

Attorney General files two amicus briefs in an effort to clarify the Michigan Medical Marijuana Act

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The Michigan Attorney General has filed briefs amicus curiae in two appellate cases in an effort to clarify the Michigan Medical Marijuana Act (“MMMA”).

In *People v. Redden*, Case No. 142044, the Attorney General filed a brief amicus curiae opposing the defendant’s application for leave to appeal in the Michigan Supreme Court. Defendants Redden and Clark were arrested after police found one and one-half ounces of marijuana and 21 marijuana plants at their residence. The district court dismissed for each of the two defendants the single count of manufacturing 20 or more but less than 200 marijuana plants holding the defendants were qualified patients entitled to possess and use marijuana pursuant to section 8 of the MMMA. The circuit court reversed this decision holding that the district court abused its discretion by not binding defendants over for trial, improperly acting as a trier of fact, and reinstated the charges against defendants. In the consolidated cases of *People v. Redden and People v. Clark*, Nos. 295809 and 295810, the Court of Appeals affirmed the circuit court’s decision to reverse the district court’s bindover ruling, and remanded the case for further proceedings. Defendant Redden filed an application for leave to appeal.

In its brief amicus curiae opposing Redden’s request for leave to appeal, the Michigan Attorney General asserts that the affirmative defense found in section 8 of the MMMA is limited to qualified patients and caregivers who are formally registered with the Michigan Department of Community Health. In this case the defendants did not possess the registration cards issued by the MDCH. The Attorney General further argues that the MMMA is intended to aid people suffering from painful or terminable diseases and vague language in section 8 should not be exploited to grant a broad legalization of marijuana for other purposes.

News articles also report that the Attorney General filed a brief amicus curiae in the matter of *People v. McQueen*, Case No. 301951. As of March 29, 2011, the Court of Appeals’ docket did not yet reflect this filing. In *McQueen*, Isabella County is challenging the legality of a for-profit medical marijuana club in Mount Pleasant. The club allows patient-to-patient sales of marijuana. In December 2010, the Isabella County Circuit Court ruled in favor of the defendant holding that because the MMMA does not expressly address for-profit marijuana clubs, they must be permitted under the law. The Isabella County Prosecutor is seeking leave to appeal this ruling. The Attorney General supports the County’s request to appeal this ruling, arguing that these clubs violate the MMMA by allowing profits from the sale of marijuana.