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1 David R. Welch, State Bar No.: 251693
2 555 West 5th Street, 31st Floor
3 Los Angeles, CA 90013
4 Telephone: (213) 596-9008
5 Facsimile: (213) 536-4589
6 E-mail: Dwelch@drwelchlaw.com

**CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court**

JUL 27 2010

John A. Clarke, Executive Officer/Clerk
M. Garcia
BY MARY GARCIA, Deputy

7 Attorney for Plaintiff,
8 (1) LIBERTY BELL TEMPLE II, a California Religious Corporation et. al. ; Robert Edward
9 Forchion; Fitz Albert Thomas also known as Ali Rasa I; Charquant Leyou ; Felicia Estrada; Ote
10 Bell also known as Akim.

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13	LIBERTY BELL TEMPLE II, a California)	CASE NO.:	BC 442491
14	Religious Corporation et. al. ; Robert Edward)		
15	Forchion; Fitz Albert Thomas also known as)	COMPLAINT FOR:	
16	Ali Rasa I; Charquant Leyou ; Felicia Estrada;)	1) Declaratory and injunctive relief for		
17	Ote Bell also known as Akim.)	violations of the Religious Freedom	
18	Plaintiffs,)	Restoration Act (RFRA) 42 U.S.C.	
19	v.)	2000bb.	
20	CITY OF LOS ANGELES, a government)	2) Violation of California Constitution	
21	entity; DOES 1 through 50, inclusive,)	Article I Section 7(a); deprivation of the	
22	Defendants.)	Right to Practice Rastafarian without	
23)	Due Process of Law.	
24)	UNLIMITED CIVIL ACTION	
25)		
26)		
27)		
28)		

I. STATEMENT OF FACTS

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1. The United States Constitution and the Bill of Rights guarantee the Right to Freedom of Religion within the First Amendment. It has long been held by Courts of the United States of America and California that the Rastafarian religion is protected by the Constitution and the Bill of Rights.

2. Rastafarian is a monotheistic, Abrahamic movement that arose in the Christian culture of 1930's Jamaica. Rastafarian emphasizes the use of marijuana in cultic ceremonies designed to bring the believer closer to the divinity and enhance unity among believers.

3. Courts have long held a belief that Rastafarians are immune from laws criminalizing the use of marijuana; so long as those Rastafarians are in possession of marijuana to use in conjunction with their religious beliefs.

4. The name Rastafari is derived from Ras Tafari, the pre-regnal name for Rastarian's deity, the former ruler of Ethiopia Haile Selassie I.

5. Rastafarians worship Haile Selassie I as the second advent of Jesus Christ.

6. Rastafari is not a highly organized religion with set ceremonies or rites, but akin to a movement and an ideology on life. Most Rastafarians do not claim a tribe or group denomination and thus encourage one another to find faith and inspiration within themselves.

7. On August 15, 2008 Robert Edward Forchion, Jr. formed and organized the Liberty Bell Temple II. Liberty Bell Temple II operates as a Rastafarian Ministry and is located at 5642 Hollywood Boulevard in the City of Los Angeles. At all relevant times here Liberty Bell Temple II has operated as a Rastafarian organization.

8. On May 11, 2009, the Liberty Bell Temple II was incorporated as a Religious Corporation, corporation number 3144387. *See* Exhibit 1. Liberty Bell Temple holds ceremonies and services daily. It is at these services that members come together to talk over the old and new testaments. During this ceremony, Rastafarians burn frankincense, myrrh and logwood as well as smoke marijuana.

9. On June 7, 2010, Article 5.1 of Chapter IV of the Los Angeles Municipal Code, also known as Ordinance 181069, became effective. Ordinance 181069 implements a permanent system for the eradication of over 70% of the marijuana collectives operating in the City of Los Angeles as well as a system of registration for a select group of collectives that registered under a preceding and expired Interim Control Ordinance 179027.

10. Ordinance 181069, on its face, refers only the regulation of marijuana collectives, not religious organizations like Liberty Bell.

1 11. On June 4, 2010, the members of Liberty Bell received a letter from the Los
2 Angeles City Attorney's Office signed by Assistant City Attorney Asha Greenberg threatening
3 criminal prosecution as well as civil fines. The letter was addressed to Liberty Bell Temple/
4 House of Kush. Liberty Bell Temple II does not function as "House of Kush." See Exhibit 2.

5 12. Ms. Greenberg's letter stated that Liberty Bell Temple was operating as an
6 "existing Medical Marijuana collective, dispensary, operator, establishment or provider" and
7 that it could not qualify with the requirements of Article 5.1 Section 45.19.6.7. As a result, Ms.
8 Greenberg threaten that if Liberty Bell Temple II did not close on June 7, 2010, it and its
9 members would be subject to criminal misdemeanor of six months in jail and/or \$1000.00 fine
10 (LAMC §11.00 (M))

11 13. On June 7, 2010, Mr. Forchain wrote Ms. Greenberg in response to her letter.
12 Mr. Forchain explained in his letter that Liberty Bell Temple II was not Liberty Bell Temple or
13 House of Kush, both of which are located in Silverlake. Mr. Forchain notified Mr. Greenberg
14 that Liberty Bell Temple II operated as a Rastafarian Temple where marijuana was provided
15 and used as sacrament. Mr. Forchain also stated that Liberty Bell's provision of marijuana was
16 not for medical but instead religious purposes. See Exhibit 3.

17 14. On July 14, 2010, the Los Angeles Police Department conducted a military style
18 raid on the Liberty Bell Temple II. During the raid a narcotics team, lead by Detective Jaffe,
19 apprehended 6 people and charged two, Edward Forchain and Chaquant Leyou with violations
20 of L.A.M.C. 45.19.6.7 ("the medical marijuana collective provision.") All the persons
21 apprehended are adherents to the Rastafari faith and members of the Liberty Bell congregation.

