

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
August 16, 2012

v

MICHAEL JOSEPH OLIVERO,

Defendant-Appellant.

No. 305506
Wayne Circuit Court
LC No. 10-012571-FH

Before: GLEICHER, P.J., and OWENS and BOONSTRA, JJ.

MEMORANDUM.

Defendant pleaded guilty of breaking and entering a building with intent to commit larceny, MCL 750.110(1), and was sentenced in accordance with a preliminary sentence evaluation to a prison term of 4 to 10 years. He appeals by delayed leave granted, challenging the trial court's assessment of a \$130 fee under the crime victim's rights act (CVRA), MCL 780.751 *et seq.* We affirm.

When sentencing a defendant, the court is authorized to impose "[a]ny assessment authorized by law." MCL 769.1k(1)(b)(iv). The CVRA created a crime victim's rights fund. MCL 780.904(1). The court is required to order a convicted offender to pay an assessment for crime victim's rights services; the amount of the assessment depends on whether the offense is a felony or a misdemeanor. MCL 780.905(1), (4). In November 2010, when defendant committed the offense, the prescribed assessment for a felony offender was \$60. MCL 780.905(1)(a). However, pursuant to 2010 PA 281, the assessment was increased to \$130, effective December 16, 2010. Because defendant was sentenced in February 2011, the court imposed the current assessment of \$130.

In his sole issue on appeal, defendant argues that imposition of the increased assessment for an offense committed before the effective date of the statutory increase violates the state and federal constitutional prohibitions against *ex post facto* laws. This Court recently addressed and considered this precise issue and held that imposition of the increased assessment for an offense committed before the effective date of 2010 PA 281 "is not a violation of the *ex post facto* doctrine." *People v Earl*, ___ Mich App ___, ___ NW2d ___ (2012), slip op at 5-6. Accordingly, the trial court did not err by imposing the increased assessment of \$130 for defendant's felony conviction.

Affirmed.

/s/ Elizabeth L. Gleicher

/s/ Donald S. Owens

/s/ Mark T. Boonstra