

## MICHIGAN COURT OF APPEALS DECISIONS - UNPUBLISHED CASES

People v. Keller, Case No. 304022, May 10, 2012 (Michigan Court of Appeals)

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**Issue:** Whether the plants on defendant's property were in an "enclosed, locked facility?"

**Holding:** The Court held that "Those plants joined all the others as being readily accessible to a member of defendant's family, or any passerby his dogs did not decide to treat as a foe. The statute's requirement that the facility be enclosed and locked indicates that access to them is to be secured by something more than the grower's withholding of permission to unauthorized persons to access them. Because defendant grew more than 12 plants and failed to keep them in a secure, enclosed facility, the MMMA afforded him no defense to that general prohibition."

Note the new definition of "enclosed locked facility" in MCL 333.26423(d) which went into effect on April 1, 2013.