

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL JOSEPH MAZUROWSKI,

Defendant-Appellant.

UNPUBLISHED

January 9, 1998

No. 196502

Bay Circuit Court

LC No. 94-001332 FH

94-001333 FH

94-001356

Before: Gage, P.J., and Murphy and Reilly, JJ.

MEMORANDUM.

The instant appeal as of right arises from three lower court criminal actions. Defendant pleaded guilty to violating the terms of his probationary sentence and was sentenced to forty to sixty months imprisonment on the underlying conviction of unlawfully driving away an automobile (94-001332 FH), MCL 750.413; MSA 28.645, to time served on the underlying conviction of conspiracy to commit larceny over \$100 (94-001333 FH), MCL 750.157a; MSA 28.354(1), and to forty to sixty months imprisonment on the underlying conviction of receiving and concealing stolen property over \$100 (94-001356), MCL 750.535; MSA 28.803. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant advances several arguments all of which are directed at convincing us that the trial court erroneously ordered defendant to pay restitution because the trial court failed to expressly consider the factors enumerated in MCL 780.767(1); MSA 28.1287(767)(1). Statements made by the trial court during the hearing on defendant's motion to amend the judgment of sentence and in its written opinion denying the motion clearly indicate that the judge considered both the amount of restitution owed and defendant's ability to pay, within the statutory requirements. *People v Grant*, 455 Mich 221; ___ NW2d ___ (1997).

Affirmed.

/s/ Hilda R. Gage
/s/ William B. Murphy
/s/ Maureen Pulte Reilly