

Court of Appeals, State of Michigan

ORDER

People of MI v Quinton James Shaffer

Docket No. 303583

LC No. 09-004820-FH

Stephen L. Borrello
Presiding Judge

William C. Whitbeck

Patrick M. Meter
Judges

The Court orders pursuant to MCR 7.205(D)(2) that in lieu of granting the delayed application for leave to appeal, the trial court's order imposing \$1000.00 in costs is VACATED, and this case is REMANDED to the trial court for a determination of whether the costs are allowable under *People v Dilworth*, ___ Mich App ___ (Docket No. 294785, January 25, 2011). "[C]osts of prosecution must bear some reasonable relation to the expenses actually incurred" and "may *not* include expenditures in connection with the maintenance and functioning of governmental agencies that must be borne by the public irrespective of specific violations of the law." *Id.* The court may impose or deny the costs, as appropriate, under *Dilworth*.

In all other respects, the delayed application for leave to appeal and the motion to remand are DENIED for lack of merit in the grounds presented.

This Court retains no further jurisdiction.

Borrello, P.J., would grant the delayed application for leave to appeal.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 26 2011

Date


Chief Clerk