

MICHIGAN LOWER COURT DECISIONS - CIRCUIT COURT DECISIONS

People v Toth, Case No. 10-05-9404-FH, January 5, 2011 (Branch County)

Issue: Whether the Defendant can assert the affirmative defense contained in Section 8?

Holding: The Court ruled that although an inference could be made that some of marihuana was being manufactured for medical purpose, there was no explicit testimony to this fact. The Defendant admitted to the Michigan State Police that his intent was to make money from his grow operation of 163 plants. He was not entitled to assert the affirmative defense contained in Section 8.

The Michigan State Police received an anonymous tip reference to an outside grow of marihuana. One hundred and sixty three (163) marihuana plants were located on the Defendant's property.

The Defendant moved to have the case dismissed pursuant to Section 8 of the Act.

The Court ruled that although an inference could be made that some of marihuana was being manufactured for medical purpose, there was no explicit testimony to this fact.

The Defendant admitted to the Michigan State Police that his intent was to make money from his grow operation of 163 plants.