

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE NATHAN WILSON,

Defendant-Appellant.

UNPUBLISHED

October 3, 1997

No. 183574

Ingham Circuit Court

LC No. 94-067714 FH

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

Defendant pleaded guilty on an amended information to possession of less than 25 grams of cocaine, MCL 333.7403(1) and (2)(a)(v); MSA 14.15(7403)(1) and (2)(a)(v), and was sentenced to a term of imprisonment of one to four years. Defendant appeals as of right. We affirm defendant's conviction and sentence, but vacate the trial court's assessment of costs.

We decline appellate review of defendant's challenge to the proportionality of his sentence. Because defendant has already served his minimum sentence, his sentence challenge is moot. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1995).

We agree with defendant's contention, however, that the trial court erred in imposing costs in the absence of statutory authority. *People v Nance*, 214 Mich App 257, 258-259; 542 NW2d 358 (1995). MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v) does not authorize the imposition of costs. Accordingly, we vacate the trial court's assessment of costs in the amount of \$60. *People v Antolovich*, 207 Mich App 714, 716; 525 NW2d 513 (1994).

Affirmed in part and vacated in part.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad