

Court of Appeals, State of Michigan

ORDER

People of MI v Joshua Michael Koonce

Docket No. 320361

LC No. 13-021168-FH

Michael J. Kelly
Presiding Judge

Patrick M. Meter

Donald S. Owens
Judges

The Court orders that the motion to remand is DENIED because it would be imprudent to remand the case at this time for further proceedings as to the issue raised in the motion. We note that, after the filing of the motion to remand, the Michigan Supreme Court entered a peremptory order in *People v Holbrook*, ___ Mich ___; ___ NW2d ___ (Docket No. 149005, decided September 19, 2014), that remanded that case to this Court to consider whether the trial court's imposition of a \$750 fine was improper in light of *People v Cunningham*, 496 Mich 145; 852 NW2d 118 (2014), and, if so, whether imposition of that fine constitutes plain error affecting the defendant's substantial rights. The denial of the present motion to remand is without prejudice to defendant filing a subsequent motion to remand regarding the \$600 in court costs imposed by the trial court in this case if there is further development in published Michigan appellate case law regarding the applicability of *Cunningham* to unpreserved claims of error.



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

OCT 14 2014

Date


Chief Clerk