Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V ERIC WAYNE FOWLER

Docket No. 379281

LC Nos. 2022-028802-FH; 2022-029238-FH

Daniel S. Korobkin
Presiding Judge

Colleen A. O'Brien

Philip P. Mariani
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, we VACATE in part the trial court's October 9, 2025 judgments of sentence and REMAND these matters to that court for resentencing in accordance with this order. The trial court's reimposition of fines, costs, and fees in its judgments without having stated on the record its intention to do so at the resentencing hearing, or having established their factual basis, constitutes plain error warranting relief. See *People v Goulder*, ___ Mich App ___; ___ NW3d ___ (2026) (Docket No. 373826); slip op at 3-6. In addition, the trial court's requirement that defendant pay a DNA assessment fee in LC No. 2022-028802-FH despite the statement in the judgment that "[a] DNA sample is already on file" and "[n]o assessment is required" violates MCL 28.176(3). On remand, the trial court shall resentence defendant in accordance with *Goulder*, ___ Mich App at ___; slip op at 6, and MCL 28.176(3).

This order shall have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

Presiding Judge

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

March 5, 2026
Date

Chief Clerk