

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALE PATRICK NEWELL a/k/a  
JOHN MCCOY,

Defendant-Appellant.

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UNPUBLISHED  
February 28, 1997

No. 194230  
Oakland Circuit Court  
LC No. 95 136841

Before: Corrigan, C.J., and Doctoroff and R.R. Lamb,\* JJ.

MEMORANDUM.

Defendant appeals by right the judgment of sentence ordering him to pay restitution in the amount of \$1,558.26. Defendant pleaded guilty to receiving stolen property valued at over \$100, MCL 750.535; MSA 28.803, concealing the identity of a motor vehicle, MCL 750.415; MSA 28.647, and habitual offender, third offense, MCL 769.11; MSA 28.1083. The court sentenced defendant to a term of imprisonment of two to ten years and ordered restitution. We note first that the Oakland County prosecutor has not defended this appeal. We affirm.

Defendant makes two arguments on appeal: (1) that the circuit court erred in not considering defendant's ability to pay restitution and (2) that the circuit court impermissibly delegated to the probation department the authority to ascertain the amount of restitution. Defendant did not raise his ability to pay at sentencing. Indeed, defendant stated "[t]hat I have no problem with paying [the victim] you know restitution for you know the problems that you know it caused him." Also, defense counsel specifically stated that the defense had no objection to a later calculation of the amount of restitution. Defendant has waived these issues because he failed to object at sentencing. *People v Alexander (After Remand)*, 207 Mich App 227, 229; 523 NW2d 653 (1994).

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\* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Maura D. Corrigan  
/s/ Martin M. Doctoroff  
/s/ Richard Ryan Lamb