

1 MARA ELLIOTT, City Attorney
2 JOHN C. HEMMERLING, Assistant City Attorney
3 NICOLE CARNAHAN, Deputy City Attorney
4 California State Bar No. 262929
5 Office of the City Attorney
6 Criminal Division
7 1200 Third Avenue, Suite 700
8 San Diego, CA 92101
Telephone: (619) 533-6212
Fax: (619) 533-5505
ncarnahan@sandiego.gov

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CIVIL DIVISION
No. 37-2017-00012428-CU-AF-CTL

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CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

9 Attorneys for Plaintiff

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN DIEGO

12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15 \$30,609.00 IN U.S. CURRENCY AND REAL
16 PROPERTY – 6176-6184 FEDERAL
17 BOULEVARD, SAN DIEGO (APN 543-020-02-
18 00)

19 Defendants.

Civil No. 37-2017-00012428-CU-AF-CTL

City Attorney No. 1163365

PETITION FOR
FORFEITURE OF PROPERTY
(H&S 11470, 11488.4)

20
21 Comes now the Plaintiff, the People of the State of California, by and through its
22 counsel, MARA ELLIOTT, City Attorney, and NICOLE CARNAHAN, Deputy City
23 Attorney, and hereby alleges:

24 I

25 This is an action for forfeiture of the defendant property pursuant to the provisions
26 of Health and Safety Code sections 11470 and 11488.4, brought on behalf of the People of
27 the State of California.

28

1 II

2 This Court has jurisdiction over this action by virtue of Health and Safety Code
3 section 11488.4(a).

4 III

5 The defendant property (U.S. CURRENCY) is described as Thirty Thousand Six
6 Hundred Nine Dollars (\$30,609.00), Currency of the United States.

7 IV

8 The defendant property (REAL PROPERTY) has not yet been seized within the
9 meaning of Health and Safety Code section 11470(g), but a lis pendens will be filed. The real
10 property is located in the City of San Diego, County of San Diego, State of California, and is
11 therefore within the jurisdiction of this court. The REAL PROPERTY is located at 6176-6184
12 Federal Boulevard, San Diego, California, 92114, also identified as Assessor's Parcel
13 Number 543-020-02-00, according to the San Diego County Recorder's Grant Deed,
14 document number 1998-0102763, recorded February 27, 1998. (Estimated Value: \$190,169
15 according to the Assessor's Property System.) The legal description of the REAL
16 PROPERTY is as follows:

17 THAT PORTION OF BLOCK 25, TRACK NO. 2 OF ENCANTO
18 HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN
19 DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP
20 THEREOF NO. 1100, FILED IN THE OFFICE OF THE COUNTY
21 RECORDER OF SAN DIEGO, DECEMBER 5, 1907, AS SHOWN
22 ON MAP NO. 2121 OF JOFAINA VISTA, FILED IN THE OFFICE
OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY
20, 1928, NOW ABANDONED AND DESCRIBED AS LOT 20.

23 V

24 The defendant property (U.S. CURRENCY) was seized by the San Diego Police
25 Department on or about April 6, 2016, within the jurisdiction of this Court. On that date, San
26 Diego Police Department Officers went to a location at 6176 Federal Boulevard, San Diego,
27 California, and served California State Search Warrant Number #51510. 6176 Federal
28 Boulevard, Suite A, was the site of Pure Meds, an illegal marijuana dispensary. Officers also
found several marijuana grows on the property.

1 Officers seized 297 marijuana plants, 6,312.2 grams of processed marijuana, 31
2 envelopes of marijuana wax, 3 large envelopes containing a bulk amount of marijuana wax,
3 262 "Moonshine" marijuana vape cartridges, 483 one-gram containers of "Moonshine"
4 marijuana kief, various pay and owe sheets, an unregistered firearm, and several items of
5 dominion and control belonging to Darryl Cotton from the main buildings and improvised
6 structures on the lot.

7 From the Pure Meds dispensary, officers seized \$28,132 in U.S. currency, a bottle of
8 codeine/promethazine, a loaded firearm, and approximately \$75,000 worth of marijuana
9 products.

