

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DENNIS CARTER SMITH,

Defendant-Appellant.

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UNPUBLISHED

April 1, 1997

No. 187488

Hillsdale Circuit Court

LC No. 14-006241-FH

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

MEMORANDUM.

Defendant pleaded guilty to larceny over \$100, MCL 750.356; MSA 28.588, and habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to six to ten years' imprisonment, and now 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 six-year minimum sentence, his challenge to the proportionality of the sentence is moot. See *People v Rutherford*, 208 Mich App 198, 204; 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.