

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BYRON MICHAEL LACEY,

Defendant-Appellant.

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UNPUBLISHED

May 2, 2000

No. 213429

Wayne Circuit Court

LC No. 94-005243

Before: Wilder, P.J., and Sawyer and Markey, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction for probation violation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant pleaded guilty to a charge of unarmed robbery, MCL 750.530; MSA 28.798, and was sentenced to two years of probation. As a condition of probation, defendant was ordered to pay \$1,000 in restitution, \$330 in court costs, a \$500 fine, \$40 to the crime victim's rights fund, and a supervision fee of \$1,080 at a rate of \$30 per month. Defendant failed to make a complete and timely payment of the sums required, and he was charged with violating his probation. The court found that defendant clearly had the ability to pay the required sums, and found him guilty of violating probation.

The trial court did not clearly err in finding that defendant had adequate resources to make the required payments. MCL 771.3; MSA 28.1133. Defendant did not challenge the amount of costs and restitution ordered, and has waived further review. *People v Music*, 428 Mich 356; 408 NW2d 795 (1987). Evidence was presented to the court showing that defendant had the ability to pay the required amount, but elected to spend his income elsewhere. The court did not err in finding defendant guilty of violating the terms of his probation. Cf. *People v Lemon*, 80 Mich App 737; 265 NW2d 31 (1978).

Affirmed.

/s/ Kurtis T. Wilder

/s/ David H. Sawyer

/s/ Jane E. Markey