

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DOUGLAS HASTINGS,

Defendant-Appellant.

UNPUBLISHED

April 30, 1996

No. 182786

LC Nos. 94-069539-FH

94-069839-FH

Before: Taylor, P.J., and Fitzgerald and P.D. Houk,* JJ.

PER CURIAM.

Pursuant to a plea agreement, defendant pleaded guilty in No. 94-96539-FH of receiving and concealing stolen property over \$100, MCL 750.535; MSA 28.803, breaking and entering a building, MCL 750.110; MSA 28.305, and of being an habitual offender, second offense, MCL 769.10; MSA 28.1082. In No. 94-069839-FH, defendant pleaded guilty of breaking and entering an occupied dwelling, MCL 750.110; MSA 28.305. He was sentenced to prison terms of sixty to ninety months for the R & C conviction, and six to fifteen years for the B & E convictions. Defendant appeals as of right. We affirm.

Defendant's sole claim on appeal is that his criminal convictions violate the constitutional protection against double jeopardy because the vehicle that was used during the course of committing the offenses was the subject of a judicial forfeiture proceeding under MCL 600.4703(2)(a); MSA 27A.4703(20(a)). Defendant's argument is misplaced, however, because he relinquished his rights in the vehicle by transferring ownership of the vehicle to a third-party before jeopardy attached in either the criminal case or the civil forfeiture proceeding.¹ There can be no double jeopardy without former jeopardy. *United States v Ursery*, 59 F3d 568 (CA 6, 1995),² cert gtd ___ US ___; 116 S Ct 905 905; 133 L Ed 2d 838 (1996).

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

Affirmed.

/s/ Clifford W. Taylor
/s/ E. Thomas Fitzgerald
/s/ Peter D. Houk

¹ The party to whom defendant transferred ownership of the vehicle was the party to the forfeiture proceeding.

² In the criminal case, jeopardy attached upon the court's acceptance of the plea agreement. In the civil forfeiture proceeding, jeopardy attached when the court entered the judgment of forfeiture. *Ursery*, *supra* at 571-572.