Court of Appeals, State of Michigan

ORDER

People of MI v Frederick Andree Duck

Docket No. 279011

LC No. 06-003755-FH

David H. Sawyer
Presiding Judge

William B. Murphy

Joel P. Hoekstra
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal with regard to Issue II, the Court VACATES that portion of the May 2, 2007, judgment of sentence that directs defendant to pay for his court-appointed attorney, and REMANDS this matter to the sentencing court to consider its order directing defendant to reimburse the cost of his attorney in light of defendant's current and future financial circumstances and ability to pay. *People v Dunbar*, 264 Mich App 240, 251-256; 690 NW2d 476 (2004). At the court's discretion, the decision may be based on the record without need for a formal evidentiary hearing. If the court decides to order defendant to pay attorney fees, it shall do so in a separate order and not the judgment of sentence. *Id.* at 256; *People v Nowicki*, 213 Mich App 383, 386-388; 539 NW2d 590 (1995). In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

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

JUL 25 2007
Date

Sandra Schultz Mengel
Chief Clerk