



February 6, 2018

House Judiciary Committee

Re: Testimony In Support Of House Bill 4158 (2018)

Dear Committee,

The paragraphs below reference documents regarding our client's cases, copies of which are available at the committee's request. The cases referenced are studies in abuse of civil forfeiture actions against medical marijuana patients and their caregivers, and are submitted to the committee to consider in support of this bill.

001 Fisher Leslie Fisher opinion on motion to quash bindover and dismissal of all charges/Steven Fisher Section 8 opinion and dismissal of charges – all charges were dismissed against Leslie Fisher because there was no probable cause to bind her over on the felony charges, and all charges dismissed against Steven Fisher pursuant to section 8 of the Michigan Medical Marihuana Act.

002 Fisher Opinion and order on Judicial Disqualification Motion – Prosecutor moved to disqualify Judge Chamberlain from hearing the claimants' summary disposition motion in the related forfeiture case, Judge Chamberlain denied it.

003 Fisher Prosecutor Delayed Application for Leave to Appeal/Order of Denial – the prosecutor appealed the de novo review of Judge Chamberlain's disqualification, which was denied by the Court of Appeals on the merits.

004 Fisher Summary Disposition Granted – After the Prosecutor's failed disqualification, and subsequent appeal, Judge Chamberlain granted the claimant's Summary Disposition motion, ordering the return of all seized property.

005 Fisher property lists – Despite Judge Chamberlain's order to return all seized property in the case, the Prosecutor has retained the grow equipment, firearms, and marijuana in continued violation of the Court's order.

006 Hamann Register of Actions - non-service dismissal of the complaint on 12/3/2015, and reinstatement done without notice to claimant almost two years later, 11/28/2017

007 Hamann Felony Complaint – defense counsel met with forfeiture prosecutor on 2/26/2017 to address the issue of property return due to the non-service dismissal, which counsel was not notified of when it happened on 12/3/2015. It seems the direct result of that meeting was a criminal complaint requested 3/10/2017, just two weeks later. The original incident date was 5/4/2015, again, almost two years of inaction and failure to provide notice and due process.

008 Murany Forfeiture Complaint – the forfeiture complaint was started months prior to the criminal charges, which were ultimately dismissed. The forfeiture case was used as a vehicle to obtain claimant's bank records, which were subpoenaed by Prosecutor shortly after the forfeiture complaint was filed.

009 Murany Subpoena for Bank Records

010 Murany Criminal Case Dismissals

011 Murany Order Granting Summary Disposition

012 Joslin Order of Dismissal – defendant was compelled to settle forfeiture, but charges were ultimately dismissed.

013 Joslin Forfeiture Settlement

Thank you,

Michael A. Komorn
Attorney and Counselor