22 15. During the raid and arrest, Police officer made it known that they were aware
23 that Liberty Bell Temple II was operating as a Rastafari Temple. However, because their name
24 was not on the list of organizations able to operate, the Police would arrest them and charge
25 them with a crime.

26 16. Mr. R. Edward Forchain and Ms. Charquant Leyou are currently charged with
27 violating Los Angeles Municipal Code Section 45.19.6.7 and are scheduled to appear in court
28 on Thursday August 5, 2010. See Exhibit 4.

29 I. PARTIES

30 17. Defendant City of Los Angeles ("herein CITY") is and at all times relevant
31 hereto a municipality of the State of California, a governmental entity.

1 18. The true names and capacities, whether individual, corporate or associate, or
2 otherwise, of the Defendants named herein as Does 1 through 25, inclusive, are known to
3 plaintiffs, who therefore sue said Defendants by such fictitious names pursuant to California
4 Code of Civil Procedure §474, and will amend this complaint to show their true names and
5 capacities when they have been determined. Plaintiffs are informed and believe, based upon
6 such information and belief; allege that all Defendants sued herein as Does are in some manner
7 responsible for the conduct herein alleged.

8 19. At all times herein mentioned, each of the Defendants, including the Defendants
9 named as Does herein, was the agent and/or employee of each of the remaining Defendants in
10 doing the things mentioned herein and was acting within the scope of such agent and/or
11 employment.

12 20. An at all relevant time herein mentioned, Plaintiff Liberty Bell Temple II, is and
13 was a Rastafari Religious Corporation and resident of the State of California. Liberty Bell
14 makes a location available for its adherents to praise Haile Selasie I through the use of
15 marijuana. All marijuana is used in the practice and furtherance of their religion. On July 14,
16 2010 after the raid of their location by the Los Angeles Police Department, the Liberty Bell
17 Temple was told that they would no longer be allowed to operate in the City of Los Angeles as
18 result of Ordinance 181069. The police told Liberty Bell that if they chose to re-open they
19 would arrest and prosecute all adherents present at the location with possession of marijuana for
20 sale as well as for the sale of marijuana.

21 21. At all relevant times herein mentioned, Plaintiff Robert Edward Forchion is the
22 founder and Chief Executive Officer of Liberty Bell Temple II as well as a Rastafarian. Mr.
23 Forchion has held his Rastafarian beliefs for over fifteen years. On July 14, Mr. Forchion was
24 arrested down the street from Liberty Bell. Mr. Forchion is charged with the violating Los
25 Angeles Municipal Code 45.19.6.7. He currently has an arraignment date of August 5, 2010.
26 Mr. Forchion was told by Police Officers at the scene that he could no longer engage in the
27 worship of his God at Liberty Bell.

28 22. At all relevant times herein mentioned Fitz Albert Thomas, is a natural person in
29 his late fifties, spiritual leader and reverend of Liberty Bell Temple II as well as a Rastafarian.
30 Mr. Thomas's religious name is Ali Rasa I. Mr. Thomas has held his Rastafarian beliefs for

1 over twenty-five years. On July 14, 2010, Mr. Thomas was arrested while he played chess in
2 the front of Liberty Bell Temple. Mr. Thomas was detained for over three hours. During his
3 detention Mr. Thomas made the police officers aware of his bad bladder and requested to use
4 the bathroom repeatedly. Mr. Thomas's requests were denied. Mr. Thomas was warned that if
5 he chose to practice his religion or engage in the worship of his God at Liberty Bell he would be
6 charged with felonies in the near future.

7 23. At all relevant times herein mentioned, Plaintiff Charquant Leyou is the
8 Secretary and member of Liberty Bell Temple II as well as a Rastafarian. Ms. Leyou has held
9 her Rastafarian Beliefs for over one year. On July 14, Ms. Leyou was arrested. Ms. Leyou is
10 charged with the violating Los Angeles Municipal Code 45.19.6.7. She currently has an
11 arraignment date of August 5, 2010. At the arraignment Ms. Leyou will be forced to enter a plea
12 of guilty or not guilty to a violation of the municipal code. During her detention Ms. Leyou was
13 called a "Crazy Bitch" by Officer Walden and Detective Jackson. She was also told that she
14 could no longer engage in the worship of her God at Liberty Bell or she would risk prosecution
15 for felonies related to the use and possession of marijuana.

16 24. At all relevant times herein mentioned, Plaintiff Felicia Estrada is a parishioner
17 of Liberty Bell Temple II as well as a Rastafarian. Ms. Estrada has held her Rastafarian Beliefs
18 for over one year. On July 14, Ms. Estrada was arrested as she left Liberty Bell Temple. Ms.
19 Estrada is not yet charged with violating Los Angeles Municipal Code 45.19.6.7. Ms. Estrada
20 was also told that she could no longer engage in the worship of her God at Liberty Bell and that
21 if she chose to worship and operate the temple that the Police would charge her with felony
22 possession for use and sale of marijuana.

23 25. At all relevant times herein mentioned, Ote Bell, is a natural person as well as a
24 Rastafarian. Mr. Bell has held his Rastafarian beliefs for over two years. On July 14, 2010, Mr.
25 Bell was arrested as he left Liberty Bell Temple. Mr. Bell was inside Liberty Bell conversing
26 with other Liberty Bell members when the Los Angeles Police Task Force arrived. Mr. Bell
27 was detained for over three hours. Mr. Bell was warned that if he chose to practice his religion
28 or engage in the worship of his God at Liberty Bell he would be charged with felonies for the
29 possession and sale of marijuana.

