

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v James Everett Rose Jr

Docket No. 331021

LC No. 2014-015852-FH

Douglas B. Shapiro  
Presiding Judge

David H. Sawyer

William B. Murphy  
Judges

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Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court REMANDS to matter to the Berrien Circuit Court and DIRECTS the trial court to allow defendant to submit to the jury for determination his affirmative defense authorized by § 8 of the Michigan Medical Marijuana Act, MCL 333.26428(a). Defendant presented sufficient evidence to create a question for the jury with regard to whether defendant possessed only a “reasonably necessary” amount of marijuana “to ensure uninterrupted availability” for the purposes of § 8(a)(2). *People v Hartwick*, 498 Mich 192, 226, 234-35; 870 NW2d 192 (2015). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

**FEB 05 2016**

Date

Chief Clerk