

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Aaron Russell Hinzman

Docket No. 301794

LC No. 2010-233876-FH

Mark J. Cavanagh  
Presiding Judge

E. Thomas Fitzgerald

Pat M. Donofrio  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), the Court orders that the December 15, 2010 order is VACATED to the extent it denies defendant's motion to dismiss the charges, and this matter is REMANDED for an evidentiary hearing to determine whether defendant has a valid defense to the charges pursuant to MCL 333.26421 *et seq.* Based on the evidence presented at the evidentiary hearing, the court shall consider whether defendant possessed no more than the amount of marijuana permitted under MCL 333.26424(a) for purposes of the defense provided by that provision and whether the facts support the defense provided by MCL 333.26428.

The application for leave to appeal is otherwise DENIED.

The Court orders that the motion for stay pending appeal is GRANTED, and further proceedings are STAYED pending resolution of this appeal or further order of this Court.

The motion to waive fees is GRANTED, and fees are WAIVED FOR THIS APPEAL ONLY.

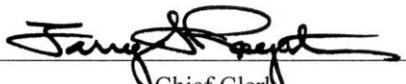
This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 04 2011  
Date

  
Chief Clerk