

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LONNIE LEVON DONALD,

Defendant-Appellant.

UNPUBLISHED

April 26, 1996

No. 183921

LC No. 94-009591-FH

Before: Neff, P.J., and Jansen and G.C. Steeh III,* JJ.

MEMORANDUM.

Defendant pleaded guilty in the Saginaw Circuit Court to possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and fourth habitual offender, MCL 769.12; MSA 28.1084. He was sentenced to five to thirty years' imprisonment, to be served consecutively to his sentence as a parole violator. Defendant appeals as of right and we affirm.

Defendant's claim that the trial court impermissibly exceeded the guidelines range, in contravention of the sentence recommendation, is incorrect. The guidelines range was eighteen to sixty months, not sixteen to eighteen months as defendant claims. The plea bargain included a sentence recommendation that the trial court sentence defendant within the guidelines range. There is no error here because the trial court followed the sentence recommendation. MCR 6.302(C)(3)(b).

Further, defendant's sentence, as a fourth habitual offender, does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990); *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993).

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

Affirmed.

/s/ Janet T. Neff

/s/ Kathleen Jansen

/s/ George C. Steeh