

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V ROBERT DAVIS

Docket No. 281350

LC No. 05-018433-01

E. Thomas Fitzgerald
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of defendant's order of probation assessing court costs and attorney fees and REMANDS the matter to the Wayne Circuit Court. The circuit court erred by ordering defendant to pay \$300 in court costs and \$200 in attorney fees without first assessing his ability to pay those costs. *People v Arnone*, 478 Mich 908; 732 NW2d 537 (2007); *People v DeJesus*, 477 Mich 996; 725 NW2d 669 (2007); *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004). On remand, the circuit court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for court costs and legal fees before determining whether he should pay those costs and fees.

In all other respects the delayed application for leave to appeal is DENIED on its merits.

This Court retains no further jurisdiction.



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

NOV 28 2007

Date

Sandra Schultz Mengel
Chief Clerk