

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

v

CR 2012-240981-FH
HON. COLLEEN A. O'BRIEN

RICHARD LEE HARTWICK,
Defendant.

JESSICA R. COOPER (P23242)
OAKLAND COUNTY PROSECUTING ATTORNEY
1200 NORTH TELEGRAPH
PONTIAC, MI 48341

FREDERICK J. MILLER (P41207)
837 S. LAPEER RD. SUITE 102
OXFORD, MI 48371
ATTORNEY FOR DEFENDANT

ORDER

At a session of said Court held in the Courthouse,
City of Pontiac, County of Oakland, State of Michigan,
on this 18th day of July, 2012 .

PRESENT: HONORABLE COLLEEN A. O'BRIEN
CIRCUIT COURT JUDGE

This matter having come on for argument in open Court upon the motion of Defendant, the Court having heard the arguments of counsel; having presided over the evidentiary hearing conducted this date; having heard the testimony of Defendant's sole

who was the Defendant himself; and the Court being otherwise fully advised in the premises;

IT IS THEREFORE ORDERED:

That the Defendant has failed to demonstrate by competent evidence at the evidentiary hearing that he is entitled to immunity from prosecution under section 4 of the Michigan Medical Marijuana Act; and,

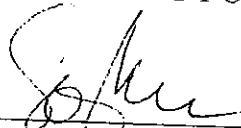
That the Defendant has failed to meet his burden under section 8 of the Michigan Medical Marijuana Act, and his motion to dismiss is DENIED; further, Defendant is precluded from asserting the section 8 affirmative defense at his jury trial because he has failed to produce prima facie evidence of all of the elements of the section 8 affirmative defense at the evidentiary hearing conducted July 18, 2012; and,

That the Defendant's motion to stay the proceedings to file an application for leave to appeal this Court's ruling is hereby GRANTED.

COLLEEN A. O'BRIEN

HON. COLLEEN A. O'BRIEN
CIRCUIT COURT JUDGE

APPROVED AS TO FORM:


Shannon O'Brien (P 53067)
Assistant Prosecuting Attorney

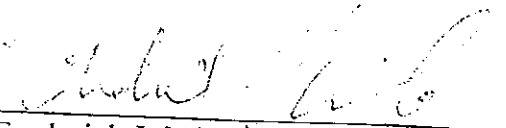
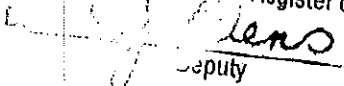

Frederick J. Miller (P 41207)
Attorney for Defendant

EXHIBIT COPY
FREDERICK J. MILLER, JR.
Clerk of Circuit Court, Register of Deeds

Deputy