using medical marijuana as an alternative to pain pills.

Wanting to educate others about the benefits of medicinal cannabis, Fullerton in 2012 began Lil' Shop of Growers on North East Street — ironically, YONET's former offices — which sells plant-growing products and equipment to the general public, with an emphasis on marijuana grows.

Fullerton also maintained a small marijuana grow in the backyard of his Woodland home as part of a collective permitted under California's 1996 Compassionate Use Act. He insists he never unlawfully sold pot out of either location.

The business flourished, Fullerton said, growing from \$150,000 in annual sales to more than \$800,000 over a five-year span. Yolo County

Supervisor Matt Rexroad tapped into Fullerton's knowledge as the county explored developing an ordinance permitting commercial medical cannabis cultivation.

In late 2015, unfamiliar people began visiting the shop asking to buy marijuana, which Fullerton said he repeatedly refused. In hindsight, Fullerton suspects they were undercover drug agents, or decoys sent in on their behalf.

According to an arrest summary contained in Fullerton's court file, Agent Cristobal Lara wrote that he received information that "large quantities of marijuana" were being sold out of Lil' Shop of Growers, which is not a licensed dispensary.

"I got on YONET's radar out of nowhere. They were out to get me," Fullerton said — something that several police officer friends, whom he declined to identify, warned him about.

Fearing a raid, Fullerton said he called Woodland Police Department several times offering to consent to an unannounced search and copy his business records, but he got no response.

On Jan. 29, 2016, a friend of Fullerton's who was gathering decor for a fish store Fullerton planned to open on Main Street brought by a helper who appeared disheveled and down on his luck.

“Paul, my buddy’s wife is super sick. He needs a little help,” said the friend, according to Fullerton. The buddy said his wife carried a medical marijuana card, so Fullerton gave him a single dose — about 1.7 grams — for her to try.

Several days later, the man called asking to buy \$300 worth of marijuana. Fullerton said he gave him some from his personal supply, not intending to charge him, but the man — an undercover YONET agent — grabbed his hand and pressed some cash into it.

Fullerton said he reluctantly took the money, stuffing it into a firefighter’s boot he keeps near his cash register for charitable donations.

“They finally found my weakness,” Fullerton said of the feeling of helping someone in need. “They got to my heart-strings. I felt like a firefighter again.”

Doroshov, the Davis police lieutenant, denies that the YONET agent baited Fullerton with the sick-wife story. He said neither audio nor video recordings of the agent’s interactions with Fullerton contain anything like that, and he played several of them for The Enterprise.

In one video, recorded during the \$300 transaction on Feb. 1, 2016, the two men discuss various strains of marijuana and

their prices, with references to possible future purchases of one or two pounds.

“When the money comes in, get the P’s,” Fullerton says in the recording. The video does not show the exchange of money or marijuana.

“They’re clearly talking money,” Doroshov said, noting that Fullerton at one point says a particular strain is “what’s been moving.”

“He’s talking about some level of continued distribution,” Doroshov said.

Fullerton said that discussion referred to what products would be available at a pot dispensary, and that he encouraged purchases by the pound because “he was poor, and it’s cheaper that way.”

He also said it’s his job to know the types of marijuana available and their values so he can refer buyers to dispensaries or brokers.

“I’m the hub. All I do is connect the dots,” Fullerton said. As for the undercover video, Fullerton claims it was edited to omit the ailing-wife tale, noting that despite the footage being only about 10 minutes long, it’s split onto two DVDs.

On Feb. 18, 2016, YONET agents descended simultaneously on Fullerton’s shop and home. Doroshov said the searches

yielded “a large amount of U.S. currency, marijuana and other evidence suggesting drugs were being sold.”

Fullerton said that cash — about \$40,000 in the shop and \$7,600 in his home — came from legitimate sources such as the recent sale of his Corvette, startup capital for the Main Street fish store, funds for neck-injury treatments and customer down payments.

“We’re an 80-percent cash business,” Fullerton said, noting that the cannabis community generally is distrustful of banks and credit cards. “It’s just the way it is.”

He disputes YONET’s allegation that agents found seven pounds of marijuana in his store, though Doroshov says it was photographed. Fullerton also claims the agents who interviewed him accused him of dealing in methamphetamine, gun sales and motorcycle gangs.

“That’s all they talked about,” Fullerton said, adding that friends and neighbors were later questioned about him as well.

A YONET report contained in Fullerton’s court file says that he “admitted to selling marijuana from both his home and business.” Fullerton said he only acknowledged giving marijuana to a friend of his father who was battling cancer, but he never sold it.

Meanwhile, at the Fullertons' residence, Maricel Fullerton was home alone when the agents arrived. Paul Fullerton said the officers threw her to the ground and pointed an assault rifle to her head as they began their search.

