

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TAMIKA SHUNTELL WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

March 11, 2010

No. 289956

Macomb Circuit Court

LC No. 2007-000128-FC

Before: Servitto, P.J., and Bandstra and Fort Hood, JJ.

PER CURIAM.

Defendant was convicted in 2007 of two counts of torture, MCL 750.85, and two counts of first-degree child abuse, MCL 750.136b(2). At sentencing, the court ordered defendant to reimburse the county for attorney fees and investigator fees. In a prior appeal, this Court affirmed defendant's convictions, but remanded for a determination of defendant's ability to pay the fees in accordance with *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004).¹ See *People v Williams*, unpublished opinion per curiam of the Court of Appeals, issued November 18, 2008 (Docket No. 279631), lv den 483 Mich 911 (2009), slip op at pp 4-5. On remand, the trial court determined that defendant had the ability to pay. Defendant now appeals that ruling as of right. Because subsequent events make it impossible to grant relief, we dismiss this appeal as moot. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The record discloses that Judge Mary Chrzanowski, who presided over defendant's trial and imposed sentence, conducted a hearing on remand and determined that defendant had the ability to pay fees. The court's ruling was memorialized in a December 17, 2008, hearing disposition form. Defendant thereafter successfully petitioned Judge Chrzanowski's successor, Judge Edward Servitto, to vacate Judge Chrzanowski's decision, thereby returning the case to a pre-remand posture, and requiring Judge Servitto to make the determination regarding defendant's ability to pay in accordance with this Court's remand order. Defendant filed a motion asking the trial court to consider that issue and to find that she lacked the ability to pay.

¹ *Dunbar* was subsequently overruled by *People v Jackson*, 483 Mich 271; 769 NW2d 630 (2009).

Following a hearing, Judge Servitto issued an order “denying motion to rescind requirement to pay attorney and investigation fees.”

Because a trial court is presumed to know and follow the law unless the contrary is clearly shown, *People v Alexander*, 234 Mich App 665, 675; 599 NW2d 749 (1999); *People v Farmer*, 30 Mich App 707, 711; 186 NW2d 779 (1971), and because Judge Servitto vacated Judge Chrzanowski’s earlier decision and then issued an order expressly denying defendant’s request to vacate the reimbursement obligation, it must be presumed that Judge Servitto was aware that he was to make an independent determination regarding defendant’s ability to pay and did so. Defendant does not challenge Judge Servitto’s ruling, but instead only challenges Judge Chrzanowski’s vacated ruling. Because Judge Chrzanowski’s decision has been vacated, and defendant does not challenge Judge Servitto’s decision, there is nothing for this Court to review. Accordingly, we dismiss defendant’s appeal as moot. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998).

Dismissed as moot.

/s/ Deborah A. Servitto
/s/ Richard A. Bandstra
/s/ Karen M. Fort Hood