

Court of Appeals, State of Michigan

ORDER

People of MI v Michael Christopher Frederick

Docket No. 325877

LC No. 14-003216-FH

Mark T. Boonstra
Presiding Judge

William B. Murphy

Jane M. Beckering
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court VACATES that portion of the trial court's January 29, 2015 order finding that defendant failed to make the requisite prima facie showing of the second element of the § 8 affirmative defense, MCL 333.26428(a)(2). The trial court applied an incorrect evidentiary standard to sustain its ruling. Defendant was not required to present evidence of a medical determination either as to the proper amount of marijuana to be used by defendant or as to the frequency of recommended marijuana use. *People v Hartwick*, ___ Mich ___, ___ NW2d ___ (2015), [Docket Nos. 148444, 148971, slip op at 38, 43-44]. This matter is REMANDED to the trial court to reopen proofs as pertains to § 8(a)(2), if requested by any party, and to reconsider its ruling regarding § 8(a)(2), only, in light of *Hartwick*. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 19 2015

Date


Chief Clerk