

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

May 24, 1996

Plaintiff-Appellee,

v

No. 181567

LC No. 94-037346-FH

TODD LEMIEUX, a/k/a TODD LEMIEUZ,

Defendant-Appellant.

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

MEMORANDUM.

Defendant pleaded guilty to breaking and entering an occupied dwelling with intent to commit larceny, MCL 750.110; MSA 28.305, and habitual offender, fourth offense, MCL 769.12; MSA 28.1084. He was sentenced to twenty to thirty years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court did not abuse its discretion in sentencing defendant to the maximum sentence possible. *People v Cervantes*, 448 Mich 620, 626; 532 NW2d 831 (1995). The trial court gave appropriate reasons to justify the enhancement of defendant's sentence as an habitual offender. *People v Chandler*, 211 Mich App 604, 615-616; 536 NW2d 799 (1995), lv pending. Defendant's sentence also does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Gatewood*, 214 Mich App 211; ___ NW2d ___ (1995), remanded for reconsideration ___ Mich ___ (3/19/96).

Defendant also argues that this Court's decision in *People v Young*, 206 Mich App 144; 521 NW2d 340 (1994), was wrong as a matter of law in our interpretation of MCL 768.7a(2); MSA

*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.

28.1030(1)(2). This issue was not raised in the trial court. Generally, issues that are not raised before the trial court cannot be raised on appeal absent compelling or extraordinary circumstances. *People v Grant*, 445 Mich 535, 546; 520 NW2d 123 (1994). We decline to address the merits of this issue because the Michigan Supreme Court granted leave in *Young*. 448 Mich 929 (1995). This Court's decision in *Young* remains valid and binding under Administrative Order No. 1994-4 until the Supreme Court issues an opinion. We therefore leave the issue of whether *Young* was correctly decided to the Supreme Court.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.