

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EDWARD JONATHAN CROCKER,

Defendant-Appellant.

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UNPUBLISHED

January 13, 1998

No. 201100

Monroe Circuit Court

LC No. 93-025688 FH

93-025690 FH

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EDWARD JONATHAN CROCKER,

Defendant-Appellant.

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No. 201255

Monroe Circuit Court

LC No. 96-027405 FH

96-027407 FH

96-027408 FH

96-027409 FH

Before: Gage, P.J., and Murphy and Reilly, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to four charges of larceny from a person (93-025688 FH; 96-027405 FH; 96-027408 FH; 96-027409 FH), MCL 750.357; MSA 28.589, and to one charge each of breaking and entering a motor vehicle with the intent to steal property valued at not less than \$5 (93-025690 FH), MCL 750.356a; MSA 28.588(1), and of unlawfully driving away of an automobile (96-027407 FH), MCL 750.413; MSA 28.645. Defendant received six concurrent enhanced sentences of seven to twenty years' imprisonment, reflecting defendant's status as a fourth offender,

MCL 769.12; MSA 28.1082. Defendant appeals as of right. We vacate that portion of the judgments of sentence that requires defendant to pay \$60 to the crime victim's rights fund and remand to permit the trial court to perform the ministerial task of amending the judgments of sentence to require defendant to pay \$30 to the fund.

At the time defendant committed the offenses for which he stands convicted, trial courts were authorized to order a person convicted of a felony to pay a \$30 assessment to the crime victim's rights fund. MCL 780.905(1); MSA 28.1287(905)(1); 1989 PA 196. The statutory assessment was increased twice by amendment since defendant committed the instant offenses. 1994 PA 345; 1996 PA 344. At the time of sentencing in these cases, the statutory assessment was \$60. MCL 780.905(1). The imposition of the \$60 assessment in these cases violates the ex post facto prohibitions of US Const, art I, §9 and Const 1963, art 1, §10 because defendant committed the instant offenses before the effective date of the amendment authorizing the imposition of the \$60 assessment and the amended assessment inflicts greater punishment than the law annexed to the crime when committed. *In the Matter of the Petition of State of Delaware for a Writ of Mandamus*, 603 A2d 814 (Del Super, 1992); see also *People v Slocum*, 213 Mich App 239, 243-244; 539 NW2d 572 (1995); *People v Moon*, 125 Mich App 773; 337 NW2d 293 (1983).

Defendant is not entitled to any sentence credit for the time defendant spent imprisoned in Georgia as the result of an offense committed after defendant had absconded from this State while on bond. MCL 769.11b; MSA 28.1083(2); *People v Adkins*, 433 Mich 732; 449 NW2d 400 (1989). Furthermore, to the extent that defendant argues that the trial court should have reduced his minimum sentence by two years to reflect the time he spent incarcerated in Georgia, *People v Bowman*, 442 Mich 424, 429 n 9; 502 NW2d 192 (1993); *Adkins, supra*, 751 n 10, the trial court did not abuse its sentencing discretion by refusing to grant credit in light of the sentencing agreement entered into by the parties and the record facts.

Remanded. We do not retain jurisdiction.

/s/ Hilda R. Gage  
/s/ William B. Murphy  
/s/ Maureen Pulte Reilly