

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GARRET KYLE McNAMARA,

Defendant-Appellant.

UNPUBLISHED
September 11, 2012

No. 305690
Kalkaska Circuit Court
LC Nos. 10-003292-FH
10-003294-FH

Before: SERVITTO, P.J., and FITZGERALD and TALBOT, JJ.

MEMORANDUM.

Defendant pleaded guilty to possession of a controlled substance (morphine), MCL 333.7403(2)(a)(v), and to second-degree home invasion, MCL 750.110a(3). In addition to the sentences imposed, a \$130 crime victim fee was assessed for each crime pursuant to MCL 780.905(1). Defendant appeals by delayed leave granted. We affirm.

In *People v Earl*, ___ Mich App ___; ___ NW2d ___ (Docket No. 302945, issued June 19, 2012), slip op pp 5-6, citing *People v Matthews*, 202 Mich App 175; 508 NW2d 173 (1993), this Court determined that the Crime Victim's Rights Act (CVRA), MCL 780.751 *et seq.*, assessment increase from \$60 to \$130 did not increase the defendant's punishment and, therefore, did not violate the bar against ex post facto laws. Thus, the sole issue raised by defendant is without merit.

Affirmed.

/s/ Deborah A. Servitto
/s/ E. Thomas Fitzgerald
/s/ Michael J. Talbot