

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRYAN JOSEPH DOYLE,

Defendant-Appellant.

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UNPUBLISHED

May 14, 1996

No. 185989

LC No. 94-008433-FH

Before: Kavanagh, T.G.,\* P.J., and R.B. Burns\*\* and G.S. Allen,\*\* JJ.

MEMORANDUM.

Defendant pleaded guilty to operating a motor vehicle while under the influence of intoxicating liquor, third offense, MCL 257.625(6)(d); MSA 9.2325(6)(d), and habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to four to ten years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant has waived any argument regarding the proportionality of his sentence under *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). Defendant was sentenced in accordance with the plea agreement and the prosecutor's recommendation on sentencing. The plea agreement represented defendant's agreement that the sentence is proportionate to the offense and the offender. *People v Cobbs*, 443 Mich 276, 285 n 11; 505 NW2d 208 (1993); *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992).

Affirmed.

/s/ Thomas G. Kavanagh

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\*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

\*\*Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

/s/ Robert B. Burns  
/s/ Glenn S. Allen, Jr.