STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

        Plaintiff-Appellee,

v

TIMOTHY ALLAN FENIOR,

        Defendant-Appellant.

UNPUBLISHED
September 6, 2007

No. 270626
Ogemaw Circuit Court
LC No. 05-002502-FH

Before: Markey, P.J., and Saad and Wilder, JJ.

MEMORANDUM.

Defendant pleaded guilty of operating a vehicle without security, MCL 500.3102, attempted assault of a police officer causing injury, MCL 750.81d(2), and reckless driving, MCL 257.626. He was sentenced to eight months in jail and ordered to pay $1,550 for fines, costs, and fees. He appeals by delayed leave granted. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that he was denied due process and equal protection because the trial court conditioned a 45-day reduction of his sentence upon his payment of fines and costs. He raises constitutional issues, which this Court reviews de novo. *People v McRunels*, 237 Mich App 168, 171; 603 NW2d 95 (1999).

We agree with defendant's general proposition that a trial court may not condition a reduction in a sentence on the payment of fines and costs absent a finding that the individual had the ability to pay and was in willful default. *People v Collins*, 239 Mich App 125, 136; 607 NW2d 760 (1999). However, application of this principle to this case is moot because defendant has already served his sentence.[1] An issue is moot where a subsequent event renders this Court's fashioning of a remedy impossible. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994). Although defendant contends that this Court should "vacat[e] all fees and costs and

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[1] The lower court file indicates that defendant paid the fines and costs, participated in various other programs, and received a sentence reduction of 101 days.

order[] all monies he has paid towards those ends returned to him," he does not cite any authority to support that form of relief under these circumstances.

        Affirmed.

                                   /s/ Jane E. Markey
                                   /s/ Henry William Saad
                                   /s/ Kurtis T. Wilder