

Court of Appeals, State of Michigan

ORDER

People of MI v Isaac Demarco Winston

Docket No. 308322

LC No. 10-007347-FC; 10-007348-FC

Deborah A. Servitto
Presiding Judge

Mark J. Cavanagh

Henry William Saad
Judges

The Court orders that the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

The Court further orders that both motions for remand are DENIED. With respect to the motion for remand for amendment of restitution, MCL 769.1a provides, “A defendant who is required to pay restitution and who is not in willful default of the payment of the restitution *may at any time petition the sentencing judge* or his or her successor to modify the method of payment. . . .” (emphasis added). There is no evidence in the record that defendant has attempted to avail himself of the statutory remedy provided in MCL 769.1a. Accordingly, this issue is not yet ripe. See *Huntington Woods v Detroit*, 279 Mich App 603, 615-616; 761 NW2d 127 (2008) (observing that “[t]he doctrine of ripeness is designed to prevent the adjudication of hypothetical or contingent claims before an actual injury has been sustained” and that “[a] claim is not ripe if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all”) (quotation marks and citations omitted).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 29 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk