

Order

Michigan Supreme Court
Lansing, Michigan

April 1, 2013

Robert P. Young, Jr.,
Chief Justice

146392

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-Appellee,

v

SC: 146392
COA: 312364
Oakland CC: 2012-241272-FH

ROBERT TUTTLE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 11, 2012 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of (1) whether the defendant was entitled to dismissal of the marijuana-related charges in Counts IV through VII of the second amended information under the immunity provision in § 4 of the Michigan Medical Marihuana Act (MMMA), MCL 333.26424; (2) whether the defendant was entitled to dismissal of these charges under the affirmative defense in § 8(a) of the MMMA, MCL 333.26428(a); and (3) if the defendant was not entitled to dismissal, whether he is permitted to raise the § 8 affirmative defense at trial.



s0325

I, Corbin R. Davis, 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.

April 1, 2013

Corbin R. Davis

Clerk