

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Timothy Allan Gulley

Docket No. 333941

LC No. 2016-258162-FH

Michael J. Talbot  
Presiding Judge

Kirsten Frank Kelly

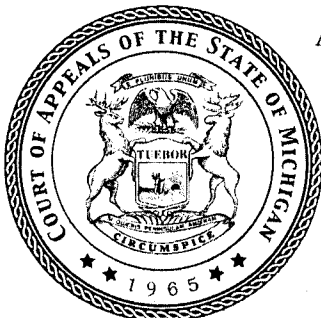
Cynthia Diane Stephens  
Judges

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The delayed application for leave to appeal is considered. In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), IT IS HEREBY ORDERED that with respect to the issue of court costs, this matter is remanded to the trial court for further proceedings. On remand, pursuant to *People v Konopka*, 309 Mich 345, 360; 869 NW2d 651 (2015), the trial court must “establish a factual basis for the \$500 in costs imposed under MCL 769.1k(1)(b)(iii), or . . . alter that figure, if appropriate.”

We further direct the trial court to strike the word “restitution” from the second page of the judgment of sentence. Defendant was not ordered to pay restitution.

We do not retain jurisdiction.



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

**AUG 24 2016**

Date

  
Chief Clerk