

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL M. LIPMAN,

Defendant-Appellant.

UNPUBLISHED

May 4, 1999

No. 200964

Kent Circuit Court

LC Nos. 95-003010 FH

96-006971 FH

96-006972 FH

96-006973 FH

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

In lower court docket no. 95-003010 FH, defendant pleaded guilty to breaking and entering a building with intent to commit larceny, MCL 750.110; MSA 28.305, and was sentenced to 1-1/2 to 10 years' imprisonment. In lower court docket nos. 96-006971 FH, 96-006972 FH, and 96-006973 FH, defendant pleaded guilty to one count each of second-degree home invasion, MCL 750.110a(3); MSA 28.305(a)(3), and was sentenced to concurrent terms of 5-1/2 to 15 years' imprisonment. The sentences in lower court docket nos. 96-006971 FH, 96-006972 FH, and 96-006973 FH are to be served consecutively to the sentence imposed in lower court docket no. 95-003010 FH, the home invasions having been committed while defendant was on bond for the breaking and entering offense. Defendant appeals by leave. We affirm. These cases are being decided without oral argument pursuant to MCR 7.214(E).

We decline to address defendant's challenge to the constitutional validity of four of defendant's prior misdemeanor convictions. We cannot conclude on the record before us that the trial court considered these prior convictions when fashioning defendant's sentences where the prior convictions are for non-theft offenses and where, at the hearing on the motion for resentencing, the trial court indicated that its motivations for imposing the sentences it did were defendant's "incredible record as a burglar," defendant's commission of fourteen burglaries after he absconded on bond in lower court docket no. 95-003010 FH, and defendant's complete lack of remorse.

Affirmed.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski