Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V WILLIAM HENRY DENSON JR

Docket No. 317747

LC No. 08-000582-FH

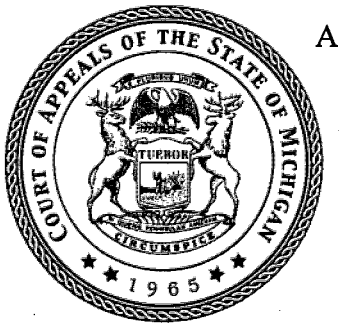
Deborah A. Servitto
Presiding Judge

Kathleen Jansen

Elizabeth L. Gleicher
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the March 27, 2013 judgment of sentence is VACATED and the matter REMANDED to the Ingham Circuit Court for resentencing. On resentencing the circuit court must assess defendant's ability to pay the assessed costs and determine that he was actually able to pay those costs before sentencing defendant to prison for failure to pay. *Bearden v Georgia*, 461 US 660; 103 S Ct 2064; 76 L Ed 2d 221 (1983). In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV 2 1 2013
Date

Jerome W. Zimmer Jr.
Chief Clerk