

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM DAVID NUHFER, II,

Defendant-Appellant.

UNPUBLISHED

February 17, 1998

No. 199671

St. Joseph Circuit Court

LC No. 95-008096-FH

Before: Markey, P.J., and Doctoroff and Smolenski, JJ.

MEMORANDUM.

A circuit court jury convicted defendant of entering without breaking with the intent to commit larceny, MCL 750.111; MSA 28.306, and possessing stolen property in excess of \$100, MCL 750.535; MSA 28.803. He received concurrent enhanced terms of 3 to 7-1/2 years' imprisonment, reflecting defendant's status as a second felony offender, MCL 769.10; MSA 28.1082. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that his convictions for entering without breaking and for possessing stolen property violate the prohibition against twice being placed in jeopardy. We disagree. The offense of entering without breaking is complete upon entry and any offense subsequently committed may be punished in addition to the illegal entry. *People v Patterson*, 212 Mich App 393, 395; 538 NW2d 29 (1995).

The court did not abuse its sentencing discretion when it imposed a three-year minimum sentence in light of defendant's record. He has prior convictions for safe-breaking, misdemeanor convictions for retail fraud and disorderly conduct, had failed to successfully complete the probationary sentence imposed for the safe-breaking conviction, and he committed the instant offense within six months of discharge from his probationary sentence. *People v Hansford (After Remand)*, 454 Mich 320, 326; 562 NW2d 460 (1997).

Affirmed.

/s/ Jane E. Markey

/s/ Martin M. Doctoroff

/s/ Michael R. Smolenski