

STATE OF MICHIGAN
IN THE 72ND DISTRICT COURT FOR THE COUNTY OF ST. CLAIR

STATE OF MICHIGAN,

Plaintiff,

Vs.

Case No. 14P08007FY

GINNIFER LYN HENCY,

Defendants.

OPINION AND ORDER

As to the charges of Possession with Intent to Deliver by Ginnifer Lyn Hency, there is sufficient evidence to believe that she intended to deliver the six ounces of marijuana she had in her backpack when she arrived at the 5287 Lapeer Road address in exchange for a like amount to be delivered to her by Dale Shattuck. There is no evidence that would be admissible against Dale Shattuck that he knew of Hency's intentions or that he participated in any plan to make such a swap. The court is of the opinion that the violation is *de minimus*. The sequence would be as follows: Two people each have legal possession of six ounces of marijuana. They trade those amounts so that each now possesses six ounces of marijuana, an amount that would be legally held based on caregiver cards each held and the patient cards assigned to each of them. While arguably the act of exchanging the amounts held would constitute a delivery, the court is of the opinion that under these conditions the mutual delivery was not a change in position such as there would be in an exchange of an amount of marijuana for money or any other tangible asset.

The court is aware of the potential argument that the delivery would have been in each direction to a person not in an MMMA card relationship with the other. The court is also cognizant of the potential argument that

since the object of the exchange was to obtain a different strain of marijuana by each, there would be a resultant change of position. However, without further evidence the latter two arguments do not overcome the *de minimus* result of the exchange. The charge is, therefore, dismissed.

Count 2 as to Ginnifer Lyn Hency: there is no evidence admissible against any other defendant indicating that any of them knew of Hency's intention. The count is, therefore, dismissed.

SUMMARY

Dale Thomas Shattuck:

- Count 1 - Bound over
- Count 2 - Dismissed
- Count 3 - Bound over
- Count 4 - Dismissed
- Count 5 - Bound over
- Count 6 - Dismissed

Annette Marie Shattuck:

- Count 1 - Bound over
- Count 2 - Dismissed
- Count 3 - Bound over
- Count 4 - Dismissed
- Count 5 - Bound over
- Count 6 - Dismissed

Ginnifer Lyn Hency

- Count 1 - Dismissed
- Count 2 - Dismissed

May 18, 2015


DAVID C. NICHOLSON, District Judge