

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON DEON MCKENZIE,

Defendant-Appellant.

UNPUBLISHED

May 14, 1996

No. 181846

LC No. 92-063389-FH;

94-067725-FC

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

In lower court no. 92-063389-FH, defendant pleaded guilty to violating probation on his underlying convictions of felonious assault, MCL 750.82; MSA 28.277, and was sentenced to two to four years' imprisonment. In lower court no. 94-067725-FC, defendant pleaded guilty to assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, and habitual offender, fourth or subsequent offense, MCL 769.12; MSA 28.1084, and was sentenced to seven to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

We decline to review defendant's challenges to the proportionality of his sentences. Defendant's challenge to the proportionality of his two-year minimum sentence is moot because the record indicates that he has fully served that sentence. *People v Rutherford*, 208 Mich App 198; 526 NW2d 620 (1994). Additionally, defendant has waived his right to challenge the proportionality of his seven-year minimum sentence given that he was sentenced in accordance with a sentence agreement.

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

People v Cobbs, 443 Mich 276, 285; 505 NW2d 208 (1993); *People v Ward*, 206 Mich App 38, 43-44; 520 NW2d 363 (1994).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.