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II. SUMMARY OF THE ACTION

26. This action for damages, declaratory relief and injunctive relief arises out of Los Angeles Municipal Ordinance 181069 specifically, Los Angeles Municipal Code Section 45.19.6.2 B(2), Section 45.19.6.7 and other relevant provisions of the Los Angeles Municipal Code.

27. Plaintiffs seek relief on the grounds that through the enforcement of the Medical Marijuana Ordinance, the Los Angeles Police Department and Los Angeles City Attorney have improperly targeted the Liberty Bell Temple II. The action of enforcement which occurred on July 14, 2010 are clear violations of the Religious Freedom Restoration Act (RFRA) 42 U.S.C. 2000bb and the California Constitution's right to Due Process under the law.

28. Furthermore, Plaintiffs seek injunctive relief in preventing the Los Angeles Police Department and the City of Los Angeles from enforcing Los Angeles Municipal Code Section 45.19.6. et. seq. against Liberty Bell's practice of its Rastafarian religion as well as unsubstantiated threats against members of Liberty Bell.

III. JURISDICTION

29. This court has subject matter jurisdiction over all causes of action asserted herein pursuant to the California Constitution, Article VI, §10, Civil Code sections 51.7 & 52.1; Code of Civil Procedure section 88; and Government Code section 12960.

30. This court has personal jurisdiction over Defendant. CITY is a governmental entity that conducts business in and maintains operations in this county so as to render the exercise of jurisdiction by California courts permissible under traditional notions of fair play and substantial justice.

31. This court is the proper venue for this action because all of the defendants either reside in or maintain executive offices in this county and a substantial portion of the transactions and wrongs complained of herein took place in this county, including defendants' primary participation in the acts detailed below.

IV. CAUSES OF ACTION

i. First Cause of Action

(Declaratory and injunctive relief for violations of the Religious Freedom Restoration Act (RFRA).)

1 32. The allegations set forth above in paragraphs 1 through 30 inclusive are
2 incorporated into this cause of action by reference as if set forth in full.

3 33. Plaintiffs bring this cause of action pursuant to the Religious Freedom
4 Restoration Act; 42 U.S.C. 2000bb.

5 34. The Religious Freedom Restoration Act prevents the City of Los Angeles from
6 substantially burdening a person's exercise of religion even if the burden results from a rule of
7 general applicability.

8 35. On June 5, 2010, Assistant City Attorney Asha Greenberg sent a letter
9 threatening to enforce Ordinance 181069 against plaintiffs because the operation of their
10 Temple would violate Ordinance 181069, the ordinance that seeks to regulate marijuana
11 collectives.

12 36. On June 7, 2010, Edward Forchain responded to Ms. Greenberg's letter and
13 informed her that Liberty Bell Temple II was not a marijuana collective but a Rastafarian
14 Temple.

15 37. Despite notice, it is information and belief that Ms. Greenberg, managing
16 attorney for the City-wide nuisance abatement program, referred the Liberty Bell Temple II for
17 investigation to the Los Angeles Police Department.

18 38. On July 14, 2010, the Liberty Bell Temple II was raided by the Los Angeles
19 Police Department NAU. During the raid the Los Angeles Police Department took three pounds
20 of marijuana and all of the Temples computer equipment and paperwork.

21 39. While Plaintiffs were detained, Detective Jaffe and other police officers made
22 comments to Plaintiffs that they were raided because they were not on a list provided them by
23 the City Attorney's office.

24 40. Detective Jaffe and Detective Walden also acknowledged the operation of
25 Liberty Bell Temple II as a Rastafari place of worship, but stated that if Plaintiffs were to
26 operate at that location again they would raid them and charge Plaintiffs with felony violations
27 for the possession for sale of marijuana and the sale of marijuana.

28 41. The City, by seizing all of Plaintiffs' equipment, marijuana "sacrament" and
29 religious items necessary for prayer and ordering Plaintiffs to shut down their temple, has
30 created a substantial burden on Plaintiffs' exercise of their religion.

 42. The City via the Los Angeles Police Department took Plaintiffs' equipment,
marijuana "sacrament" and religious items necessary for prayer. The City cannot substantiate

1 that its actions were in furtherance of a compelling state interest or the least restrictive means
2 necessary to further any compelling state interest.

3 43. Plaintiffs are not violating State law in the operation of the medical marijuana
4 collective, nor are they operating their Rastafarian Temple in an unlawful manner. Therefore,
5 Plaintiffs have compensable property interests in not only their leases but also in their ability to
6 practice the religion of their choosing.

7 44. City's enforcement of Ordinance 181069 has caused Plaintiffs' to fear the
8 operation of their Temple and has created a chilling effect on the Plaintiffs' practice of religion.

9 45. As a direct, foreseeable, and proximate result of this constitutional violation,
10 Plaintiffs have sustained, or are likely to sustain injuries and damages including but not limited
11 to loss of property, loss of economic opportunities, and other economic losses, the total amount
12 of which is to be determined at time of trial.

13 46. Plaintiffs pray for judgment and damages, as more fully set forth below.

14 **ii. Second Cause of Action**

15 (For Declaratory and Injunctive Relief as well as damages for the Violation of Article I,
16 Section 7(a) of the California Constitution Prohibiting Deprivation of Due Process of
17 Law As to All Parties)

18 47. The allegations set forth above in paragraphs 1 through 44 inclusive are
19 incorporated into this cause of action by reference as if set forth in full.

20 48. Plaintiffs bring this cause of action pursuant to the Due Process Clause of Article
21 I, Section 7(a) of the California Constitution.

22 49. Without due process, Defendant attempts to stop Plaintiffs' religious ceremonies
23 by raiding their location and taking all paperwork, equipment and information necessary to
24 operate Plaintiffs' Temple. Defendants also charged two Plaintiffs with criminal misdemeanor
25 charges which do not apply to the operation of a Rastafarian Temple.

26 50. Plaintiffs have a fundamental right to practice their religion in the City of Los
27 Angeles free of harassment or arrest.

28 51. Plaintiffs are not violating State law in the operation of the medical marijuana
29 collective, nor are they operating their Rastafarian temple in an unlawful manner. Therefore,
30 Plaintiffs have compensable property interests in not only their leases but also in their ability to
31 practice the religion of their choosing.

1 52. City's enforcement of Ordinance 181069 is in violation of the Due Process
2 Clauses of both Federal and California Constitutions. Not only does City's conduct wrongfully
3 deprive Plaintiffs of their fundamental right to practice religion in the manner they choose fit,
4 but it also deprives plaintiffs of procedural due process.

5 53. As a direct, foreseeable, and proximate result of this constitutional violation,
6 Plaintiffs have sustained, or are likely to sustain injuries and damages including but not limited
7 to loss of property, loss of economic opportunities, and other economic losses, the total amount
8 of which is to be determined at time of trial.

9 54. Plaintiffs pray for judgment and damages, as more fully set forth below.

10 WHEREFORE, plaintiffs pray for the following relief:

- 11 1. Issuance of a temporary restraining order; preliminary injunction
12 and ultimately a permanent injunction preventing defendant and
13 its respective agents, employees and representatives from
14 preventing Plaintiffs from operating their Rastafarian Temple;
- 15 2. An Order of this Court declaring that the Defendant's actions are
16 invalid and unconstitutional because they violate Article I, Section
17 7(a) of the California Constitution, specifically, the Due Process
18 Clauses;
- 19 3. Award of costs, including attorney fees pursuant to Code of Civil
20 Procedure section 1021.5;
- 21 4. Alternatively award of costs, including attorney fees pursuant to
22 42 U.S.C. 1988(b);
- 23 5. Compensatory damages and all consequential damages in an
24 amount to be determined at trial, together with interest.
- 25 6. Any alternative and additional relief as the court deems proper.

26 Date: 2010 July 27

27 By. 

28 David R. Welch, Esq.

29 Attorney for Plaintiffs

EXHIBIT 1:
ARTICLES OF INCORPORATION

3144387



State of California
Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 12 2009

Debra Bowen

DEBRA BOWEN
Secretary of State

3144387

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

ARTICLES OF INCORPORATION

MAY 11 2009

I

The name of the corporation is **LIBERTY BELL TEMPLE II, INC.**

II

A. This corporation is a **RELIGIOUS CORPORATION** and is not organized for the private gain of any person. It is organized under the Nonprofit Religious Corporation Law exclusively for religious purposes.

B. The specific purpose of this corporation is to promote the teachings of the Rastafarian Religion and its tenets.

III.

The name and address in the State of California of this corporation's initial agent for service of process is:

Name: Edward Forchion
Address: 5642 Hollywood Blvd.,
Hollywood, CA 90038

IV

The name and address of the person who is appointed to act as the initial director of the corporation is:

Name: Edward Forchion
Address: 5642 Hollywood Blvd.,
Hollywood, CA 90038

V

A. This corporation is organized and operated exclusively for religious purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to religious purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for religious purposes and which has established its tax exempt status under Section 501(c)(3), Internal Revenue Code.


Edward Forchion, Director

I declare that I am the person who executed the foregoing Articles of Incorporation which execution is my act and deed.

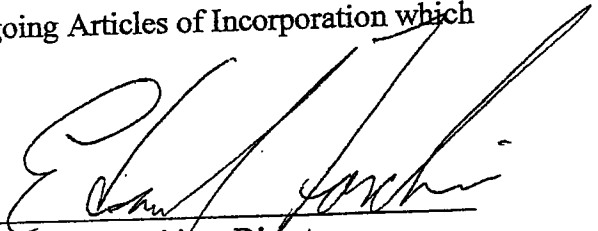
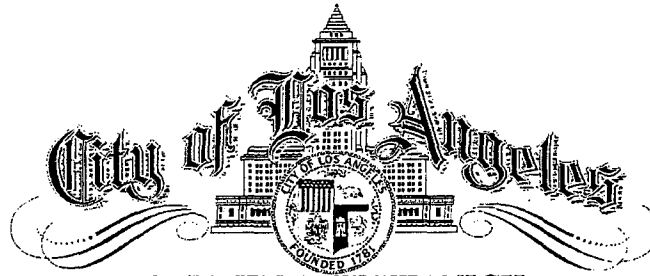

Edward Forchion, Director



EXHIBIT 2:
LETTER FROM THE CITY ATTORNEY

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012



(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty

CARMEN A. TRUTANICH

City Attorney

June 3, 2010

MD447
Liberty Bell Temple/House of Kush
5642 W. Hollywood Bl.
Los Angeles, CA 90028

Re: 5642 W. Hollywood Bl.

Dear Business/Property Owner:

On June 7, 2010, Article 5.1 of Chapter IV of the Los Angeles Municipal Code (Medical Marijuana Collective) will become operative. You are being sent this courtesy notice regarding certain limited portions of Article 5.1. We recommend that you review this new article in its entirety, which can be found on the City of Los Angeles website: www.LAcity.org (under Council File Management System, Council File Nos. 08-0923 and 08-0923-S5).

Section 45.19.6.2 of Article 5.1 provides that medical marijuana establishments that registered with the City Clerk prior to November 13, 2007 and that satisfy several listed conditions may register with the City Clerk under the new article and must comply with its requirements within 180 days.

Conversely, Section 45.19.6.7 of Article 5.1 provides that "any existing medical marijuana collective, dispensary, operator, establishment, or provider that does not comply with the requirements of this article must immediately cease operation...."

The establishment at the above referenced address is operating as a medical marijuana provider and did not register with the City Clerk prior to November 13, 2007. Consequently, this establishment does not, and cannot, comply with the requirements of Article 5.1. Under Section 45.19.6.7, this establishment must therefore immediately cease its operations.

Please be further advised that Section 45.19.6.8 (A) of Article 5.1 provides that: "It is unlawful for any person to cause, permit or engage in the cultivation, possession, distribution or giving away of marijuana for medical purposes except as provided in this article, and pursuant to any and all other applicable local and state laws."

Under this section, a property owner may not permit the premises to be used for any medical marijuana activity, and an operator may not engage in the cultivation, possession, distribution or giving away of marijuana for medical purposes, except as provided in Article 5.1.

Violation of any section of the Los Angeles Municipal Code is a misdemeanor, punishable by six months in jail and/or a \$1000.00 fine (LAMC § 11.00 (m)) and a nuisance, subject to a daily civil penalty in the amount of \$2500.00 (LAMC § 11.00 (l)). In addition to existing remedies under federal, state, and local law, Section 45.19.6.9 of Article 5.1 authorizes the City to seek injunctive relief, revocation of the certificate of occupancy for the location, disgorgement and payment of any and all monies unlawfully obtained, costs of abatement, costs of investigation and attorney fees.

For questions or advice regarding Article 5.1, please consult your attorney.

Sincerely,

ASHA GREENBERG
Assistant City Attorney

EXHIBIT 3:

**EDWARD FORCHION'S LETTER TO CARMEN
TRUTANICH AND ASHA GREENBERG**

LIBERTY BELL TEMPLE II, inc.
5642 Hollywood blvd.,
Hollywood, Ca 90028
JUNE 7th,2010

CARMEN TRUTANICH
ASHA GREENBERG

RE - Enclosed is a copy of a letter dated June 3rd, 2010 sent to 5642 Hollywood blvd., in error.

Dear Mr. Trutanich, Ms. GREENBERG

Please note the attached letter (attachment A) is address to Liberty Bell Temple/house of Kush 5642 Hollywood Blvd., please note Liberty Bell Temple /house of Kush is located at 2823 Hyperion Blvd., in the silver lake section of los Angeles 90027. Liberty Bell Temple was a MEDICAL MARIJUANA DISPENSORY owned and operated by Patrick Duff. That was taken over by The House of Kush owned and operated by a Mr. Montoya as a medical marijuana dispensary. Mr. Duff is no longer even in the State of California, he moved to Delaware months ago.

On the other hand Liberty Bell Temple II inc., 3144387 is a RELIGIOUS CORPORATION 501(c)(3) with no legal ties to either Patrick Duff or Mr. Montoya. (see ATTACHMENT B: SI-100 Statement of Information). Liberty Bell Temple II inc., is a Rastafarian Temple operated by Edward Forchion. LIBERTY BELL TEMPLE is a religious organization NOT a dispensary, that operates under the protection of the 1st Amendment and the 1993 Freedom of Religion and Restoration Act. This is where we gather, where we pray, where we serve our "GOD" , where we engage in our practices and beliefs.

Rastafarian - Is a religion which first took root in JAMAICA in the ninetieth century and has since gained adherents in the UNITED STATES. See: Mircea Eliade, Encyclopedia of Religion pages 96-97 (1998 edition). It is among the 1,558 religious groups sufficiently stable and distinctive to be identified as one of the existing religions in this country. See J.Gordan Melton, Encyclopedia of American Religious pages 870-71 (1991 edition). Standard descriptions of the religion emphasize the use of marijuana in cultic ceremonies designed to bring the believer closer to the divinity and to enhance unity among believers. Functionally, marijuana known as GANJA in the language of the religion --operates as a sacrament with the power to raise the partakers above the mundane and to enhance their spiritual unity. **UNITED STATES Vs BAUER**, 84 F.3d 1549, 1556 (9th Cir.1996) **MCBRIDE Vs SHAWNEE CITY** ,71 F.Supp. 2d 1098, (5th Cir. 1999) **STEELE Vs BLACKMAN**, 236 F.3d (3rd Cir. 2000)

Rastafarianism is a way of life based on the Bible and traditions of ancient Ethiopia. Among its customs are the wearing of dreadlocks (a distinctive hair style) and belief that ganja (cannabis) is a holy herb to be used sacramentally to honor the creator God, "Jah." The group's name is derived from the name of the last Ethiopian emperor, Ras Tafari -- also known as Haile Selassie, who was the church's spiritual leader.

CLARIFICATION

We can see why the city may have some confusion as to Liberty Bell Temple/House of Kush and Liberty Bell Temple II, inc., We would like some clarity from your office as soon as possible in regards to this attached June 3rd letter. We need this clarity asap, due solely to this letter that may or may not have been intended for Liberty Bell Temple II, inc., we are in the process of seeking both a state and a federal injunction to stop these threatening letters and threatened unconstitutional legal actions.

We have taken the position (first) that this letter was address to the wrong entity, (second) NOTHING in Article 5.1 of Chapter IV of the Los Angeles Municipal Code (Medical Marijuana Collective) applies to LIBERTY BELL TEMPLE II, Inc. a Rastafarian religious organization. Nothing in this code refers to a RELIGIOUS ORGANIZATION (third) LIBERTY BELL TEMPLE II, Inc. has a religious RIGHT to exist and will use a Religious use defense to any attempt to close its doors by the City of Los Angeles.

The First Amendment to the U.S. Constitution says the government cannot make laws "prohibiting the free exercise" of religion. Many people use marijuana as a religious sacrament, and forcing them not to use marijuana clearly prohibits the free exercise of their religion. In order to comply with the First Amendment, our laws should allow for the religious use of marijuana..... it creates no impediment to the free exercise of their faith in their homes, their houses of worship, or other non-federal locations. United States v. Forchion, (3d Cir. Pa., Feb. 7, 2007)

<http://www.ethiopianzioncopticchurch.org/Cases/forchion.aspx>

1. Religious Freedom Restoration Act of 1993 -- Public Law 103-141 (H.R. 1308). [note: This is retroactive (applies before 1993)-- see Rastafarian Ruling].
2. Rastafarian ruling...JAH Rastafari leads the Way!...Right to Religious Use Defense for marijuana under RFRA &93 -- Fed 1996 -- U.S. v. Dawn Meeks, et al, No. 94-30076, et al, 1996 U.S. App. LEXIS 1458, United States Court of Appeals For the Ninth Circuit -- Filed Feb. 2, 1996.
3. Soapbox Decision, June 1995 -- U.S. Supreme Court, June 19, 1995, John J. Hurley and South Boston Allied War Veterans Council, v. Irish G.L.I.B. -- No. 94- 749 -- Right to your own Free Expression, i.e. Free Speech...
4. United States Department of Agriculture, Forest Service Regulation 36 CFR 251 - 261 -- [Federal Register Vol. 60, No. 168, Wed August 30, 1995, pgs. 45259 etc.]
5. U. S. v. Rainbow -- U.S. v. Barry Adams, pro se, (Texas, 1988), and U.S. v. Gideon Israel (Arizona, 1986) -- are both positive decisions relating to Religious Use Defense for Individuals' Rights to Gather (sustained by RFRA &93).
6. In February 2006, in the case of Gonzales v. O Centro Espírita Beneficente União do Vegetal, the U.S. Supreme Court ruled in favor of a religious group seeking protection against prosecution for their religious use of hoasca. Hoasca is a tea made of plants that contain dimethyltryptamine (DMT). Like marijuana, DMT is listed under Schedule I of the Controlled Substances Act, §812(c). The members of the LIBERTY BELL TEMPLE II, inc., believe that the Supreme Court's decision in the hoasca case means that religious marijuana users will also be protected from prosecution.
7. In 2002, the Ninth Circuit Court of Appeals (in Guam v. Guerrero, 290 F.3d 1210) rejected the religious use defense by a defendant charged with importing marijuana. However, the court's opinion suggested that a religious use claim would be stronger if the defendant was charged with simple possession of marijuana, rather than importation or distribution.
8. The US Supreme Court ruling in Oregon v. Smith (1990) essentially said that states can legally prohibit drug use and can punish people who violate anti-drug laws, even if they claim religious use as a defense.
9. Following the Oregon v. Smith decision, Congress passed the Religious Freedom Restoration Act which President Clinton signed into law in 1993.

9th Circuit Court of Appeals Rules Religion May Be Defense to Marijuana Possession

The U.S. Court of Appeals for the Ninth Circuit ruled on February 2, 1996 that under the Religious Freedom Restoration Act of 1993, Rastafarian defendants should be allowed to show that they use marijuana for bona fide religious reasons in their defense against charges of possession of marijuana (*U.S. v. Bauer*, No. 94-30073, 96 C.D.O.S. 756, 1996WL42240 (9th Cir. 1996); <http://www.law.vill.edu/Fed-Ct/Circuit/9th/opinions/9430073.htm>; Reynolds Holding, "Rastafarian Pot Could Be Legal," *San Francisco Chronicle*, February 3, 1996, p. A14; "Marijuana For Religious Reasons," *Washington Post*, February 5, 1996, p. A10; Associated Press, "Court: Rastafarians Can Hold Marijuana," *Chicago Tribune*, February 4, 1996, p. 9).

Acting on two tips, police initiated an investigation of marijuana trafficking from Mexico to Billings, Montana. As a result of the investigation, 26 people were indicted in November 1992 on a number of charges, including conspiracy to manufacture and distribute marijuana, money laundering, use of firearms in relation to drug trafficking, and possession with intent to distribute marijuana.

Three of the defendants, Calvin Treiber, Dawn Meeks, and Lexi Bauer, appealed on the grounds that they possessed the marijuana in the course of practicing their religion, Rastafarianism. The Court of Appeals found that Rastafarianism is a recognized religion that considers marijuana a sacrament.

In 1993, Meeks had requested the district court to provide funds for expert testimony on the use of marijuana in Rastafarianism. The district court denied that motion and granted a government motion to prevent any religious defense to the charges. The defendants' trial started on October 3, 1993. On November 17, 1993, the defendants notified the court that President Clinton had signed the Religious Freedom Restoration Act on November 16, 1993. The Act declares that "governments should not substantially burden religious exercise without compelling justification," i.e. government interest. Further, the Act allows for persons who find that a law does "substantially burden" their free exercise of religion to present evidence of such at trial (P.L. 103-141; 42 U.S.C. 2000bb-1). The district court refused to reconsider its ruling on the government's motion.

Post-conviction, the defendants argued that laws regulating marijuana greatly interfere with the ability of Rastafarians to practice their religion. The district court ruled that "the government has an overriding interest in regulating marijuana." The court quoted a 1967 Fifth Circuit decision: "It would be difficult to imagine the harm which would result if the criminal statutes against marijuana were nullified as to those who claim the right to possess and traffick in this drug for religious purposes. For all practical purposes the anti-marijuana laws would be meaningless, and enforcement impossible" (*Leary v. U.S.*, 383 F.2d 851 (5th Cir. 1967), *rev'd on other grounds*, 395 U.S. 6 (1969)).

