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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 v. )

14 JORDAN CRITTLE, )

15 Defendant. )  
16

CR. NO. S-09-0023-GGH

**GOVERNMENT'S TRIAL BRIEF**

TRIAL: August 24, 2009

TIME: 1:00 p.m.

COURT: Hon. Gregory G. Hollows

17 The United States, by and through its undersigned attorneys,  
18 respectfully submits this trial memorandum in the above-captioned  
19 matter. This memorandum sets forth a summary of the facts, a  
20 discussion of the elements of the charged offense, and an overview of  
21 the anticipated issues at trial.

22 **I. STATEMENT OF FACTS**

23 On November 22, 2009, at approximately 12:11 p.m., United States  
24 Forest Service Law Enforcement Officer Ken Marcus ("Officer Marcus"),  
25 while on patrol, observed several people standing next to a parked  
26 green Chevrolet Trailblazer at Tells Creek and Icehouse Road, in the  
27 Eldorado National Forest. Officer Marcus observed expired  
28 registration tabs on the vehicle.

1           Officer Marcus observed a male standing at the rear of the  
2 vehicle, later identified as the defendant, Jordan Crittle ("the  
3 defendant"). The defendant appeared to be under the influence of  
4 drugs. The defendant had glazed eyes, smacked his lips in a manner  
5 consistent with cotton mouth, and appeared lethargic.

6           Officer Marcus inquired who was the registered owner of the  
7 vehicle. Bryan Hatchett ("Hatchett") admitted to owning the vehicle  
8 and immediately stated that he was not driving. Officer Marcus stood  
9 behind Hatchett while Hatchett searched for his registration in the  
10 glove compartment.

11           During Hatchett's search for registration, Officer Marcus  
12 observed a blue prescription-like bottle in plain view, in the front  
13 passenger door. The blue bottle was consistent with what Officer  
14 Marcus knew to be a marijuana container.

15           Officer Marcus retrieved the blue pill bottle and asked what it  
16 was. Hatchett stated "it was his friend's medicine." Officer Marcus  
17 asked "whose medicine?" The defendant stated that it belonged to him.  
18 Officer Marcus requested identification from the defendant, who  
19 produced a California ID card.

20           Officer Marcus asked if there were any other drugs in the  
21 vehicle. The defendant stated "yes." The defendant retrieved two  
22 additional containers and a bong from the rear of the vehicle. The  
23 bowl of the bong contained a consumable amount of marijuana. After  
24 the drugs were given to Officer Marcus, Hatchett stated there was a  
25 machete in the vehicle.

26           6.81 grams of marijuana were seized from three containers. The  
27 marijuana contained in the bowl of the bong was not measured.

28           Officer Marcus cited the defendant for a violation of Title 21,

1 United States Code, Section 844(a) - unlawful possession of a  
2 controlled substance.

3 On January 13, 2009, the United States filed a one-count  
4 information charging the defendant with possession of marijuana, a  
5 Schedule I controlled substance, in violation of Title 21, United  
6 States Code, Section 844(a).

7  
8 **II. THE CHARGE AND ELEMENTS**

9 **A. Charge for Consideration by the Jury**

10 The Information charges defendant with one count of possession of  
11 marijuana, in violation of Title 21, United States Code, Section  
12 844(a).

13 For this offense, the government must prove the following  
14 elements beyond a reasonable doubt:

- 15 (1) The defendant was in possession of marijuana, and,  
16 (2) The possession was knowing or intentional.

17 Title 21, United States Code, Section 844(a).

18 **III. THE TRIAL**

19 **A. Government's Case**

20 **1. Testimony**

21 The government will present testimony by approximately three  
22 witnesses in its case-in-chief, including an expert witness:  
23 Criminalist Patrick Anderson from the Sacramento Crime Laboratory.  
24 Mr. Anderson will testify as to the results of the testing conducted  
25 on the substance found in the various containers found in the vehicle.

26 **2. Physical Evidence**

27 The government plans to introduce real evidence in this case,  
28 including but not limited to: the marijuana and photographs.

1 **IV. POSSIBLE TRIAL ISSUES**

2 **A. Reciprocal Discovery**

3 The government has provided the defendant with all discovery  
4 in its possession. Though the government has requested reciprocal  
5 discovery, it has received none. Should the defendant seek to  
6 introduce any evidence that was not provided to the government prior  
7 to trial and that should have been provided as reciprocal discovery,  
8 the government respectfully requests that the Court exclude such  
9 evidence, pursuant to Rule 16(d)(2) of the Federal Rules of Criminal  
10 Procedure.

11 Under Rule 16 of the Federal Rules of Criminal Procedure, a  
12 defendant must disclose to the government all documents, objects,  
13 reports of examinations and tests, and written summary of any expert  
14 witness, that the defendant has within his possession, custody, or  
15 control and that he intends to use in his case-in-chief at trial.  
16 Fed. R. Crim. P. 16(b).

17 **V. POSSIBLE DEFENSES**

18 The government requests that all possible defenses be litigated  
19 outside of the presence of the jury before trial begins. Any defense  
20 regarding possession of marijuana for medicinal purposes is not  
21 recognized in Federal Court. United States v. Arellano-Rivera, 244  
22 F.3d 1119, 1125 (9th Cir. 2001)

23 **VI. TRIAL TIME**

24 Depending on the extent of cross examination, the government  
25 believes its case-in-chief will last about two days (excluding the  
26 pre-trial hearing, selection of the jury, and opening statements).

27 **VII. CONCLUSION**

28 The foregoing is a summary of points the government anticipates

1 may arise at trial. Should any legal issues arise that have not been  
2 covered in this trial brief, the government respectfully requests  
3 leave to submit such further memoranda as may be necessary.

4 DATED: August 14, 2009

Respectfully submitted,

5 LAWRENCE G. BROWN  
6 Acting United States Attorney

7 By: /s/Todd Laras for  
8 MATTHEW C. STEGMAN  
9 Assistant U.S. Attorney

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