

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2014

147921-2

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

WILLIE HARPER,
Defendant-Appellant.

SC: 147921-2
COA: 308639; 309330
Wayne CC: 10-011140-FC;
10-010259-FH

Robert P. Young, Jr.,
Chief Justice

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

By order of February 28, 2014, the application for leave to appeal the September 5, 2013 judgment of the Court of Appeals was held in abeyance pending the decisions in *People v Earl* (Docket No. 145677) and *People v Cunningham* (Docket No. 147437). On order of the Court, *Earl* having been decided on March 26, 2014, 495 Mich 33 (2014), and *Cunningham* having been decided on June 18, 2014, 496 Mich 145 (2014), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion regarding the Wayne Circuit Court's assessment of court costs. We REMAND this case to the Court of Appeals for reconsideration of that issue and the related issue whether the defendant was denied the effective assistance of counsel because his trial counsel failed to object at sentencing to the imposition of court costs. On remand, the Court of Appeals shall hold this case in abeyance pending its decision in *People v Konopka* (Court of Appeals Docket No. 319913). After *Konopka* is decided, the Court of Appeals shall reconsider the defendant's issues in light of *People v Cunningham*, 496 Mich 145 (2014), and *Konopka*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Larry S. Royster, 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.

October 28, 2014


Clerk