

Order

Michigan Supreme Court
Lansing, Michigan

November 20, 2013

Robert P. Young, Jr.,
Chief Justice

147437

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 147437
COA: 309277
Allegan CC: 11-017200-FH

FREDERICK LAWRENCE CUNNINGHAM,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 28, 2013 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether *People v Sanders*, 296 Mich App 710 (2012), and *People v Sanders (After Remand)*, 298 Mich App 105 (2012), correctly held that the Legislature's intent in authorizing an assessment of "[a]ny cost" under MCL 769.1k(1)(b)(ii) was to adopt a "reasonable flat fee" approach that does not require precision, and does not require separately calculating the costs involved in a particular case; (2) whether assessments of "court costs" are similar to, or interchangeable with, "costs of prosecution"; (3) whether the general principles set out in *People v Wallace*, 245 Mich 310 (1929), *People v Teasdale*, 335 Mich 1 (1952), and *People v Dilworth*, 291 Mich App 399 (2011), which dealt with statutory costs of prosecution and probation costs, have any applicability to an assessment pursuant to MCL 769.1k(1)(b)(ii); and (4) whether the Court of Appeals in this case properly applied *Sanders* to affirm the assessment of \$1,000 in court costs on the basis that it was reasonably related to the \$1,238.48 average actual cost per criminal case in Allegan Circuit Court, which included overhead costs and indirect expenses.

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 20, 2013


Clerk