

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT JAY HOWELL,

Defendant-Appellant.

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UNPUBLISHED  
February 24, 2009

No. 281669  
Wayne Circuit Court  
LC No. 07-009066-FH

Before: Zahra, P.J., and O'Connell and Fort Hood, JJ.

ZAHRA (*concurring in part and dissenting in part*).

I concur in the portion of the majority opinion that affirms defendant's conviction. I respectfully dissent from the portion of the majority opinion that vacates the portion of the judgment that requires defendant to reimburse the county for the cost of his representation, and remands for further proceedings. I conclude that where, as here, the trial court orders employment as a condition to probation, the court may impose reimbursement of reasonable court appointed attorney fees without expressly addressing defendant's ability to pay. I conclude the ability to pay is implicit in the employment that is required by the terms of probation.

/s/ Brian K. Zahra