

336 Mich.App. 35
Court of Appeals of Michigan.

PEOPLE of the State of
Michigan, Plaintiff-Appellee,

v.

Michael Eugene THUE, Defendant-Appellant.

No. 353978

Submitted February 4, 2021, at Detroit.

Decided February 11, 2021, 9:05 a.m.

Synopsis

Background: Following plea of guilty to assault and battery and being sentenced to one year of probation, defendant filed motion to modify terms of probation to allow him to use medical marijuana. The District Court denied the motion. Defendant then filed application for leave to appeal to the Circuit Court. The Circuit Court, Grand Traverse County, [Thomas G. Power, J.](#), denied leave to appeal. Defendant appealed.

Holdings: The Court of Appeals, [Cavanagh, J.](#), held that:

[1] issue of whether sentencing court could prohibit defendant from using medical marijuana as condition of probation was one of public significance that was likely to recur yet evade judicial review, and

[2] as matter of first impression, defendant could not be prohibited from Michigan Medical Marijuana Act (MMMA)-compliant marijuana use as term of his probation.

Reversed.

West Headnotes (13)

[1] **Criminal Law** 🔑 Mootness

Issue of whether a sentencing court could prohibit a defendant from using medical marijuana as a condition of probation, although

the defendant possessed a valid medical marijuana registration card, was one of public significance that was likely to recur yet evade judicial review, given relatively short timeline involved in probation cases compared with often sluggish pace of appellate process, and thus appellate review was warranted of defendant's claim that revoking his probation upon use of medical marijuana would be in violation of Michigan Medical Marijuana Act (MMMA), a claim that was otherwise rendered moot by ending of defendant's one-year term of probation. [Mich. Comp. Laws Ann. § 333.26421 et seq.](#)

[2] **Criminal Law** 🔑 Mootness

An issue is moot when an event occurs that renders it impossible for the reviewing court to fashion a remedy to the controversy.

[3] **Criminal Law** 🔑 Mootness

Generally a court will not decide moot issues, but if an issue is one of public significance that is likely to recur, yet evade judicial review, it is justiciable.

[4] **Criminal Law** 🔑 Grant of probation or supervised release

A trial court's decision setting the terms of probation is reviewed for an abuse of discretion, which occurs only when the decision falls outside the principled range of outcomes.

[5] **Criminal Law** 🔑 Review De Novo

Court of Appeals reviews de novo whether the trial court properly interpreted and applied the Michigan Medical Marijuana Act (MMMA). [Mich. Comp. Laws Ann. § 333.26421 et seq.](#)

[6] **Controlled Substances** 🔑 Medical or therapeutic use

Intent of the electors governs the interpretation of voter-initiated statutes such as the Michigan

Medical Marijuana Act (MMMA), just as the intent of the Legislature governs the interpretation of legislatively enacted statutes.

medical use of marijuana. *Mich. Comp. Laws Ann.* §§ 333.26421 et seq., 771.3.

1 Case that cites this headnote

[7] **Constitutional Law** 🔑 Wisdom

Controlled Substances 🔑 Purpose and construction in general

When interpreting voter-initiated statutes such as the Michigan Medical Marijuana Act (MMMA), the best evidence of the intent of the electors is the plain language used, and courts do not evaluate the wisdom of any statute or act. *Mich. Comp. Laws Ann.* § 333.26421 et seq.

[11] **Controlled Substances** 🔑 Medical or therapeutic use

Sentencing and

Punishment 🔑 Construction, operation, and compliance

A condition of probation prohibiting the use of medical marijuana that is otherwise used in accordance with the Michigan Medical Marijuana Act (MMMA) is directly in conflict with the MMMA and is impermissible. *Mich. Comp. Laws Ann.* §§ 333.26421 et seq., 771.3.

[8] **Controlled Substances** 🔑 Medical or therapeutic use

Sentencing and Punishment 🔑 Validity

Defendant could not be prohibited from Michigan Medical Marijuana Act (MMMA)-compliant marijuana use as term of his probation; defendant had medical marijuana registration card and was authorized to use medical marijuana under MMMA. *Mich. Comp. Laws Ann.* §§ 333.26424(a), 771.3.

[12] **Controlled Substances** 🔑 Medical or therapeutic use

Sentencing and

Punishment 🔑 Construction, operation, and compliance

Revocation of probation upon Michigan Medical Marijuana Act (MMMA)-compliant use of marijuana constitutes a “penalty” under MMMA statute providing protection from penalty for qualifying patients who have been issued and possess registry identification card for medical use of marijuana in accordance with the MMMA, and therefore a court cannot revoke probation upon use of medical marijuana that otherwise complies with terms of MMMA; MMMA immunizes persons from being subject to penalty of any kind for lawful use of medical marijuana, and, because probation is a privilege, revocation of probation is a penalty or denial of a privilege. *Mich. Comp. Laws Ann.* § 333.26424(a).

1 Case that cites this headnote

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[9] **Controlled Substances** 🔑 Conflicting laws and regulations; preemption

A statute or provision of a statute that conflicts with a defendant's right to Michigan Medical Marijuana Act (MMMA)-compliant use of marijuana is preempted or superseded by the MMMA. *Mich. Comp. Laws Ann.* §§ 333.26427(a), 333.26427(e).

[10] **Controlled Substances** 🔑 Conflicting laws and regulations; preemption

Sentencing and

Punishment 🔑 Construction, operation, and compliance

Provisions of Michigan Probation Act that are inconsistent with the Michigan Medical Marijuana Act (MMMA) do not apply to the

[13] **Constitutional Law** 🔑 Avoidance of constitutional questions

When possible Court of Appeals must interpret statutes to avoid constitutional issues.

West Codenotes

Limitation Recognized

Mich. Comp. Laws Ann. §§ 257.625(8), 771.3

****348** Grand Traverse Circuit Court, LC No. 2020-035330-AR, [Thomas G. Power, J.](#)

Attorneys and Law Firms

[Michael A. Komorn](#), Southfield, for defendant.

Before: [Cavanagh, P.J.](#), and [Servitto](#) and [Cameron, JJ.](#)

Opinion

[Cavanagh, P.J.](#)

***37** Defendant appeals by leave granted¹ the circuit court's order denying defendant's application for leave to appeal the district court's denial of his motion to allow him to use medical marijuana while on probation. We reverse the district court's order denying defendant's motion to modify the terms of his probation to allow him to use medical marijuana.

I. FACTS

38** On June 25, 2019, defendant was involved in a road-rage incident for which he was charged with assault and battery, [MCL 750.81](#). He ultimately pleaded guilty and was sentenced to one year of probation. As a condition of probation, defendant was not to use marijuana, including medical marijuana. Defendant moved to modify the terms of his probation to allow him to use medical marijuana. The district court held a hearing on defendant's motion, during which defendant argued that a person authorized to use medical marijuana under the Michigan Medical Marijuana Act (the MMMA), [MCL 333.26421 et seq.](#),² is entitled to special protections, including protection from arrest, prosecution, or penalty of any kind.³ The prosecution argued that the district court had the ability to place restrictions on a defendant's medication. The district court denied defendant's motion to modify the terms of his probation, *349** holding that it was “bound by the Circuit Court, their appellate jurisdiction and their directive to us that we not allow [probationers to use medical marijuana].” The district court stated that it had the authority to place restrictions on

medication and that the restriction was appropriate in this case.

Following the district court's decision, defendant filed an application for leave to appeal in the circuit court. Defendant argued that “[t]he revocation of probation ... upon the use of medical marijuana constitutes ***39** the imposition of a penalty” in violation of [MCL 333.26424\(a\)](#)⁴ of the MMMA. Defendant also argued that [MCL 333.26427\(e\)](#) of the MMMA overrides Michigan's probation act, [MCL 771.1 et seq.](#), thus prohibiting the imposition of such a condition. The circuit court denied leave to appeal, and this appeal followed.

II. MOOTNESS

[1] [2] [3] On December 20, 2019, defendant was sentenced to one year of probation, which included the condition that defendant not use marijuana, including medical marijuana. Thus, defendant's term of probation likely ended on December 20, 2020. “An issue is moot when an event occurs that renders it impossible for the reviewing court to fashion a remedy to the controversy.” [People v. Cathey](#), 261 Mich. App. 506, 510, 681 N.W.2d 661 (2004). And generally a court will not decide moot issues. [People v. Richmond](#), 486 Mich. 29, 34, 782 N.W.2d 187 (2010). But if an “issue is one of public significance that is likely to recur, yet evade judicial review,” it is justiciable. *Id.* (quotation marks and citation omitted). We conclude that such is the case here. As our Supreme Court in [People v. Vanderpool](#), 505 Mich. 391, 397 n. 1, 952 N.W.2d 414 (2020), explained: “[T]he relatively short timelines involved in probation cases compared with the often sluggish pace of the appellate process might make this situation one that is capable of repetition, yet evading review.” The issue whether a sentencing court can prohibit a defendant from using medical marijuana as a condition of probation when the defendant possesses a valid medical ***40** marijuana registration card is one of public significance that is likely to recur yet evade judicial review.

