

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER TODD BRYANT,

Defendant-Appellant.

UNPUBLISHED

February 25, 1997

No. 191085

Kent Circuit Court

LC Nos. 94-001105

94-003219

Before: Wahls, P.J., and Gage and W.J. Nykamp,* JJ.

PER CURIAM.

Defendant pleaded guilty to attempted breaking and entering an unoccupied dwelling, MCL 750.110; MSA 28.305. He failed to appear for the scheduled sentencing. Less than two months later, defendant was arrested on an unrelated charge. In that case, defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797. Pursuant to a plea bargain agreement, felony-firearm and habitual offender charges against him were dismissed. At a single proceeding, the trial court sentenced defendant to one to five years' imprisonment for the attempted breaking and entering conviction and eight to fifty years' imprisonment for the armed robbery conviction, the terms to be served consecutively. Defendant now appeals his sentences as of right, and we affirm.

Defendant argues that the trial court abused its discretion in ordering that his sentences run consecutively. We disagree. A consecutive sentence may be imposed only if specifically authorized by statute. *People v Nantelle*, 215 Mich App 77, 79; 544 NW2d 667 (1996). MCL 768.7b(2); MSA 28.1030(2) provides in pertinent part:

Beginning January 1, 1992, if a person who has been charged with a felony, pending the disposition of the charge, commits a subsequent offense that is a felony, upon conviction of the subsequent offense or acceptance of a plea of guilty, guilty but mentally ill, or nolo contendere to the subsequent offense, the following shall apply:

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

(a) Unless the subsequent offense is a major controlled substance offense, the sentences imposed for the prior charged offense and the subsequent offense may run consecutively.

The statute authorizes consecutive sentencing, at the discretion of the trial court, where a felony offense was committed pending the disposition of a prior felony charge. *People v Dukes*, 189 Mich App 262, 267; 471 NW2d 651 (1991). A case is “pending disposition” until the defendant is sentenced for the offense. *Id.*

Because defendant committed armed robbery before being sentenced for his breaking and entering conviction, the trial court had the discretion to order that his sentences run consecutively. The trial court noted on the record that defendant had convictions for fleeing and eluding, “joyriding,” credit card fraud, and possession of cocaine. A prior sentence of probation was not successful and was revoked, resulting in defendant serving fifty days in jail. Defendant had also had juvenile adjudications for breaking and entering. The court further indicated that it believed the sentencing guidelines had been “generously scored” and defendant might easily have received additional points under the facts of the armed robbery offense because his elderly victim was injured. Under the facts of defendant’s offense and given his history, the trial court did not abuse its discretion in sentencing defendant to consecutive sentences.

Defendant also contends that he should have received 28 days credit for the time that he was incarcerated on the attempted breaking and entering charge, rather than 26 days. Defendant has failed to cite any authority in support of his argument, thereby abandoning this issue for our review. *People v DiVietri*, 206 Mich App 61, 65; 520 NW2d 643 (1994). A party may not leave it to this Court to search for authority to sustain or reject its position. *People v Hunter*, 202 Mich App 23, 27; 507 NW2d 768 (1993).

Affirmed.

/s/ Myron H. Wahls
/s/ Hilda R. Gage
/s/ Wesley J. Nykamp