

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAVID KENNETH COPP,

Defendant-Appellant.

UNPUBLISHED

August 6, 1996

No. 183143

LC No. 94 1993 FH

Before: Murphy, P.J., and Reilly, J., and C.W. Simon, Jr.*, JJ

PER CURIAM.

Defendant pleaded guilty of breaking and entering an occupied dwelling. MCL 750.110; MSA 28.305, and was sentenced to two to fifteen years of imprisonment to be served “following the completion of the sentence” for a prior conviction for which defendant was on parole at the time this offense was committed. Defendant appeals as of right. The appeal was held in abeyance pending the Supreme Court’s decision in *People v Young*, 451 Mich 569; ___ NW2d ___ (1996). We affirm.

Defendant contends that the sentence should not be consecutive to the time remaining on the maximum sentence for which defendant was on parole. Defendant was sentenced after this Court’s decision in *People v Young*, 206 Mich App 144; 521 NW2d 340 (1994), *rev’d* 451 Mich 569 (1996). This Court concluded that MCL 768.7a(2), MSA 28.1030(1)(2) indicated that a defendant who was sentenced for an offense committed while on parole was required to serve the maximum sentence of the paroled offense before the consecutive sentence would begin to run. The Supreme Court disagreed. According to the Court, the offender must “serve at least the combined minimums of his sentences, plus whatever portion of the earlier sentence the Parole Board may, because the parolee violated the terms of his parole, require him to serve.” 451 Mich at 572.

Although we agree with defendant that his sentence for the present offense is not to be consecutive to his completion of the maximum sentence for the previous offense, we do not believe that further proceedings are necessary. The judgment of sentence indicates that the sentence is to be served

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

“consecutively w/ case already on Parole.” The Court’s opinion in *Young* has explained to the department of corrections when the consecutive sentence begins to run and when an offender is eligible for parole. The judgment of sentence in this case does not need to be amended to give effect to the result mandated by the Court in *Young*. Resentencing, the relief requested by defendant, is not warranted.

Affirmed.

/s/ William B. Murphy
/s/ Maureen Pulte Reilly
/s/ Charles W. Simon, Jr.