

**STATE OF MICHIGAN  
COURT OF APPEALS**



**MEMORANDUM  
FOR COURT USE ONLY**

**TO** Judge Elizabeth L. Gleicher

**DATE** June 8, 2012

**FROM** Julie M. Isola, Detroit Commissioner's Office

**DOCKET NO.** 310364

**SUBJECT** People of MI v Theodora Alfonza Moss Jr - Waiver of Fees Calculation

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Based on the Department of Corrections' certified prisoner account for the above defendant, the following information/criteria is provided for deciding the motion to waive fees.

Defendant's prisoner account balance is \$8.00.

Because the account balance is less than \$375, the following calculation has been performed to determine defendant's ability to pay a reduced fee:

$$\begin{array}{rclcl} \text{Average monthly deposits} & \times & 30\% & = & \text{calculated amount} \\ \$121.43 & & \times .3 & = & \$36 \end{array}$$

This formula is based on historical Court of Appeals policy. Although the Court may waive filing fees upon a showing of indigency, MCR 7.202(3) and MCR 7.219(G), the Court has historically assessed a reduced filing fee if 30% of defendant's average monthly deposits is more than \$25.

Because the calculated amount is more than \$25, it is recommended that defendant pay the calculated amount as a one-time fee in this case.

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **People of MI v Theodora Alfonza Moss Jr**

Docket No. **310364**

L.C. No. **90-001233-FC**

Elizabeth L. Gleicher, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because a review of the prisoner account statement shows the ability to pay.

Appellant shall pay to the Clerk of the Court, within 21 days of the certification of this order, the reduced entry fee in the sum of \$36. Failure to comply with this order will result in the dismissal of the appeal.

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Judge Elizabeth L. Gleicher



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

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Date

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Chief Clerk

310364

STATE OF MICHIGAN - CIVIL ACTION

CERTIFICATE OF PRISONER ACCOUNT ACTIVITY AND AFFIDAVIT REGARDING SUSPENSION OF PRISONER FEES/COSTS

Prisoner-Plaintiff/Petitioner/Appellant name and number
MOSS, THEODORA
90-01233

V

Defendant's/Respondent's/Appellee's name
PEOPLE OF STATE OF MICHIGAN

CERTIFICATE OF PRISONER ACCOUNT ACTIVITY

I am employed by the Michigan Department of Corrections at the facility identified below, at which the prisoner identified as the Plaintiff/Petitioner/Appellant is currently incarcerated.

Attached is a computer printout which accurately reflects the current spendable balance and all activity within this prisoner's account during the preceding twelve months or, if the prisoner has been incarcerated for less than twelve months, for the period of incarceration.

The attached printout reflects, for the reported period, an average monthly account deposit (i.e., total deposits divided by number of months) of \$121.43, an average monthly account balance (i.e., total deposits minus total withdrawals divided by number of months) of (\$11.33). There is a current spendable account balance of \$8.00.

Date: 05/07/12

Signature/Title: [Handwritten Signature]

Kinross Correctional Facility Complex

Note: Bottom section to be completed by prisoner and sent by prisoner to a Michigan court along with State civil pleading/claim of appeal.

AFFIDAVIT REGARDING SUSPENSION OF PRISONER FEES/COSTS

- 1. I am the Plaintiff/Respondent/Appellant in the attached pleading/petition/claim of appeal.
2. I am asking the court for suspension of filing fees and costs because I am indigent as reflected in the Certificate of Prisoner Account Activity and attached computer printout.

Prisoner's Signature: [Handwritten Signature]

Subscribed and sworn to before me, a Notary Public, this 16 day of May, 2012.

My Commission Expires: [Handwritten Signature]

D. BRUNI
Notary Public, State of Michigan
County of Chippewa
My Commission Expires on 2-26-2013
Acting in the County of Chippewa

RECEIVED
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STATE OF MICHIGAN  
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff,

Case No. 90-01233

vs.

THEODORA A. MOSS,

Defendant.

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MOTION TO WAIVE FEES AND COSTS

I, Theodora Moss, the Defendant-Appellant in the above-captioned case, and pursuant to MCR 7.202(3), requests that the Court of Appeals waive the filing fees for this case because I cannot afford to pay them.



Theodora Moss  
Defendant-Appellant in pro se

Dated: 5/18/2012