

**Court of Appeals, State of Michigan**

**ORDER**

People of MI v Susan Alissa Finley

Docket No. 279033

LC No. 2006-003319-FH

Alton T. Davis  
Presiding Judge

Peter D. O'Connell

Donald S. Owens  
Judges

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The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

In lieu of granting the delayed application for leave to appeal, Judge O'Connell would order that the portion of the judgment of sentence requiring defendant to reimburse the county \$1025.00 for her legal fees be VACATED. Judge O'Connell believes that 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). Judge O'Connell would REMAND the matter 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. Judge O'Connell would leave it to the trial court's discretion as to whether reimbursement is appropriate and to establish the terms pursuant to which repayment would be required in a separate order. *Dunbar, supra* at 256.



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

AUG 14 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk