

Court of Appeals, State of Michigan

ORDER

People of MI v Elbert Columbus Niten

Docket No. 323906

LC No. 13-021126 FH

Deborah A. Servitto
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the award of \$3000 costs in the February 10, 2014 judgment of sentence is VACATED. *People v Cunningham*, 496 Mich 145; 852 NW2d 118 (2014). The Court further orders that the portion of the February 14, 2014 order of probation which bars defendant from owning, possessing, or using any computer or device capable of connecting to the Internet is VACATED and the matter REMANDED to the circuit court for a hearing on whether those Internet restrictions are warranted, and, if so, for the court to tailor those internet restrictions to conform to the purpose behind the order of probation.

This Court retains no further jurisdiction.



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

DEC 11 2014

Date

Chief Clerk