

Court of Appeals, State of Michigan

ORDER

People of MI v Roger Lee Cable

Docket No. 277164

LC No. 06-000779-FH

Christopher M. Murray  
Presiding Judge

Kurtis T. Wilder

Brian K. Zahra  
Judges

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Pursuant to MCR 7.205(D)(2), the Court orders that, in lieu of granting leave to appeal, that part of the May 12, 2006 judgment of sentence that ordered defendant to pay \$400.00 in attorney fees is hereby VACATED. The circuit court lacked authority to require defendant to repay the costs of court-appointed counsel as part of the sentence imposed. *People v Dunbar*, 264 Mich App 240, 256 & n 15; 690 NW2d 476 (2004); *People v Nowicki*, 213 Mich App 383, 386-388; 539 NW2d 590 (1995). The matter is REMANDED to the circuit court to permit the court to reconsider its decision to order reimbursement in light of defendant's current and future financial circumstances and the constitutional principles espoused in *Dunbar, supra* at 252-256. If, in its discretion, the trial court determines that reimbursement is appropriate, it should establish the terms pursuant to which repayment is required in a separate order. *Id.* at 256.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 01 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk