

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEREMY LEE FULCO,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 163197

LC Nos. 90-005650-FH;

90-005685-FH

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

MEMORANDUM.

In lower court no. 90-005650-FH, defendant pleaded guilty to violating probation on his underlying conviction of breaking and entering a building, MCL 750.110; MSA 28.305, and was sentenced to five to ten years' imprisonment. In lower court no. 90-005685-FH, he also pleaded guilty to violating probation on his underlying conviction of entering without breaking, MCL 750.111; MSA 28.306, and was sentenced to forty to sixty months' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant has waived appellate review of his claims that the trial court failed to advise him of certain trial rights because he never moved to withdraw his pleas on this ground below. MCR 6.311(C).

Defendant's five- to ten-year sentence in lower court no. 90-005650-FH is proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435

*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.

Mich 630; 461 NW2d 1 (1990); *People v Reynolds*, 195 Mich App 182, 184; 489 NW2d 128 (1992).

Finally, we have reviewed the record and conclude that defendant was not denied the effective assistance of trial or appellate counsel. *People v Hurst*, 205 Mich App 634, 640-641; 517 NW2d 858 (1994).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.