

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD TALLEY,

Defendant-Appellant.

UNPUBLISHED

September 30, 1997

No. 196948

Recorder's Court

LC No. 93-009004

Before: O'Connell, P.J., and White and C. F. Youngblood*, JJ.

MEMORANDUM.

Defendant was convicted by plea of carrying a concealed weapon in a motor vehicle, MCL 750.227; MSA 28.424, and sentenced to three years' probation. Defendant subsequently pleaded guilty to violating the terms of his probation and was sentenced to six months' incarceration. Defendant appeals as of right. We decline to review defendant's challenge to the proportionality of his sentence. This issue has been rendered moot in light of the fact that defendant has already served his sentence. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Affirmed.

/s/ Peter D. O'Connell

/s/ Helene N. White

/s/ Carole F. Youngblood

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