

Court of Appeals, State of Michigan

ORDER

People of MI v Douglas David Blesch

Docket No. 314646

LC No. 12-000123-FH

Jane E. Markey
Presiding Judge

Jane M. Beckering

Mark T. Boonstra
Judges

The motion for leave to file a supplement to the answer is GRANTED and the supplemental brief received on March 15, 2013 is accepted for filing.

The Court orders that the application for leave to appeal is GRANTED. 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). This appeal is limited to the issues raised in the application and supporting brief. MCR 7.205(D)(4).

Boonstra, J. would VACATE that portion of the January 18, 2013 order that directs that "the reference to 'marihuana' in MCL 333.26428 shall be interpreted to mean 'usable marihuana' as that term is defined in MCL 333.26423(j), and not 'marihuana' as that term is defined in MCL 333.26423(d) and MCL 333.7106." Such a construction is wholly inconsistent with the plain language of § 8(a)(2). Section 8 does not reference "usable marihuana" and does not condition the availability of the defense on the possession of only a limited quantity of "usable marihuana." *People v Carruthers*, ___ Mich App ___; ___ NW2d ___ (2013). Moreover, the Michigan Medical Marihuana Act assigns the terms "marihuana" and "usable marihuana" different meanings. MCL 333.26423(e); MCL 333.26423(k); *Carruthers*, *supra*.



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

SEP 16 2013

Date

Chief Clerk