MICHIGAN COURT OF APPEALS DECISIONS - PUBLISHED CASES

People v. Nicholson, 297 Mich App 191; ___NW2d___ (2012):

Issue: Whether the defendant was immune from arrest because his application paperwork for a registry identification card under the MMMA was "not reasonably accessible at the location of his arrest.

Holding: The court held that the defendant was not immune from arrest because his application paperwork for a registry identification card under the MMMA was "not reasonably accessible at the location of his arrest."

However, the court further held that because he possessed a registry identification card that had been issued before his arrest when being prosecuted, he was immune from prosecution unless there is evidence showing that his possession of marihuana at the time was not in accordance with "medical use" as defined in the MMMA or otherwise not in accordance with the MMMA.