

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DERRICK VAUGHN SCOTT,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 185464
Macomb Circuit
LC No. 94-002572-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Pursuant to an agreement, defendant pleaded guilty to attempted first-degree retail fraud, MCL 750.356c; MSA 28.588(3) and MCL 750.92; MSA 28.287, and was sentenced to one year in the county jail. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Because the record indicates that defendant has fully served his sentence, his claim that the sentence is disproportionate is moot. *People v Briseno*, 211 Mich App 11, 17; 535 NW2d 559 (1995); *People v Rutherford*, 208 Mich App 198, 205; 526 NW2d 620 (1994).

Affirmed.

/s/ Daniel F. Walsh
/s/ Robert P. Griffin
/s/ Walter P. Cynar

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.