

Order

Michigan Supreme Court
Lansing, Michigan

June 19, 2013

Robert P. Young, Jr.,
Chief Justice

146990

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 146990
COA: 308133
Barry CC: 11-100232-FH

TONY ALLEN GREEN,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the January 29, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. It is not disputed that the defendant, a registered qualifying patient under the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 *et seq.*, transferred a small amount of marijuana to another person who was a registered qualifying patient pursuant to MCL 333.26429(b). In *Michigan v McQueen*, 493 Mich 135 (2013), this Court held that, under the MMMA, “§ 4 immunity does not extend to a registered qualifying patient who transfers marijuana to another registered qualifying patient for the transferee’s use because the transferor is not engaging in conduct related to marijuana for the purpose of relieving the transferor’s own condition or symptoms.” *Id.* at 156, citing MCL 333.26424(a) (footnotes omitted). Thus, the Court of Appeals erred in affirming the Barry Circuit Court’s December 22, 2011 order that granted the defendant’s motion to dismiss the charge of delivery of marijuana. We REMAND this case to the circuit court for reinstatement of the charges against the defendant and for further proceedings not inconsistent with this order.



s0612

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.

June 19, 2013


Clerk