

Order

Michigan Supreme Court
Lansing, Michigan

December 27, 2017

Stephen J. Markman,
Chief Justice

155377

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155377
COA: 336131
Oakland CC: 2014-249810-FH

JONATHON ALAN JASZCZOLT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 2, 2017 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. On remand, while retaining jurisdiction, the Court of Appeals shall remand this case to the Oakland Circuit Court for further proceedings. The circuit court's December 1, 2016 decision is inadequate for appellate review because it fails to make any findings of fact or conclusions of law that relate to the three charges against the defendant or to draw any conclusions regarding application of the retroactive amendments to the Michigan Medical Marijuana Act (MMMA), MCL 333.26421 *et seq.*, in 2016 PA 281-283 to any of the defendant's marijuana-related conduct, including but not limited to his claim that he planned to transfer a portion of the marijuana in his possession to a third-party to make a "marihuana-infused product." See 2016 PA 283, MCL 333.26423(f); 2016 PA 281, § 102(k). A single act by the defendant that is outside the parameters of the MMMA does not per se taint all of the defendant's marijuana-related conduct. *People v Hartwick*, 498 Mich 192, 241-242 (2015). The circuit court shall forward its findings and conclusions to the Court of Appeals, which shall resolve the issues presented by the defendant.

We do not retain jurisdiction.



s1218

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 27, 2017

Handwritten signature of Larry S. Royster in black ink.

Clerk