

# Order

Michigan Supreme Court  
Lansing, Michigan

March 8, 2013

Robert P. Young, Jr.,  
Chief Justice

146140

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 146140  
COA: 311749  
Isabella CC: 2011-001635-FH;  
2011-001642-FH;  
2011-002495-FH;  
2011-001835-FH

FRANCIS EDWARDS PARKS,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the September 21, 2012 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J. (*concurring*).

I concur in the Court's order denying defendant's application for leave to appeal. I write separately, however, to reiterate the concerns I expressed in *People v Touchstone*, 483 Mich 947, 948-949 (2009) (MARKMAN, J., dissenting), regarding the imposition of supervision fees. MCL 771.3c(1) clearly provides that in "determining the amount of the fee, the court shall consider the probationer's projected income and financial resources." The table contained in MCL 771.3c(1) then proceeds to instruct that if a probationer's projected monthly income is less than \$250, the amount of such fee "shall" be zero dollars. There was evidence here that defendant had no income, and if that evidence was accurate, no fee should have been imposed. Yet, absent any explanation, the trial court assessed defendant a \$75 monthly fee. Accordingly, I believe the trial court erred. However, defendant did not object at sentencing or raise this issue in any postsentencing motion, and thus the issue is unreserved. For that reason alone, I concur in the Court's order denying defendant's application for leave to appeal.

MCCORMACK, J., joins the statement of MARKMAN, J.

VIVIANO, J., not participating.



p0305

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 8, 2013

*Corbin R. Davis*

Clerk