

## MICHIGAN LOWER COURT DECISIONS - CIRCUIT COURT DECISIONS

People v. Salerno, 10-234766-FH, August 18, 2011 (Oakland County)

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**Issue:** Whether the defendant is entitled to assert the affirmative defense under Section 8 of the MMMA?

**Holding:** The Court found that Defendant cannot assert the affirmative defense under Section 8 for several reasons.

The defendant stated he had sold 30 to 50 times in the two prior years. He was selling it between \$350.00 and \$450.00 per ounces. Clearly, defendant was not in possession of marihuana for his medical needs.

Additionally, it cannot be reasonably argued that Defendant needed 140.1 grams to treat himself for his diabetic condition. Lastly, the Doctor was lacking any knowledge as to the amount of marihuana the defendant should be taking to alleviate his symptoms.