

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EUGENE T. YOUNG,

Defendant-Appellant.

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UNPUBLISHED

May 18, 1999

No. 206541

Oakland Circuit Court

LC No. 96-143965 FH

96-143966 FH

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

In both lower court cases, defendant pleaded guilty to one count each of intent to pass title to a stolen motor vehicle, MCL 257.254; MSA 9.1954, and delivery of less than 50 grams of cocaine, MCL 333.7401(1) and (2)(a)(iv); MSA 14.15(7401)(1) and (2)(a)(iv). Defendant also admitted status as a fourth habitual offender, MCL 769.12; MSA 28.1084. In lower court docket no. 96-143965 FH, defendant received enhanced sentences of two to forty years' imprisonment on both the false title and delivery convictions. In lower court docket no. 96-143966 FH, defendant received enhanced sentences of two to forty years' imprisonment on the false title conviction and one to forty years' imprisonment on the delivery conviction. The false title sentences are to be served concurrently to each other and consecutively to the delivery sentences which, in turn, is to be served consecutively. Defendant appeals by leave. We affirm defendant's convictions and sentences, but remand for correction of clerical errors. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the trial court erroneously required him to pay restitution because restitution was not part of the sentencing agreement used to induce him to plead guilty. Our review of the record discloses that defendant's pleas were not induced by a sentence agreement, but instead were secured in reliance upon the trial court's preliminary sentence evaluation pursuant to *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993). Since May 1, 1994, restitution must be ordered in addition to any penalty imposed during sentencing and criminal defendants have had notice that restitution will be part of their sentences. MCL 780.766(2); MSA 28.1287(766)(2); *People v Ronowski*, 222 Mich

App 58, 61; 564 NW2d 466 (1997). The fact that defendant's pleas were secured by a *Cobbs* evaluation is of no moment in light of the mandatory nature of the statute.

Our review of the record discloses, however, clerical errors in the judgments of sentence entered in the lower court. The judgment of sentence in docket no. 96-143965 FH indicates that defendant was sentenced to a prison term of two to ten years on his attempt to pass false title conviction and two to twenty years on his delivery conviction. The sentencing transcript indicates, however, that the court vacated both of these sentences and imposed an enhanced sentence of two to forty years on the attempt to pass false title and two to forty years on the delivery conviction. Likewise, the judgment of sentence in docket no. 96-143966 FH indicates that defendant was sentenced to a prison term of two to ten years on his attempt to pass false title conviction and one to twenty years on his delivery conviction. The sentencing transcript indicates, however, that the court vacated both of these sentences and imposed an enhanced sentence of two to forty years on the attempt to pass false title and one to forty years on the delivery. Accordingly, we remand solely for the ministerial task of correcting the judgments to reflect defendant's enhanced sentences.

Affirmed. Remanded. We do not retain jurisdiction.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski