

Court of Appeals, State of Michigan

ORDER

People of MI v Kelly Fitzgerald Covington

Docket No. 317036

LC No. 12-004227 FH

Kathleen Jansen
Presiding Judge

Pat M. Donofrio

Deborah A. Servitto
Judges

In lieu of granting leave to appeal, and on the Court's own motion, this matter is REMANDED to the trial court for the limited purpose of correcting the judgment of sentence. At the sentencing hearing, the trial court ordered defendant to pay restitution "as a . . . condition of parole." Yet the judgment of sentence erroneously states that "[t]he due date for payment is [the] Date of Sentence." On remand, the trial court shall DELETE that portion of the judgment of sentence stating that "[t]he due date for payment is [the] Date of Sentence," and shall AMEND the judgment of sentence to specify that restitution is payable upon defendant's parole from prison. A copy of the amended judgment of sentence shall then be transmitted to the Department of Corrections.

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



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUL 31 2013

Date

Jerome W. Zimmer Jr.
Chief Clerk