

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KAREN LEE MAYERS,

Defendant-Appellant.

UNPUBLISHED
February 12, 2009

No. 281890
Kent Circuit Court
LC No. 04-004538-FH

Before: Markey, P.J., and Murphy and Borrello, JJ.

MEMORANDUM.

Defendant had raised issues through counsel regarding jail credit, which he correctly asserted at oral argument, are moot. The only issue left for us to decide is whether the trial court erred when it ordered that defense counsel would not be compensated for raising sentencing issues on appeal. The trial court was of the opinion that all such issues were resolved during the plea process. However, we find that the trial court made prior assurances to defendant regarding what jail credits defendant may be entitled to receive, and thus it was error for the trial court to specifically preclude defense counsel from raising sentencing issues. Therefore, to the extent payment was precluded from defendant's counsel to pursue sentencing issues, we direct that defense counsel be compensated for those services. We affirm on all other issues, but remand for the sole purpose of having the Kent Circuit Court make a determination as to whether defense counsel was properly compensated for all matters pursued in this appeal.

/s/ Jane E. Markey
/s/ William B. Murphy
/s/ Stephen L. Borrello