

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES ALFRED JOHNSON,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 157678

LC No. 92-026874-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 liquor, third offense, formerly MCL 257.625(6); MSA 9.2325(6), and was sentenced to one to five years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The circuit court properly recognized its sentencing discretion under *Wayne Co Prosecutor v Wayne Circuit Judge*, 154 Mich App 216, 221-222; 397 NW2d 274 (1986).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.