

Court of Appeals, State of Michigan

ORDER

People of MI v Scott Aaron Mabrey

Docket No. 304128

LC No. 2011-000095 FH

Amy Ronayne Krause
Presiding Judge

Peter D. O'Connell

Donald S. Owens
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting defendant's delayed application for leave to appeal, the Court orders that the portion of the judgment sentence that requires defendant to serve an additional 185 days in jail if he fails to pay the fines and costs is VACATED. *People v Collins*, 239 Mich App 125, 135-136; 607 NW2d 760 (1999). Before enforcing the payment of costs, the trial court must conduct a hearing to determine whether defendant had the ability to pay. *People v Jackson*, 483 Mich 271; 769 NW2d 630 (2009).

In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

This order is given immediate effect pursuant to MCR 7.215(F)(2).

We do not retain jurisdiction.



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

JUN 14 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk