

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DENNIS KENNEBREW,

Defendant-Appellant.

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UNPUBLISHED

June 21, 1996

No. 156600

LC No. 92-057189-FH

Before: O'Connell, P.J., and Sawyer and G.R. Corsiglia,\* JJ.

MEMORANDUM.

Defendant pleaded guilty to breaking and entering a dwelling house with the intent to commit a larceny. MCL 750.110; MSA 28.305. The trial judge sentenced defendant to four to fifteen years of imprisonment for this conviction. Defendant now appeals and we affirm.

Defendant argues that he should have been allowed to withdraw his guilty plea. We find this issue to be moot because the trial court, upon defendant's own motion, vacated the order granting the requested relief. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Defendant also argues that his four-year minimum sentence was disproportionate. We again find this issue to be moot because defendant has already served his minimum sentence. *Id.*, 204.

Affirmed.

/s/ Peter D. O'Connell

/s/ David H. Sawyer

/s/ George R. Corsiglia

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