

Order

Michigan Supreme Court
Lansing, Michigan

September 4, 2012

Robert P. Young, Jr.,
Chief Justice

143572

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143572
COA: 301771
Oakland CC: 2010-233514-FH

GARY JEROME WATKINS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 21, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, and consistent with our recent decision in *People v Kolanek* and *People v King*, 491 Mich 382 (2012), we REVERSE that part of the judgment of the Court of Appeals holding that a defendant who seeks to assert the affirmative defense under § 8 of the Michigan Medical Marihuana Act (MMMA), MCL 333.26428, must comply with the requirements of § 4 of the act, MCL 333.26424. We REMAND this case to the Oakland Circuit Court for an evidentiary hearing at which the defendant may raise the affirmative defense under § 8 of the MMMA.

We do not retain jurisdiction.



s0827

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 4, 2012

Corbin R. Davis

Clerk