

# Order

Michigan Supreme Court  
Lansing, Michigan

April 20, 2012

Robert P. Young, Jr.,  
Chief Justice

143895

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 143895  
COA: 305045  
Wayne CC: 2010-000997-FH

TIMOTHY ALAN GREENWALD,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the August 25, 2011 judgment 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.

MARILYN KELLY, J. (*dissenting*).

I would order the trial court to conduct a hearing to assess defendant's ability to pay the fines and fees imposed on him under MCL 771.3, MCL 769.1k, and MCL 600.4803(1). Defendant is entitled to such a hearing under *People v Music*<sup>1</sup> and *People v Jackson*.<sup>2</sup> Ordering the hearing would secure defendant's ability to present a manifest-hardship defense under MCL 771.3(6)(b) to the enforcement of the costs and fines.

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<sup>1</sup> *People v Music*, 428 Mich 356, 362 (1987).

<sup>2</sup> *People v Jackson*, 483 Mich 271, 292-293 (2009).



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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.

April 20, 2012

*Corbin R. Davis*

Clerk