

MICHIGAN COURT OF APPEALS DECISIONS - UNPUBLISHED CASES

People v Amsdill, No. 317875, December 2, 2014

Issue: Whether the trial court erred when it ruled that the State of Michigan Supreme Court decision of State of Michigan v. McQueen should not be applied retroactively?

Holding: Yes

The Court of Appeals citing *People v Johnson*, 302 Mich app 450 (2013) held “that “In Johnson, we held that “defendants were never led to believe by a judicial decision of this Court or our Supreme Court that operating a marijuana dispensary was permitted under the MMMA” and that because the McQueen decisions did not overrule clear and uncontradicted case law, they warrant “retroactive application.” 302 Mich App at 465-466.

We also declined to apply the rule of lenity because: “The MMMA did not, and still does not, include any provision that states that marijuana dispensaries are or were legal business entities.”

302 Mich App at 463; see also *People v Vansickle*, 303 Mich App 111, 119-120; 842 NW2d 289 (2013) (“the retroactive application of our decision in McQueen did not present due process concerns because it did not operate as an ex post facto law.”).

Reversed and remanded.