

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALFRED ROMAN,

Defendant-Appellant.

UNPUBLISHED

July 5, 1996

No. 184384

LC No. 94-051380-FH

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

MEMORANDUM.

Defendant pleaded nolo contendere to breaking and entering a building, MCL 750.110; MSA 28.305, and was sentenced to 1-1/2 to 10 years' imprisonment. He appeals as of right. We affirm defendant's conviction but remand for amendment of his judgment of sentence. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

On the authority of *Wayne Co Prosecutor v Dep't of Corrections*, 451 Mich 569; ___ NW2d ___ (1996), we remand to the trial court to amend the judgment of sentence to reflect that the instant sentence shall be served consecutive to the *minimum* sentence for which defendant was on parole, plus whatever portion, between the minimum and maximum of the prior sentence, the Parole Board may require defendant to serve because of the parole violation.

Remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.