10 Darryl Cotton was present during the execution of the search warrant and the seizure
11 of the above-mentioned property.
12

13 On May 5, 2016, Ramiz Audish was arrested by the San Diego Police Department for
14 the above-referenced conduct. Audish was connected to this property via lease documents
15 and statements by Darryl Cotton identifying Audish as the operator of the illegal dispensary.

16 On May 6, 2016, Darryl Cotton was arrested by the San Diego Police Department for
17 the above-referenced conduct as owner of the property. A search of his vehicle yielded
18 \$2,477.00, which was seized and impounded.

19 In case number M230071-02 filed in the Superior Court of California, County of San
20 Diego, Darryl Cotton was charged with violating California Health and Safety Code sections
21 11366.5(a), 11358(c), 11359(b), and San Diego Municipal Code section 121.0302(a). On
22 April 5, 2017, Darryl Cotton pled guilty to Count One, HS11366.5(a), and was sentenced to
23 3 years of summary probation, a 4th waiver, and Cotton agreed to forfeit all property within
24 the meaning of Health and Safety Code section 11470.

25 In case number M230071-01 filed in the Superior Court of California, County of San
26 Diego, Ramiz Audish was charged with violating California Health and Safety Code sections
27 11359(b) and 11350(a) and San Diego Municipal Code section 121.0302(a). Ramiz Audish
28 entered a plea of not guilty on March 28, 2017, and is set for a readiness conference on May
12, 2017.

1 VI

2 This action for forfeiture is based on the theory that on or about April 6, 2016, and
3 May 6, 2016, the defendant property (U.S. CURRENCY) became subject to forfeiture
4 pursuant to Health and Safety Code section 11470(f), in that said property:

- 5 a) was furnished or intended to be furnished in exchange for a controlled
6 substance;
7 b) represents proceeds from such an exchange;
8 c) was used or intended to be used to facilitate a violation of Health and Safety
9 Code section 11359(b); and
10 d) was seized within five years of the exchange, violation, or other conduct
11 which is the basis for the forfeiture.

12 VII

13 This action for forfeiture is also based on the theory that on or about April 6, 2016, the
14 defendant property (REAL PROPERTY) became subject to forfeiture pursuant to Health and
15 Safety Code section 11470(g), in that said property:

- 16 a) was knowingly made available by the defendant;
17 b) to tenant Ramiz Audish;
18 c) for the purpose of unlawfully storing a controlled substance (to wit, marijuana);
19 d) within the meaning of Health and Safety Code section 11366.5(a); and
20 e) Darryl Cotton was convicted of a violation of Health and Safety Code section
21 11366.5(a) on April 5, 2017.

22 Pursuant to Health and Safety Code sections 11470(g), 11471(e), and 11492(a), to
23 maintain the status quo of the respondent Real Property, the Petitioner will request the Court
24 to issue: "(1) An Injunction to restrain all interested parties and enjoin them from transferring,
25 encumbering, hypothecating or otherwise disposing of that property" and (when deemed
26 necessary) an "(2) Appointment of a receiver to take possession of, care for, manage, and
27 operate the assets and properties so that the property may be maintained and preserved."
28 (Health and Safety Code § 11492(a)(1)(2)). The Petitioner will be moving for such Pendente
Lite orders.

VIII

This Petition complies with the substantive requirements set forth in applicable law, namely Health and Safety Code sections 11488.4 and 11488.5.


WHEREFORE, Plaintiff prays:

1. For judgment and order declaring the defendant property (both U.S. CURRENCY AND REAL PROPERTY) forfeited to the State of California and for disposition pursuant to Health and Safety Code section 11489;
2. For costs of suit herein;
3. For reasonable fees and expenses incurred; and
3. For such other and further relief as the Court may deem proper.

DATED: April 5, 2017

Respectfully submitted,

MARA ELLIOTT, City Attorney

By 
NICOLE CARNAHAN¹
Attorneys for Plaintiff

¹The undersigned attorney, Nicole Carnahan, a Deputy City Attorney who has been lawfully deputized as a Deputy District Attorney by San Diego County District Attorney Bonnie Dumanis on October 16, 2014, and whose authorization as set forth in a written appointment letter and oath card was filed with the San Diego County Clerk on October 17, 2014, has prepared this petition pursuant to the authority set forth in California Government Code sections 24101, 24102, and other applicable statutory provisions.