

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL MERRITT,

Defendant-Appellant.

UNPUBLISHED

December 4, 1998

No. 202452

Recorder's Court

LC No. 96-006824

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of domestic assault, MCL 750.81(2); MSA 28.276(2), and sentenced to one year's probation, with the first ninety days to be served in jail. Defendant appeals as of right. We dismiss defendant's appeal. Defendant's challenge to the validity of his sentence is moot, defendant having fully served his jail term and his probationary term, both of which commenced on December 11, 1996. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Dismissed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra