



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. RODNEY CHRISTOPHER JONES**  
CR-18-0370-PR

**PARTIES:**

*Petitioner:* Rodney Christopher Jones  
*Respondent:* The State of Arizona  
*Amici Curiae:*

**(In support of petitioner Jones)**

- >Arizona Attorneys for Criminal Justice and National Organization for Reform of Marijuana Laws
- >Will Humble, former Director, Arizona Department of Health Services
- >Kevin Singer, Court-Appointed Receiver for Green Hills Patient Center
- >Qualified Medical Marijuana Patients and Caregivers
- >Physicians Berman, M.D. and Singer M.
- >MPX Bioceutical
- > Arizona Dispensaries Association
- >Jennifer Welton and Alex Lane

**(In support of respondent State)**

- >Arizona Prosecuting Attorneys Advisory Council

**FACTS:**

In 2012, Rodney Jones was issued a medical marijuana card from the Department of Health Services as a registered qualifying patient using marijuana for medicinal purposes (“RQP”). As a RQP, he was immunized under A.R.S. § 36-2811(B)(1) of the Arizona Medical Marijuana Act (“AMMA”) from prosecution for the use of “marijuana” for medicinal purposes and was presumed to be using marijuana for such purposes if he did not possess more than the allowable amount, 2.5 ounces. A.R.S. § 36-2811(A)(1).

“Marijuana” is defined under the AMMA as “all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant.” A.R.S. § 36-2801(8).

In contrast, A.R.S. § 13-3405 of the Arizona Criminal Code proscribes the use and possession of “**marijuana**,” which is defined in A.R.S. § 13-3401(19) as “all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant” (emphasis supplied).

A.R.S. § 13-3408 of the Arizona Criminal Code proscribes the use and possession of “**narcotic drugs**,” which category includes “**cannabis**” under A.R.S. § 13-3401(20). “**Cannabis**”

is defined in the Criminal Code separately from “**marijuana**” as meaning “the following substances under whatever names they may be designated: (a) [t]he resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin.” A.R.S. § 13-3401 (4) (emphasis supplied). Use and possession of “cannabis” is punished more severely than use and possession of “marijuana.” See A.R.S. §§ 13-3405, 13-3408.

In March 2013, Jones was found in possession of 0.05 ounces of hashish. Hashish is the resin extracted from the marijuana plant. *State v. Bollander*, 110 Ariz. 84, 87 (1973). The grand jury indicted Jones for possession of the narcotic drug cannabis and possession of drug paraphernalia—the jar containing the cannabis.

Jones moved to dismiss the charges, arguing that the indictment was deficient as a matter of law because his AMMA card provided an absolute defense, as hashish was a mixture or preparation of the dried flower of a marijuana plant and fell within the definition of marijuana in A.R.S. § 36-2801(8) of the AMMA. The trial court denied the motion. Jones was found guilty and appealed his convictions.

In a 2–1 opinion, the Court of Appeals majority (Judges Thompson and Kleinschmidt) held that the AMMA did not immunize Jones from prosecution for the possession of hashish, affirming his convictions and sentences. Judge Jones, in dissent, reached a contrary conclusion. The Arizona Supreme Court granted review.

#### **ISSUE:**

AMMA immunizes patients from prosecution for their AMMA compliant use of “marijuana,” broadly defined in the Act as “all parts” of the plant without exception. Resin is one of the cannabis plant’s parts, regardless of extraction. Did Rodney commit felonies by acquiring 5/100ths of an ounce of resin from a dispensary and placing it in a jar?

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