

Court of Appeals, State of Michigan

ORDER

People of MI v Timothy J Fitzgerald

Docket No. 341775

LC No. 2017-000374-FH

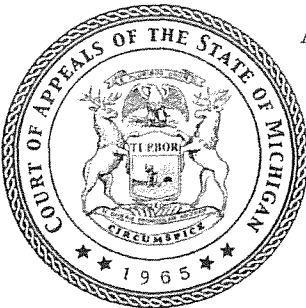
William B. Murphy
Presiding Judge

Jane E. Markey

Jane M. Beckering
Judges

The Court orders that the motion to remand for the appointment of appellate counsel is GRANTED and the trial court shall appoint appellate counsel for defendant-appellant within 14 days of the Clerk's certification of this order. The trial court erred in finding that defendant-appellant is not indigent for purposes of receiving the assistance of appointed counsel when he demonstrated that he was not financially able to retain counsel subsequent to being convicted. Even if defendant-appellant may have the ability to pay part of the cost of a lawyer, he is entitled to the appointment of counsel and the trial court may require that he contribute to the cost of providing counsel by establishing a plan for collecting the repayment. See *People v Bohm*, 393 Mich 129; 223 NW2d 291 (1974); MCR 6.005(C). The complete transcript shall also be provided at public expense.

Defendant-appellant must file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The timeline for the filing of defendant-appellant's brief shall commence on the date the last transcript is filed with the trial court.



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

FEB - 5 2018

Date

Chief Clerk