

## MSC Order List: June 22, 2011

24. June 2011 By Julie Lam

On June 22, 2011, the Michigan Supreme Court granted leave to appeal in three cases addressing the Michigan Medical Marijuana Act: *People v King*, No. 142850, *People v Kolanek*, No. 142695, *People v Kolanek*, No. 142712. The Court ordered that the *People v Kolanek* cases be argued and submitted to the Court together. The Court invited the Attorney General, the Criminal Defense Attorneys of Michigan, and the Prosecuting Attorneys Association of Michigan to file briefs amicus curiae. The Court also ordered that *People v Walburg*, No. 142875, be held in abeyance pending the decisions in these cases.

The Michigan Supreme Court also granted the application in *People v Reese*, No. 142913, regarding whether the doctrine of imperfect self-defense can mitigate second-degree murder to voluntary manslaughter, and if so, whether it was appropriately applied in this case.

In lieu of granting leave to appeal in *Beebe v Hartman*, No. 142315, the Michigan Supreme Court vacated Part III B of the Court of Appeals' opinion, for the reasons stated in the Court of Appeals' concurring opinion. The application was denied in all other respects. Justice Hathaway would deny leave without further action.

The Michigan Supreme Court granted the application for leave to appeal in *In re C.I. Morris*, No. 142759, limited to the issue of whether the Court of Appeals' "conditional affirmance" remedy is an appropriate method of resolving a violation under the Indian Child Welfare Act (ICWA), 25 USC 1901 *et seq.* The Court further ordered the Wayne Circuit Court Family Division to appoint attorney Vivek Sankaran, if feasible, to represent the respondent father in this appeal.

On motion for reconsideration in *Velez v Tuma*, 138952, the Michigan Supreme Court granted the application for leave to appeal, limited to the issue of "whether the Court of Appeals correctly held that the setoff amount in this case was properly set off against the jury verdict, before the application of the noneconomic damages cap of MCL 600.1483 and calculation of the final judgment."

In *Atkins v Suburban Mobility Authority for Regional Transportation*, No. 140401, the Michigan Supreme Court directed the Clerk to schedule oral argument on whether to grant the application or take other action. At oral argument, the parties shall address whether written notice of the plaintiff's no-fault claim, together with defendant's knowledge of the facts that could give rise to a tort claim, constituted written notice of her tort claim under MCL 124.419.

The Michigan Supreme Court granted a motion to withdraw a joint application for leave to appeal, and denied four applications.