

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 178530

LC No. 93-125843-FC

VINCENT B. WILLIS,

Defendant-Appellant.

Before: MacKenzie, P.J., and Saad and C.F. Youngblood*, JJ.

PER CURIAM.

Defendant was charged with armed robbery, MCL 750.529; MSA 28.797, carrying a concealed weapon, MCL 750.227; MSA 28.424, possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), and being an habitual offender, third offense, MCL 769.11; MSA 28.1083. Pursuant to a plea agreement, he pleaded guilty to all but the CCW charge. Defendant was sentenced to six to twenty years' imprisonment for the robbery conviction, to be served consecutively to his two-year sentence for the felony-firearm conviction. Defendant appeals as of right. We affirm.

Defendant contends that his plea should be vacated because at the plea taking, instead of advising him of the mandatory two-year sentence for a felony-firearm conviction, the court merely inquired whether defendant knew that the maximum sentence he faced was life in prison. Because defendant did not file a motion to withdraw his guilty plea in the trial court, this issue is not preserved for appeal. MCR 6.311(C). Accordingly, we decline to address the claim. Defendant further contends that his sentence is disproportionate under the standards set forth in *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). We disagree. Defendant's argument that his sentence was invalid because it was harsher than those of his codefendants is without merit; there is no requirement that the court consider the sentence given to a coparticipant. *In re Dana Jenkins*, 438 Mich 364, 376; 475 NW2d 279

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

(1991). Further, although defendant pleaded guilty to being a third felony offender, his minimum sentence was still within the guidelines' recommended range of five to twenty-five years and hence was presumptively proportionate. *People v Broden*, 428 Mich 343, 354; 408 NW2d 789 (1987). Defendant has not presented mitigating factors related to his criminal history or the circumstances of the offense that are of sufficient significance to overcome that presumption of proportionality. We find no abuse of discretion in the sentence imposed. *Milbourn, supra*.

Affirmed.

/s/ Barbara B. MacKenzie

/s/ Henry William Saad

/s/ Carole F. Youngblood