

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

WILLIAM JAY KELLY,

Defendant-Appellee.

UNPUBLISHED
October 31, 1997

No. 195843
Oakland Circuit Court
LC No. 95-142511 FH

Before: Holbrook, Jr., P.J., and Michael J. Kelly and Gribbs, JJ.

MEMORANDUM.

The Oakland County Prosecutor appeals by right from an order of the Oakland Circuit Court, dismissing charges of possession of marijuana, second offense, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d), MCL 333.7413(2); MSA 14.15(7413)(2), on double jeopardy grounds, by virtue of the same transaction having been the basis for prior civil forfeiture proceedings.

Civil forfeiture proceedings do not in this circumstance constitute a form of jeopardy that bars criminal prosecution on double jeopardy grounds. *United States v Ursery*, ___ US ___; 116 S Ct 2135; 135 L Ed 2d 549 (1996); *People v Acoff*, 220 Mich App 396, 398-399; 559 NW2d 103 (1996).

Reversed and remanded. We do not retain jurisdiction.

/s/ Donald E. Holbrook, Jr.
/s/ Michael J. Kelly
/s/ Roman S. Gribbs