

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

K.C. SLAUGHTER, a/k/a WILSON M. NIKANE,

Defendant-Appellant.

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UNPUBLISHED

November 30, 1999

No. 217005

Genesee Circuit Court

LC No. 97-001714 FH

Before: Jansen, P.J., and Hoekstra and J. R. Cooper\*, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted his sentence for probation violation imposed following his plea-based conviction of attempt to receive or conceal stolen property over \$100, MCL 750.535a; MSA 28.803(1); MSA 750.92; MSA 28.287. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

While on bond in the instant case (hereinafter referred to as Case No. 1714), defendant was charged in a second case (hereinafter referred to as Case No. 2086) with attempt to receive or conceal stolen property over \$100. He pleaded guilty and was sentenced to probation in both cases, with the court in Case No. 1714 conducting sentencing first in time.

Defendant violated his probation in both cases by absconding from the New Paths program. The court in Case No. 2086 sentenced defendant to two and one-half to five years in prison. Apparently, the court ordered that that sentence be consecutive to the sentence in Case No. 1714. Subsequently, the court in Case No. 1714 sentenced defendant to one year, four months to five years in prison, and ordered that that sentence be consecutive to the sentence in Case No. 2086.

Discretionary consecutive sentencing is authorized when a felony is committed pending the disposition of another felony. MCL 768.7b(2)(a); MSA 28.1030(2)(2)(a). The discretion to impose a

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\* Circuit judge, sitting on the Court of Appeals by assignment.

consecutive sentence is given solely to the court that imposes sentence last in time. *People v Chambers*, 430 Mich 217, 231; 421 NW2d 903 (1988).

Defendant argues that the court in Case No. 1714 was without authority to impose a consecutive sentence for the reason that initially, that court imposed sentence first in time. We disagree and affirm. For purposes of § 7b, a charge remains pending until the defendant is sentenced on the conviction arising out of the first offense, or until the original charge arising out of the first offense is dismissed. *People v Morris*, 450 Mich 316, 330-331; 537 NW2d 842 (1995). Defendant violated probation in both cases. As a result, the probation orders were revoked and defendant was resentenced on the original offenses as if the probation orders had never existed. MCL 771.4; MSA 28.1134; *People v Jones*, 207 Mich App 253, 258; 523 NW2d 888 (1994). We hold that because the court in Case No. 1714 was the last in time to impose sentence following defendant's violation of probation, the court had authority to impose a consecutive sentence. MCL 768.7b(2)(a); MSA 28.1030(2)(2)(a); *Chambers, supra*.

The issue of the authority of the court in Case No. 2086 to impose a consecutive sentence is not before us at this time; therefore, we decline to address it.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper