

DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION

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**U.S. Department of Justice**  
Drug Enforcement Administration  
Office of Chief Counsel

*www.dea.gov*

Washington, D.C. 20537

September 16, 2005

Chief Judge Mary Ellen Bittner  
Office of the Administrative Law Judges  
Drug Enforcement Administration  
*via facsimile:* (202) 307-8198

Dear Judge Bittner:

This letter is in response to Ms. Carpenter's letter dated September 15, 2005, supplementing a conference call with your clerk, Ms. Nicole Stoduto, of the same day.

DEA would like to reiterate that it is confident it will complete presentation of its case-in-chief in less than five days. Based upon the Respondent's case-in-chief, and the ruling on the government's motion *in limine*, testimony has been substantially reduced, some witnesses and evidentiary documents have been withdrawn entirely, and the parties are in negotiations to stipulate to one witness's testimony. After yesterday's conference call, the government informed Ms. Carpenter of the withdrawn witnesses and documentary evidence, including matters relating to medical marijuana.

Additionally, Dr. ElSohly's testimony is approximately forty percent of the testimony to be presented. Dr. ElSohly is only available to testify on September 26, 2005, because he is traveling out of the country on September 27, 2005. Due to flight availability, he will be required to depart the hearing location in sufficient time to depart on a 5:00 p.m. flight from National Airport. Rather than interrupt Dr. ElSohly's testimony, DEA respectfully requests that Dr. ElSohly's testimony be presented during the week of December 12, 2005. Dr. ElSohly will be available for the entire week of December 12, 2005. Finally, Ms. Carpenter mentioned that Respondent's last remaining witness, Dr. Donald Abrams, had some issues with regard to testifying during the week of September 26, 2005.

In sum, the government is confident the hearing will be concluded in December, 2005, the government desires to present as much of its case-in-chief as possible together rather than in fragments. Finally, delaying conclusion of the hearing until December 12, 2005, will not affect the timing of final resolution of this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Imelda L. Paredes".

Imelda L. Paredes

cc: Julie M. Carpenter, Esq.