



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. ANDRE LEE JUWAUN MAESTAS,
CR-17-0193-PR**

PARTIES:

Petitioner: State of Arizona

Respondent: Andre Lee Juwaun Maestas

Amici Curiae: Arizona Attorneys for Criminal Justice; Students for Sensible Drug Policy

FACTS:

Maestas was charged with possession of marijuana in his dorm room. He moved to dismiss the charge because he is a cardholder permitted to possess medicinal marijuana under Arizona’s Medical Marijuana Act (“AMMA”), *see* A.R.S. §§ 36-2801 to -2819. The State opposed dismissing the charge because A.R.S. § 15-108(A) prohibits cardholders from possessing medicinal marijuana on public college and university campuses. *See* A.R.S. § 15-108(A) (“In addition to the limitations prescribed in § 36-2802, subsection B, a person, including a cardholder as defined in § 36-2801, may not lawfully possess or use marijuana on the campus of any public university, college, community college or postsecondary educational institution.”). The superior court denied Maestas’s motion to dismiss and convicted him after a bench trial during which he admitted to possession.

The AMMA was enacted by voters. Voter-approved laws are subject to the Voter Protection Act (“VPA”) and may not be amended by the legislature “unless the amending legislation furthers the purposes” of the law. Ariz. Const. art. 4, pt. 1, § 1(6).

On direct appeal, the Arizona Court of Appeals held that A.R.S. § 15-108(A) is unconstitutional in violation of the VPA because it recriminalizes possession on public college and university campuses and that the statute does not further the purposes of the AMMA.

ISSUE:

Did the court of appeals err in holding that A.R.S. § 15–108(A), which adds public colleges and universities to the list of places, [sic] where possession or use of marijuana remains unlawful for registered cardholders under the Arizona Medical Marijuana Act (“AMMA”), did not “further the purposes” of the AMMA, as required under the Arizona Constitution?

This Summary was prepared by the Arizona Supreme Court Staff Attorneys’ Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.