

Stamate – figure in landmark forfeiture law dies

Local resident Byron Stamate has just passed away and will be remembered as the key figure in a landmark case that helped upend California's asset forfeiture laws.

In 1994, when he was 74, Stamate was charged with cultivating marijuana in his El Dorado County home. He said that the marijuana was used by his live-in companion, Shirley Dorsey, 70, to treat chronic pain from arthritis. Prosecutors relentlessly sought to forfeit Byron's home and life savings of \$400,000 under a new state law modeled on the federal one, which did not require a conviction for forfeiture.

Dorsey committed suicide rather than be forced to testify against him. The text of Shirley Dorsey's suicide note follows:

"They want to take our property, security and herbal medicine from us, even though we have not caused harm to anyone.

"It is not fair or in the best interest of the people of society.

"I will never testify against you or our right to our home. I will not live in the streets without security and a place to sleep.

"I am old, tired and ill, and I see no end to the harassment and pressures until they destroy us."

The prosecution backfired, generating intense adverse publicity against forfeiture abuse. Stamate's case was settled for a nominal \$1,000 fine. Subsequently, California's forfeiture law was repealed and radically reformed thanks to a

lobbying campaign led by Stamate's attorney, Brenda Grantland, and an expose on forfeiture abuses by *San Jose Mercury News* reporter Gary Webb.

– *Steve Kubby*