

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD WESLEY SIMMON,

Defendant-Appellant.

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UNPUBLISHED

February 13, 1998

No. 196831

Jackson Circuit Court

LC No. 96-075727-FH

Before: Gribbs, P.J., and Murphy and Gage, JJ.

MEMORANDUM.

Defendant was convicted of being a prisoner in possession of contraband, MCL 800.281(4); MSA 28.1621(4), and was sentenced to six to sixty months' imprisonment, to be served consecutively to the sentence he was then serving. Defendant appeals as of right. We affirm.

The trial court reached the correct result and need not be reversed on appeal. *People v Jory*, 443 Mich 403; 505 NW2d 228 (1993). Defendant's testimony showed that he was unable to offer proof of each element necessary for the defense of duress. *People v Lemons*, 454 Mich 234; 562 NW2d 447 (1997). The question of whether that defense would be available to defendant is moot. *People v Rutherford*, 208 Mich App 198; 526 NW2d 620 (1994).

Affirmed.

/s/ Roman S. Gribbs

/s/ William B. Murphy

/s/ Hilda R. Gage