

Order

Michigan Supreme Court
Lansing, Michigan

November 27, 2013

Robert P. Young, Jr.,
Chief Justice

147367

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: 147367
COA: 315625
Wayne CC: 12-007858-FH

ANTHONY VAN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 14, 2013 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*).

As previously set forth in my separate statements in *People v Touchstone*, 483 Mich 947, 948-949 (2009), and *People v Parks*, 493 Mich 944, 944-945 (2013), MCL 771.3c(1) provides that in “determining the amount of the [supervision] fee, the court shall consider the probationer’s projected income and financial resources.” The table contained in that provision proceeds to instruct that if probationer’s projected monthly income is less than \$250, the amount of such fee should be zero dollars. Per defendant’s presentencing report, there was evidence that his projected monthly income was \$100 a month and that his total financial resources were \$200 a month. If that information was accurate, no fee should have been imposed upon defendant. Yet, absent any explanation, the trial court assessed a \$10 monthly fee. Because defendant did not object at sentencing, the issue is unpreserved. For that reason alone, I concur in the Court’s order.

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



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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.

November 27, 2013


Clerk