III. ANALYSIS

A. STANDARD OF REVIEW

[4] A trial court's decision setting the terms of probation is reviewed for an abuse of discretion, [People v. Malinowski](#), 301 Mich. App. 182, 185, 835 N.W.2d 468 (2013), which

occurs only when the decision “falls outside the range of reasonable and principled outcomes,” *People v. Franklin*, 500 Mich. 92, 100, 894 N.W.2d 561 (2017) (quotation marks and citation omitted).

[5] [6] [7] “This Court reviews de novo whether the trial court properly interpreted and applied the Medical Marijuana Act.” *People v. Anderson (On Remand)*, 298 Mich. App. 10, 14-15, 825 N.W.2d 641 (2012). “[T]he intent of the electors governs the interpretation of voter-initiated statutes such as the MMMA, just as the intent of the Legislature governs the interpretation of legislatively enacted statutes.” *Ter Beek v. Wyoming*, 495 Mich. 1, 8, 846 N.W.2d 531 (2014). “The best evidence of that intent is the plain language used, and courts do not evaluate the wisdom of any statute or act. Statutes are read as a whole, and we give every word ... meaning.” **350 *People v. Latz*, 318 Mich. App. 380, 383, 898 N.W.2d 229 (2016) (quotation marks and citations omitted; alteration in original). “If the statutory language is clear and unambiguous, the inquiry stops.” *Id.* (quotation marks and citation omitted).

B. MICHIGAN MEDICAL MARIJUANA LAW

The MMMA provides that “[t]he medical use of marijuana is allowed under state law to the extent that it is carried out in accordance with the provisions of *41 this act,” MCL 333.26427(a), and “[a]ll other acts and parts of acts inconsistent with this act do not apply to the medical use of marijuana as provided for by this act,” MCL 333.26427(e). The immunity provision of the MMMA, MCL 333.26424(a), provides, in pertinent part, that “[a] qualifying patient who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this act”

It is an issue of first impression for this Court whether the revocation of probation because of the use of medical marijuana contrary to a condition of probation constitutes a “penalty” under § 4(a) of the MMMA, making it a violation of the MMMA. However, in several cases not involving conditions of probation, the Michigan Supreme Court and this Court have concluded that the MMMA preempts or supersedes ordinances and statutes that conflict with the MMMA.

In *Ter Beek*, for example, the city of Wyoming adopted a zoning ordinance that prohibited any uses of marijuana contrary to federal, state, or local law. *Ter Beek*, 495 Mich. at 5-6, 846 N.W.2d 531. And because the federal controlled substances act (the CSA), 21 USC 801 *et seq.*, considers marijuana an unlawful controlled substance, its use was prohibited in the city. *Id.* at 9-10, 846 N.W.2d 531. But the plaintiff, who lived in that city, possessed a medical marijuana registration card and sought to grow and use medical marijuana in his home in accordance with the MMMA. *Id.* at 6, 846 N.W.2d 531. The plaintiff sought a declaratory judgment that the ordinance was preempted by the MMMA because it penalized the plaintiff’s use of medical marijuana *42 contrary to § 4(a) of the MMMA. *Id.* at 6-7, 846 N.W.2d 531. Our Supreme Court agreed with the plaintiff, holding that § 4(a) of the MMMA—the immunity provision—was not preempted by the CSA, *id.* at 19, 846 N.W.2d 531, and that to the extent the city’s ordinance conflicted with § 4(a) of the MMMA, it was preempted by the MMMA, *id.* at 24, 846 N.W.2d 531. The Court noted that although the MMMA does not define the term “penalty,” the “term is commonly understood to mean a ‘punishment imposed or incurred for a violation of law or rule ... something forfeited.’ ” *Id.* at 20, 846 N.W.2d 531, quoting *Random House Webster’s College Dictionary* (2000). And the ordinance impermissibly penalized qualifying patients for engaging in MMMA-compliant marijuana use by subjecting them to civil punishment; thus, it was preempted. *Ter Beek*, 495 Mich. at 20-21, 846 N.W.2d 531.

In *People v. Koon*, 494 Mich. 1, 8-9, 832 N.W.2d 724 (2013), our Supreme Court held that the MMMA supersedes MCL 257.625(8) of the Michigan Vehicle Code, MCL 257.1 *et seq.*, which “prohibits a person from driving with any amount of marijuana in his or her system,” *id.* at 5, 832 N.W.2d 724. The *Koon* Court asserted that “[t]he immunity from prosecution provided **351 under the MMMA to a registered patient who drives with indications of marijuana in his or her system but is not otherwise under the influence of marijuana inescapably conflicts with the Michigan Vehicle Code’s prohibition against a person driving with any amount of marijuana in his or her system.” *Id.* at 7, 832 N.W.2d 724. The Court noted:

When the MMMA conflicts with another statute, the MMMA provides that “[a]ll other acts and parts of acts inconsistent with [the MMMA] do not apply to the medical use of marihuana” Consequently, the Michigan Vehicle Code’s zero-tolerance provision, MCL 257.625(8), which is inconsistent with the MMMA, does not apply to the

medical use of marijuana. [*Id.* at 7, 832 N.W.2d 724, quoting MCL 333.26427(e).]

*43 Accordingly, the Court concluded, “the MMMA is inconsistent with, and therefore supersedes, MCL 257.625(8) unless a registered qualifying patient loses immunity because of his or her failure to act in accordance with the MMMA.” *Koon*, 494 Mich. at 8-9, 832 N.W.2d 724.

Similarly, in *Latz*, the defendant pleaded guilty to illegal transportation of marijuana, MCL 750.474, subject to his right to challenge the legality of that statute as conflicting with the MMMA. *Latz*, 318 Mich. App. at 382-383, 898 N.W.2d 229. The defendant possessed a valid medical marijuana registration card. *Id.* at 384 n. 2, 898 N.W.2d 229. And the MMMA expressly defines the medical use of marijuana as including the transportation of marijuana. *Id.* at 387, 898 N.W.2d 229, quoting MCL 333.26423(h). This Court asserted that “if another statute is inconsistent with the MMMA such that it punishes the proper use of medical marijuana, the MMMA controls, and the person properly using medical marijuana is immune from punishment.” *Id.* at 385, 898 N.W.2d 229. Thus, MCL 750.474—which generally prohibits the transportation of marijuana in a motor vehicle unless it is enclosed in a case in the trunk or, if there is no trunk, in a case not readily accessible from the interior of the vehicle—impermissibly conflicts with the MMMA. *Id.* at 383-384, 387, 898 N.W.2d 229. MCL 750.474 “unambiguously seeks to place additional requirements on the transportation of medical marijuana beyond those imposed by the MMMA” and “subjects persons in compliance with the MMMA to prosecution despite that compliance.” *Id.* at 387, 898 N.W.2d 229. Accordingly, the *Latz* Court concluded, MCL 750.474 is impermissible, and an “MMMA-compliant medical-marijuana patient ... cannot be prosecuted for violating it.” *Id.*

C. MEDICAL MARIJUANA LAWS OF OTHER STATES

Other states that have similar medical marijuana laws have held that probation terms prohibiting the *44 use of medical marijuana in compliance with medical marijuana laws are unenforceable and illegal under those laws. In *Reed-Kaliher v. Hoggatt*, 237 Ariz. 119, 121, 347 P.3d 136 (2015), for example, the defendant was a “registered qualifying patient” under Ariz. Rev. Stat. Ann. 36-2801 of the Arizona Medical Marijuana Act (the AMMA). While the defendant was on probation, his probation officer added a condition to his probation prohibiting him from using marijuana for any

reason. *Id.* The defendant sought relief in the superior court of Arizona, arguing that the “AMMA's immunity provision, A.R.S. § 36–2811(B), shield[ed] him from prosecution, revocation of probation, or other punishment for his possession or use of medical marijuana.”⁵ *Id.* The Arizona superior court denied the defendant's motion.

