

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID STANLEY STEWART,

Defendant-Appellant.

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UNPUBLISHED

March 4, 1997

No. 172139

Genesee Circuit

LC No. 93-048747-FH

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

MEMORANDUM.

Defendant pleaded guilty to attempted breaking and entering a motor vehicle with the intent to take property over \$5, MCL 750.92; MSA 28.287 and MCL 750.356a; MSA 28.588(1); and habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to thirty to sixty months' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A)

Defendant's sentencing issues are moot because the record reveals that he has fully served his minimum sentence. See *People v Rutherford*, 208 Mich App 198; 526 NW2d 620 (1994).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

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\*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.