

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES RICKERT,

Defendant-Appellant.

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UNPUBLISHED

May 18, 1999

No. 201149

Kent Circuit Court

LC No. 95-000063 FH

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

MEMORANDUM.

Defendant pleaded guilty of attempted assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279; MCL 750.92; MSA 28.287, and was sentenced to thirty months' probation, with the first twelve months to be served in the county jail subject to possible early release on an electronic tether. Defendant subsequently pleaded guilty to violating a term of his probation. ~~He~~ and received a sentence of eighteen to sixty months' imprisonment. Defendant appeals as of right. We dismiss defendant's appeal. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that his sentence was excessive and not proportional to the offense and the offender. However, we decline to review defendant's challenge to the proportionality of his sentence because his challenge has been rendered moot by his service of the eighteen month minimum sentence. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Dismissed.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski