

Court of Appeals, State of Michigan

ORDER

People of MI v Rodney Koon

Docket No. 301443

LC No. 2010-028194-AR

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

The Court orders that the motion to file an amicus curiae brief is GRANTED.

The motion to file an amended amicus curiae brief is GRANTED.

The application for leave to appeal is GRANTED, limited to the issues raised in the application. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

O'Connell, J., would peremptorily reverse the circuit court's order of November 16, 2010, and remand for further proceedings.

I agree with the circuit court that Michigan law prohibits operation of a motor vehicle while under the influence of marijuana. See MCL 257.625(1)(a); MCL 333.26427(b)(4). I disagree, however, with the court's determination that the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* (MMMA), grants the right or permission to operate a motor vehicle with marijuana in the body. Prior to the passage of the MMMA, Michigan law prohibited operation of a motor vehicle with any amount of marijuana in the body. MCL 257.625(8). The MMMA did not change the law. MCL 257.625(8) still prohibits any individual from operating a motor vehicle with any amount of marijuana (as opposed to metabolites) in their body.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUL 22 2011

Date


Chief Clerk