

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT WAYNE LACY,

Defendant-Appellant.

UNPUBLISHED

April 21, 1998

No. 201097

Saginaw Circuit Court

LC No. 74-000737 FY

Before: Neff, P.J., and White and D. A. Teeple*, JJ.

MEMORANDUM.

Defendant appeals by right his twenty-four to forty year sentence for armed robbery, MCL 750.529; MSA 28.797, imposed after resentencing pursuant to this Court's decision in Docket No. 193133, contending that the sentence is disproportionate to the offense and the offender and constitutes cruel and unusual punishment. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

According to the records of the Department of Corrections, defendant was paroled on July 9, 1997. Accordingly, his appellate issues, which address only his minimum sentence, are moot and the appeal must be dismissed. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

Dismissed as moot.

/s/ Janet T. Neff

/s/ Helene N. White

/s/ Donald A. Teeple

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