

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GERALD E. WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

April 1, 1997

No. 186419

Oakland Circuit Court

LC No. 94-136092-FH

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

MEMORANDUM.

Defendant pleaded guilty to possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d), and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was sentenced to concurrent terms of two years' probation, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant argues that it was unlawful for the trial court to order, as conditions of probation, that his license be suspended for six months and that he not associate with his codefendant for the two-year probationary period. Defendant further contends that the court's failure to sentence him according to Michigan law deprived him of his due process and equal protection rights under US Const, Ams V and XIV and Const 1963, art 1, §§ 2 and 17. We initially note that defendant's issue regarding his license suspension is moot since the time for this restriction has passed. See *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994). Moreover, the court did not abuse its discretion in ordering that defendant not associate with his codefendant during the period of probation. *People v Miller*, 182 Mich App 711, 713; 452 NW2d 890 (1990). There was a rational relationship between the restriction

*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.

and defendant's rehabilitation. The probation agent noted in the presentence report that one cause for defendant's persistent criminal behavior included negative peer group influence. *Id.* Since we find that defendant was sentenced in accordance with Michigan law, his constitutional challenge, as presented, must fail.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar