RECEIVED by MSC 11/27/2024 2:45:50 PM

STATE OF MICHIGAN

IN THE SUPREME COURT

PEOPLE OF THE STATE
OF MICHIGAN,

Plaintiff-Appellee,

v

FREDDIE WILKINS, III,

Defendant-Appellant.

_____/

Michigan Supreme Court
No. 167737

Court of Appeals
No. 367209

Kent County Circuit
Court No. 23-02112-FH

PLAINTIFF-APPELLEE'S ANSWER IN OPPOSITION TO DEFENDANT-APPELLANT'S APPLICATION FOR LEAVE TO APPEAL TO THE MICHIGAN SUPREME COURT

Christopher R. Becker (P 53752)
Kent County Prosecuting Attorney

Kimberly M. Manns (P 67127)
Assistant Prosecuting Attorney

Business Address:
82 Ionia NW
Suite 450
Grand Rapids, MI 49503
(616) 632-6710

RECEIVED by MSC 11/27/2024 2:45:50 PM

Now comes the Plaintiff, the People of the State of Michigan, by Assistant Prosecuting Attorney Kimberly M. Manns, and in opposition to the Defendant-Appellant's Application for Leave to Appeal, which appears to contain the same arguments presented to the Court of Appeals, hereby incorporates those arguments set forth in Plaintiff-Appellee's Brief on Appeal, filed in the Court of Appeals, a copy of which is attached.

Both parties cite to *People v Armstong,* 344 Mich App 286, 300; 1 NW3d 299 (2022), which held in part that, after passage of the Michigan Regulation and Taxation of Marijuana Act (MRTMA), the smell of marijuana alone does not give rise to probable cause to search a vehicle; *Armstrong* remains pending on application in this Court following oral arguments on September 24, 2024.

For the reasons noted in the attached brief and the Court of Appeals' September 5, 2024 Opinion,[1] the People respectfully request that Defendant's application for leave to appeal be DENIED.

Respectfully submitted,

Christopher R. Becker (P 53752)
Kent County Prosecuting Attorney

Dated: November 27, 2024

By: //s// Kimberly M. Manns

Kimberly M. Manns (P 67127)
Assistant Prosecuting Attorney

[1] Attached to Defendant's Application.

I certify that this document, which includes the incorporated Plaintiff-Appellee's Brief on Appeal filed in the Court of Appeals, contains 3,627 countable words. The document is set in Georgia font, and the text is in 12-point type with 1.5-line spacing.

/s/ Kimberly M. Manns
Kimberly M. Manns (P67127)
Assistant Prosecuting Attorney

Kent County Prosecutor's Office
82 Ionia Avenue NW – Suite 450
Grand Rapids, MI 49503
(616) 632-6710
kimberly.manns@kentcountymi.gov

November 27, 2024

RECEIVED by MSC 11/27/2024 2:45:50 PM