

**Court of Appeals, State of Michigan**

**ORDER**

PEOPLE OF MI V GERALD DUANE DAY

Docket No. 277488

LC No. 06-000709-FH

Karen M. Fort Hood  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that that portion of the judgment of sentence requiring defendant to reimburse the county \$500 for his legal fees is 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*, 264, Mich App 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. *Dunbar*, 264, Mich App at 256.

We do not retain jurisdiction.



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

MAY 22 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk