

Order

Michigan Supreme Court
Lansing, Michigan

October 31, 2025

Megan K. Cavanagh,
Chief Justice

168000

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 168000
COA: 366838
Macomb CC: 2022-001910-FC

DONELL WILLIE-TERRELL IVEY,
Defendant-Appellant.

By order of April 4, 2025, the plaintiff was directed to answer the application for leave to appeal the November 18, 2024 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(I)(1). The parties shall file supplemental briefs in accordance with MCR 7.312(E) and shall include among the issues to be briefed: (1) whether MCL 769.1k(1)(b)(iv)'s provision that a trial court may impose "the expenses of providing legal assistance to the defendant" violates Const 1963, art 8, § 9; (2) whether attorney fees can be assessed against an indigent criminal defendant, see the Michigan Indigent Defense Commission Act, MCL 780.981 *et seq.*; (3) if so, whether the trial court must first hold an evidentiary hearing to assess the fee in light of the defendant's ability to pay, see Const 1963, art 1, § 16; US Const, art VIII; and (4) whether the trial court in this case made adequate factual findings to support the fees imposed, see *People v Lewis*, 503 Mich 162, 163, 168 (2018).

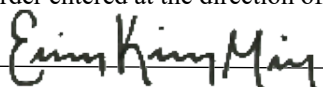
The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case who are not exempt from the motion requirement under MCR 7.312(H) may move the Court for permission to file briefs amicus curiae.



s1028

I, Elizabeth Kingston-Miller, 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 31, 2025


Clerk