

Court of Appeals, State of Michigan

ORDER

People of MI v Paul Doniver

Docket No. 331098

LC No. 09-002245-FC

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The motion to waive fees is GRANTED and fees are waived for this case only.

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the trial court's December 15, 2015 order is VACATED. The amended version of MCL 769.1k(iii) unequivocally requires that costs imposed on a criminal defendant who enters a plea of guilty be "reasonably related to the *actual* costs incurred by the trial court . . ." (Emphasis added). This requires a trial court to provide a factual basis for costs imposed on a criminal defendant. *People v Konopka (On Remand)*, 309 Mich App 345, 359-360; 869 NW2d 651 (2015). The trial court's order, however, contains no factual basis or reasoning for the costs imposed on defendant. Correspondence referring defendant to certain payment schedules complies neither with *Konopka* nor this Court's prior order remanding this case for further proceedings. *People v Doniver*, unpublished order of the Court of Appeals, entered October 21, 2015 (Docket No. 327746). This matter is therefore again REMANDED to the trial court for further proceedings to establish a factual basis for the costs imposed on defendant or to alter the amount, if appropriate, and to explain its decision in a written order. *Konopka*, 309 Mich App at 359-360. The trial court shall enter and serve its order on the parties within 21 days of the Clerk's certification of this order, and defendant is directed to file in this Court a copy of the trial court's order immediately upon receipt.

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

We retain jurisdiction.



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

AUG 03 2016

Date


Chief Clerk