

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD B. DAVIDSON,

Defendant-Appellant.

UNPUBLISHED

February 4, 2000

No. 211372

Genesee Circuit Court

LC No. 84-033537 FC

Before: Jansen, P.J., and Collins and J.B. Sullivan*, JJ.

MEMORANDUM.

Defendant pleaded guilty to first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), and was sentenced to a term of ten to twenty years' imprisonment. He appeals as of right. We affirm.

Defendant's sole claim on appeal is that his ten to twenty year sentence is disproportionate under *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). Because the record indicates that defendant has already served his minimum sentence, this issue is moot. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Affirmed.

/s/ Kathleen Jansen

/s/ Jeffrey G. Collins

/s/ Joseph B. Sullivan

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