

RESOLUTION No. 35847

Authorize City Attorney to appeal order directing return of seized marijuana, in *State of Oregon v Samuel Kama*, Multnomah County Circuit Court No. 9906-34218 (Resolution)

WHEREAS, The Portland Police Bureau lawfully seized marijuana from the person of Samuel Kama, and

WHEREAS, Samuel Kama thereafter obtained a medical marijuana card and instituted an action in the Multnomah County Circuit Court for the return of the marijuana seized from his person; and

WHEREAS, The Circuit Court, in *State of Oregon v Samuel Kama*, Multnomah County Circuit Court No. 9906-34218, ordered the Portland Police Bureau to return to Mr. Kama the marijuana seized from his person; and

WHEREAS, The Portland Police Bureau believes that returning the seized marijuana to Mr. Kama would violate federal law; and

WHEREAS, The City Attorney has advised the Portland Police Bureau that there is a legitimate basis to appeal the order;

NOW, THEREFORE, BE IT RESOLVED that the City Attorney or his designee is authorized to commence an appeal in the Oregon Court of Appeals, and to pursue it to its conclusion in any higher court, of the order to return marijuana issued in *State of Oregon v Samuel Kama*, Multnomah County Circuit Court No. 9906-34218, and, in furtherance or resolution of such appeal, is authorized to make any stipulation, agreement or admission as in his judgment may be in the best interest of the City.

Mayor Katz
David N. Lesh/Harry Auerbach:ha
December 1, 1999
Adopted by the Council: **DEC 08 1999**

Gary Blackmer
Auditor of the City of Portland
By: *Britta Olson*
Deputy

RESOLUTION NO.

35847

Title

AUTHORIZE CITY ATTORNEY TO APPEAL ORDER DIRECTING RETURN OF SEIZED MARIJUANA, IN STATE OF OREGON v SAMUEL KAMA, MULTNOMAH COUNTY CIRCUIT COURT NO 9906-34218 (RESOLUTION)

<p style="text-align: center;">INTRODUCED BY</p> <p style="text-align: center;">Mayor Vera Katz</p> <p style="text-align: center;">NOTED BY COMMISSIONER</p> <p>Affairs</p> <p>Finance and Administration <i>Vera Katz</i></p> <p>Safety</p> <p>Utilities</p> <p>Works</p> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau Portland Police Bureau</p> <p>Prepared by Date 12/02/99 HAuerbach, DLesh pk</p> <p>Budget Impact Review</p> <p><input type="checkbox"/> Completed <input type="checkbox"/> Not Required</p> <p>Bureau Head <i>Dynan</i></p>	<p>DATE FILED DEC 3 1999</p> <p style="text-align: center;">Gary Blackmer Auditor of the City of Portland</p> <p>By <u><i>Cay Kershner</i></u> Deputy</p> <p>For Meeting of _____</p> <p>ACTION TAKEN:</p>
---	--

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS	
		YEAS	NAYS
Consent <input checked="" type="checkbox"/> Regular	Francesconi	✓	
NOTED BY	Hales	✓	
City Attorney	Saltzman	✓	
City Auditor	Sten	_____	
City Engineer	Katz	✓	