The Court of Appeals three judge panel was unanimous that the defendants should have been allowed to present evidence of their religious use of marijuana at trial. Judge John T. Noonan, Jr., writing for the court, found that under the Religious Freedom Restoration Act, the government would be required to show that the burdens on the defendants' religion were in the course of furthering the government's interest and that the laws were the "least restrictive means of furthering that compelling government interest." While the defendants may use the religious argument in their defense of simple possession charges, Noonan wrote that the same argument cannot be applied to other charges of conspiracy to distribute, possession with intent to distribute, and money laundering. "Nothing before us suggests that Rastafarianism would require this conduct," he wrote.

Noonan ordered that the defendants be retried on the simple possession charges. At such trial, Noonan wrote, the government can challenge whether the defendants are Rastafarians. "It is not enough in order to enjoy the protections of the Religious Freedom Restoration Act to claim the name of a religion as a protective cloak," Noonan wrote. "Neither the government nor the court has to accept the defendants' mere say-so."

The defendants appealed on a number of other grounds, including inappropriate peremptory challenges to the jury by the prosecution, misleading jury instructions, and selective prosecution. The Court of Appeals found no grounds for any of these arguments.

Rastafarian Wins Religious Defense Before Guam Supreme Court

The Guam Supreme Court has dismissed criminal charges against a man who claimed that he is a Rastafarian and was importing marijuana for religious use. The decision was based on the Guam court's interpretation of Guam's Free Exercise clause, rather than the Free Exercise Clause of the federal Constitution.

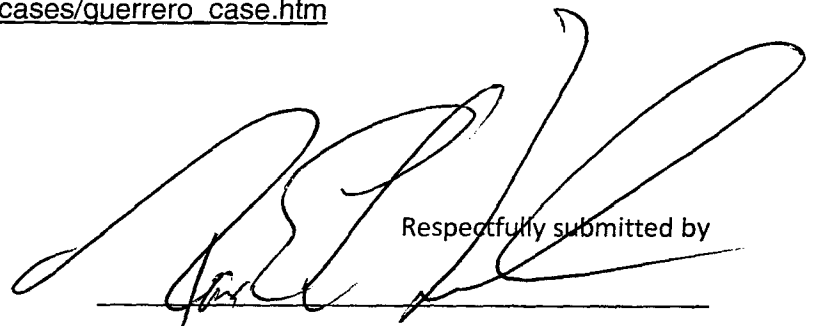
In reaching its decision, the Guam Supreme Court reasoned that the proper test under Guam's free exercise protection is the strict scrutiny test that the US Supreme Court used prior to its disastrous 1990 opinion in the *Smith* peyote case (494 US 872). Under the strict scrutiny test, the Guam court held that the prosecutor had the burden of proving that Guam's ban on all marijuana importation was justified by a compelling governmental interest, and that the importation ban achieved its objective by the least restrictive means possible.

The prosecutor, in a foolish strategic decision, presented absolutely no evidence to justify Guam's wholesale ban against importing marijuana. Thus, the Guam Supreme Court wasted no time concluding that because marijuana was a necessary sacrament of the Rastafarian religion, and because the prosecution failed to justify the burden placed on the practice of the Rastafarian religion by the law against importing marijuana, the importation ban violated Guam's free exercise protection.

This opinion (*Guam v. Guerrero*, (September 8, 2000) 2000 Guam 26, No. CRA99-025) is a major breakthrough for religious users of controlled substances. The published opinion from Guam's highest court will be persuasive precedent for defendant's outside of Guam, who will be able to cite the case for the proposition that strict scrutiny is, indeed, the proper test to apply when a religious defense is raised to criminal drug charges.

The full opinion in *Guerrero* is online in the drug law library of the Center for Cognitive Liberty & Ethics. Direct URL is:

http://www.cognitiveliberty.org/lawlibrary/cases/guerrero_case.htm

A large, stylized handwritten signature in black ink, appearing to read 'Ras Edward Forchion', is written over a horizontal line.

Respectfully submitted by

(REV.) Ras Edward Forchion

CC – BRUCE MARGOLIN, esq.,
THE ACLU,
THE FIRST AMENDMENT CENTER

Attachments (2) – 8 PAGES

EXHIBIT 4:
NOTICE TO APPEAR

AIL RECEIPT &/or NOTICE TO APPEAR		COURT JURISDICTION CHECK ONE: <input checked="" type="checkbox"/> LOCAL <input type="checkbox"/> FOREIGN	CHECK ONE: SURETY <input checked="" type="checkbox"/> BOND <input type="checkbox"/> Writ <input type="checkbox"/> CASH	DATE & TIME RECEIVED 07/15/10 0750
BOOKING NUMBER 403468	ARRESTEE'S NAME (Last, first, middle) Forchion, Edward Robert		LOC. CONFINED 4206	LOC. BAIL POST 4206
WARRANT NUMBER &/OR CHARGE AMC 45.19.6.7. FAIL TO CEASE OPERATION		BAIL \$100.00	P. A.	TOTAL CASH REC. BOND Total \$100.00
DEPOSITOR/BONDING AGENCY/ATTORNEY (if writ) PENNY BAIL BONDS. 866-736-6977		OFFICER RECEIVING (Signature & Serial No.) SDO COE N2699		
ADDRESS 601 E LINCOLN AVE, #101, ORANGE, CA 92865		BOND OR WRIT NO. IS15K-165811	SUPERVISOR APPROVING (Verify above total) Sgt. Orosco #31243	
ARREST MADE: L.A. <input checked="" type="checkbox"/> CITY. <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER <input type="checkbox"/> (Specify)		ARRESTING OFFICER (Agency, Division / Station, Unit, Name & Serial No.) LAPD/4206/ROSE/38815		
DEPOSITOR'S WAIVER:	I AGREE THAT ANY OR ALL OF THE \$ _____ BAIL DEPOSITED HERE IN BY ME MAY BE USED IN THE PAYMENT OF ANY FINE IMPOSED ON THE DEFENDANT AND THE BALANCE, IF ANY, RETURNED TO ME. _____ DATE _____ SIGNATURE			
NOTICE TO ARRESTEE: YOU ARE DIRECTED TO APPEAR AS INDICATED FAILURE TO APPEAR MAY RESULT IN FORFEITURE OF BAIL AND ISSUANCE OF A WARRANT FOR YOUR ARREST.		COURT&LOCATION--CORTE LOCALIDAD HOLLYWOOD COURT, DEPT 102 5925 HOLLYWOOD BLVD. HOLLYWOOD, CA 90028 DATE & TIME OF APPEARANCE -- LA FECHA Y EL TIEMPO AUGUST 05, 2010 AT 08:30AM		
NOTIFICACION AL ARRESTADO: SE LE EXIGE QUE COMPAREZCA SEGUN INDICADO AL NO COMPARECER PUEDE PERDER SU FIANZA Y UNA ORDEN DE ARRESTO SERA HECHA EN CONTRA DE USTED.				