He added that they also told her she wouldn't be arrested, but later reversed course and took her into custody. Doroshov couldn't confirm what was said, but noted that "it's not unusual for us to not plan to arrest someone, but the circumstances change based on the investigation."

In this case, YONET agents reported seizing what it called a "large amount of weapons" in the home that Fullerton, a longtime hunter, said included two deer rifles, a shotgun, an AR-15 rifle and two handguns that were legally registered and kept inside a locked safe.

Officers contend they found the safe unlocked, giving the Fullertons' young daughter possible access to the weapons. Paul Fullerton claims they obtained access to the safe combination and unlocked it themselves in order to form a basis for child endangerment charges, which Doroshov said never happened.

On the kitchen counter, agents found a loaded AR-15 ammunition clip that Fullerton said was left there accidentally by a gunsmith friend who had

dropped off a firearm he had cleaned the night before. A loaded high-capacity magazine found in Fullerton's safe was deemed illegal as of 2014, but Fullerton said it was given to him two years earlier.

Also taken in the home raid was 22 pounds of marijuana — packaged for the five-member collective, Fullerton said — along with eight ounces that agents reported finding under his bed. Fullerton claims that also was planted to support the child endangerment allegations.

"We didn't plant anything," Doroshov said. "What was in the officers' report is what happened."

The couple spent the night in jail, their 5-year-old daughter — who according to the YONET report was questioned by child-welfare workers and reported seeing marijuana and guns under her parents' bed — taken into protective custody for 10 days.

Fullerton believes his daughter likely saw his empty gun cases and a green box containing empty jars under his bed and mistook them for weapons and marijuana.

"My wife was in a ball, crying, every single day," Fullerton said of that time, during which the couple say they also discovered that their house had been bugged and their email intercepted by an account with

the username "radcop75." Doroshov disputes those claims as well.

The Fullertons made their first court appearance on March 18, 2016, pleading not guilty to felony charges of marijuana sales, possession of marijuana for sales, cultivation of marijuana, child endangerment and importation of a large-capacity rifle magazine.

They hired Joseph Tully, a Bay Area attorney who has handled dozens of similar cases throughout the region. He described local authorities as being "woefully ignorant" of medical marijuana laws.

"It's like law enforcement operates on a mentality from 20 years ago. It's silly," Tully said. "But it has real consequences to real human beings, real lives."

The case plodded on for more than a year-and-a-half as Tully filed multiple Pitchess motions, which sought personnel information — namely allegations of aggressive or dishonest character — regarding 18 officers from multiple law-enforcement agencies involved in the YONET task force.

All ended up being denied, said Raven of the DA's Office, who also noted that it took the defense roughly 15 months to produce a receipt showing the high-capacity ammunition magazine found in the safe was legally in Fullerton's possession.

In the meantime, 57.1 percent of California voters passed Proposition 64 in the November 2016 election, which in addition to legalizing recreational marijuana use also reduced the Fullertons' felony drug charges to misdemeanors.

"By delaying the case, it got a different posture," Tully said. Despite the problematic video, the attorney believed his clients would be vindicated at trial.

The last straw, Fullerton said, is when the couple got notice that authorities planned to destroy the cell phones they had turned over in order to gain access to their contents, even though Fullerton said both he and Maricel had provided their passcodes.

On Maricel's phone, he said, were numerous photographs of their daughter's first few years of life, which would be lost if the phone was destroyed.

"That's when we were, like, we're done with this," Fullerton said. "All of a sudden the phones became more important than the court case."

So on Nov. 22, 2017, they made a deal — Paul Fullerton pleading no contest to misdemeanor counts of possession of marijuana for sale, in exchange for which prosecutors dismissed Paul's child endangerment and weapon charges and all of Maricel's counts.

Said Raven: "This case moved very slowly through the criminal justice system, but ultimately it ended with a just result."

"Due to the dangerousness involved, I suppose the prosecutor could have held out for felonies and gone to trial on the felony child endangerment charges and possession of the fully loaded high-capacity magazine," Raven said. "Instead he chose to use his discretion and avoid a trial by resolving the case for a misdemeanor."

Fullerton was sentenced to three years of supervised probation and 90 days in jail, which he's serving out of custody through GPS monitoring.

"I had to admit to something I didn't do. It destroys me every day, but I'm not going to give up," Fullerton said. His wife, banned in April from nursing at state-licensed facilities, can petition for reinstatement after a year, according to the state Department of Social Services.

All that remains of the case now are several civil asset forfeiture actions in which the Fullertons are seeking the return of their money and other property seized during the raids. Tully says he's confident they'll prevail.

"Paul isn't a criminal. He wasn't illegally selling marijuana out the back door of his business. They set him up," Tully said. "It just shows you how wide the net

is, that everyone can fall into it, if the government wants to get you." ■