**352 Subsequently, the Arizona Supreme Court considered the AMMA's application to probationers, noting that “[b]ecause marijuana possession and use are otherwise illegal in Arizona, A.R.S. § 13–3405(A), the drafters sought to ensure that those using marijuana pursuant to AMMA would not be penalized for such use.” *Id.* at 122, 347 P.3d 136. The court further stated that the “AMMA broadly immunizes qualified patients, carving out only narrow exceptions from its otherwise sweeping grant of immunity against ‘penalty in any manner, or denial of any right or privilege.’ ” *Id.*, quoting Ariz. Rev. State Ann. 36-2811(B). And it was uncontested that the defendant was a registered qualifying patient. *Id.* Further, the court noted, probation was a privilege, *45 and its revocation was a penalty. *Id.* Thus, a probationary term that prohibited a qualified patient from using medical marijuana pursuant to the terms of the AMMA would constitute the denial of a privilege. *Id.* “Nor may a court impose such a condition or penalize a probationer by revoking probation for such AMMA-compliant use, as that action would constitute a punishment.” *Id.*

The Arizona Supreme Court in *Reed-Kaliher* also considered the relationship between the AMMA and Arizona's probation act. The court noted that when granting probation, a trial court only has the authority granted by Arizona's statutes, and “[i]n this case, an Arizona statute, AMMA, precludes the court from imposing any penalty for AMMA-compliant marijuana use.” *Id.* The court further concluded that “[w]hile the State can and should include reasonable and necessary terms of probation, it cannot insert illegal ones.” *Id.* at 122-123, 347 P.3d 136. The court acknowledged that the state has authority to “prohibit a wide range of behaviors, even those that are otherwise legal, such as drinking alcohol or being around children,” but “it cannot impose a term that violates Arizona law.” *Id.* at 123, 347 P.3d 136. Thus, the Arizona Supreme Court concluded, “any probation term that threatens to revoke probation for medical marijuana use that complies with the terms of AMMA is unenforceable and illegal under AMMA.” *Id.*

Similarly, the appellate courts in Oregon have held that sentencing courts may not impose probation conditions that

conflict with a defendant's rights under the Oregon Medical Marijuana Act. See, e.g., *State v. Miller*, 299 Or. App. 515, 516-517, 450 P.3d 578 (2019); *State v. Rhamy*, 294 Or. App. 784, 785, 431 P.3d 103 (2018); *State v. Bowden*, 292 Or. App. 815, 818-819, 425 P.3d 475 (2018).

46** Likewise, in *Gass v. 52nd Judicial Dist., Lebanon Co.*, — Pa. —, —, 232 A.3d 706, 709 (2020), the plaintiffs filed a class-action suit seeking declaratory and injunctive relief, challenging a judicial district's policy that prohibited all probationers from using medical marijuana regardless of whether they possessed a medical marijuana card under Pennsylvania's Medical Marijuana Act (the MMA). The plaintiffs argued that the judicial district's policy violated the immunity provision of the MMA, *id.* at —, 232 A.3d at 710, which provides that no such patient “shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, ... solely for lawful use of medical marijuana,” *id.* at —, 232 A.3d at 708, quoting 35 Pa. Cons. Stat. § 10231.2103(a). *353** The court recognized that probation was a privilege and its revocation on account of lawful medical marijuana use could be considered a punishment or the denial of a privilege. *Gass*, — Pa. at —, 232 A.3d at 713. Thus, the Pennsylvania Supreme Court held, the judicial district's policy “fails to afford sufficient recognition to the status of a probationer holding a valid medical marijuana card as a patient, entitled to immunity from punishment, or the denial of any privilege, solely for lawful use.” *Id.* at —, 232 A.3d at 715. Accordingly, the court granted the petition for declaratory and injunctive relief on the ground that the judicial district's policy was contrary to the immunity accorded by the MMA and could not be enforced. *Id.* at —, 232 A.3d at 715.

D. APPLICATION

[8] We conclude that provisions of Michigan's probation act that allow a court to prohibit a probationer's MMMA-compliant use of marijuana impermissibly conflict with [MCL 333.26427\(a\)](#) and [\(e\)](#) of the MMMA and ***47** are unenforceable. Further, the revocation of probation because of MMMA-compliant use of marijuana constitutes a “penalty” in violation of [MCL 333.26424\(a\)](#) of the MMMA.