BAIL RECEIPT &/or NOTICE TO APPEAR

COURT JURISDICTION
CHECK ONE:
 LOCAL FOREIGN

CHECK ONE:
SUR BC WRIT CASH

DATE & TIME RECEIVED

07/15/2010 0135

BOOKING NUMBER
2403442

ARRESTEE'S NAME (Last, first, middle)
LEYOU, CHARQUANT SHERMONIQ

Loc confined
4279

Loc. Bail Post
4279

TOTAL CASH REC.
\$100.00

WARRANT NUMBER &/OR CHARGE
45.19.6.8 LAMC

BAIL
\$100.00

P. A.

Total
\$100.00

PAGE #1

DEPOSITOR/ BONDING AGENCY/ATTORNEY (if writ)

OFFICER RECEIVING (Signature & Serial No.)

FELICIA ESTRADA

DAVIS B8523

[Signature] 8523

ADDRESS

BOND OR WRIT NO. SUPERVISOR/ APPROVING (Verify above total)

1733 N. GOWER ST LOS ANGELES, CA 90028

CASH

[Signature]

ARREST MADE:
L. A. L. A. OTHER
 CITY COUNTY (Specify)

ARRESTING OFFICER (Agency, Division / Station, Unit, Name & Serial No.)

LAPD 4206 NARC JAFFE 27787

DEPOSITOR'S
WAIVER:

I AGREE THAT ANY OR ALL OF THE \$ _____ BAIL DEPOSITED HERE IN
BY ME MAY BE USED IN THE PAYMENT OF ANY FINE IMPOSED ON THE
DEFENDANT AND THE BALANCE, IF ANY, RETURNED TO ME.

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COURT & LOCATION - CORTE LOCALIDAD

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SE LE EXIGE QUE COMPAREZCA SEGUN INDICADO
AL NO COMPARECER PUEDE PERDER SU FIANZA Y UNA ORDEN
DE ARRESTO SERA HECHA EN CONTRA DE USTED.

HOLLYWOOD COURT RM 102
5925 HOLLYWOOD BLVD
HOLLYWOOD, CA 90028

DATE & TIME OF APPEARANCE -- LA FECHA Y EL TIEMPO
AUGUST 5, 2010 @ 8:30AM

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen years and not a party to the within action; my business address is 555 West Fifth Street,
31st Floor, Los Angeles, California 90013.

5 On July 27, 2010, I served the following document(s) described as **COMPLAINT FOR:**
6 **1) DECLARATORY AND INJUNCTIVE RELIEF FOR VIOLATIONS OF THE**
7 **RELIGIOUS FREEDOM RESTORATION ACT (RFRA) 42 U.S.C. 2000BB 2)**
8 **VIOLATION OF CALIFORNIA CONSTITUTION ARTICLE I SECTION 7(A);**
9 **DEPRIVATION OF THE RIGHT TO PRACTICE RASTAFARIAN WITHOUT DUE**
10 **PROCESS OF LAW** on the interested parties in this action by placing true copies thereof
11 enclosed in sealed envelopes addressed as follows:

12 Carmen A. Trutanich, City Attorney (SBN: 86629X)
13 Colleen Courtney, Deputy City Attorney (SBN: 134187)
14 Steven N. Blau, Deputy City Attorney (SBN: 150723)
15 Donna L. Wong, Deputy City Attorney (SBN: 210741)
16 701 City Hall East
17 200 North Main Street
18 Los Angeles, California 90012

19 **BY MAIL:** I placed the envelope described above with postage thereon fully prepaid in the
20 collection point for mailing correspondence within the firm where I am employed. I am "readily
21 familiar" with the firm's practice of collection and processing correspondence for mailing. Under
22 that practice, it would be deposited with the United States Postal Service on that same day with
23 postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am
24 aware that on motion of party served, service is presumed invalid if postal cancellation date or
25 postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

26 **ELECTRONIC MAIL:** I caused all of the pages of the above entitled documents to be sent
27 to the recipients noted above via electronic transfer at the respective electronic mail.

28 **BY FEDERAL EXPRESS DELIVERY,** enclosed in a sealed envelope: I am "readily
familiar" with the firm's practice of collection and processing items for Federal Express delivery.
Under that practice it would be deposited at Los Angeles, California, in an envelope or package
designated by Federal Express in a facility regularly maintained by Federal Express or delivered to
a courier or driver authorized to receive documents on its behalf with delivery fees paid or
provided for.

 BY FACISIMLE

 X **BY PERSONAL SERVICE,** enclosed in a sealed envelope(s): I personally delivered such
envelope(s) to the office of the addressee(s) indicated above.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on July 27, 2010, at Los Angeles, California.


Susan Chung