[9] **[10]** **[11]** We first address [MCL 333.26427\(a\)](#) and [\(e\)](#) of the MMMA. There is no dispute that defendant had a medical marijuana registration card. There is no indication that defendant used marijuana in violation of the MMMA. Thus, defendant was authorized to use medical marijuana

under [MCL 333.26427\(a\)](#). Further, as illustrated by the plain language of [MCL 333.26427\(a\)](#) and [\(e\)](#) as well as the holdings in *Ter Beek*, *Koon*, and *Latz*, a statute or provision of a statute that conflicts with a defendant's right to MMMA-compliant use of marijuana is preempted or superseded by the MMMA. Michigan's probation act permits a court to impose multiple conditions of probation on a defendant under [MCL 771.3](#). However, provisions of the probation act that are inconsistent with the MMMA do not apply to the medical use of marijuana. In other words, a condition of probation prohibiting the use of medical marijuana that is otherwise used in accordance with the MMMA is directly in conflict with the MMMA and is impermissible.

[12] We also conclude that the revocation of probation because of MMMA-compliant use of marijuana constitutes a “penalty” under [MCL 333.26424\(a\)](#) of the MMMA. The MMMA is substantially similar to the medical marijuana acts adopted in other states, including those discussed in this opinion, and immunizes persons from being subject to a penalty of any kind for the lawful use of medical marijuana. And like other states, Michigan has also recognized probation as a privilege. See, e.g., ***48** *People v. Terminelli*, 68 Mich. App. 635, 637, 243 N.W.2d 703 (1976) (stating that “probation is a privilege, the granting of which rests within the discretion of the trial court”). See also *People v. Breeding*, 284 Mich. App. 471, 479-480, 772 N.W.2d 810 (2009) (“Probation is a matter of grace, not of right, and the trial court has broad discretion in determining the conditions to impose as part of probation.”); *People v. Johnson*, 210 Mich. App. 630, 633, 534 N.W.2d 255 (1995) (“A sentence of probation is an alternative to confining a defendant in jail or prison and is granted as a matter of grace in lieu of incarceration.”). Because probation is a privilege, the revocation of probation is a penalty or the denial of a privilege. Under [MCL 333.26424\(a\)](#), a person is protected from penalty in any manner, or denial of any right or privilege, for the lawful use of medical marijuana. Therefore, a court cannot revoke probation because of a person's ****354** use of medical marijuana that otherwise complies with the terms of the MMMA. We note, however, that the MMMA is inapplicable to the recreational use of marijuana, and thus, a trial court may still impose probation conditions related to the recreational use of marijuana and revoke probation for such recreational use as well as for marijuana use in violation of the MMMA. Accordingly, the district court erred by prohibiting defendant from MMMA-compliant marijuana use as a term of his probation; defendant's motion to modify the terms of

his probation to allow him to use medical marijuana should have been granted.

Reversed. We do not retain jurisdiction.

[13] Defendant also argues that the court's limitation on his right to use medical marijuana as a term of probation violates his due-process rights. However, when possible, this Court “must interpret statutes to avoid constitutional issues.” *People v. Anderson*, 330 Mich. App. 189, 198 n. 5, 946 N.W.2d 825 (2019). In light *49 of our resolution of this matter, we need not address defendant's constitutional issues.

Servitto and *Cameron*, JJ., concurred with *Cavanagh*, P.J.

All Citations

336 Mich.App. 35, 969 N.W.2d 346

Footnotes

- 1 See *People v. Thue*, unpublished order of the Court of Appeals, entered September 29, 2020 (Docket No. 353978).
- 2 Although the statutory provisions of the MMMA use the spelling “marihuana,” we use the conventional spelling “marijuana” in this opinion. See *People v. Jones*, 301 Mich. App. 566, 569 n. 1, 837 N.W.2d 7 (2013).
- 3 There is no dispute that defendant had a valid medical marijuana registration card during all relevant times.
- 4 In cases cited later in this opinion, MCL 333.26424(a) of the MMMA is occasionally referred to as “§ 4,” and MCL 333.26427 is occasionally referred to as “§ 7.”
- 5 The *Reed-Kaliher* Court noted that under *Ariz. Rev. Stat. Ann. 36-2811(B)*, “ ‘[a] registered qualifying patient ... is not subject to arrest, prosecution or penalty in any manner, or denial of any right or privilege ... [f]or ... medical use of marijuana pursuant to [AMMA],’ as long as the patient complies with statutory limits on quantity and location of marijuana use.” *Reed-Kaliher*, 237 *Ariz.* at 121, 347 P.3d 136, quoting *Ariz. Rev. Stat. Ann. 36-2811(B)*.