

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD LEE MURRAY,

Defendant-Appellant.

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UNPUBLISHED

May 24, 1996

No. 182242

LC No. 94-101039-FH

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

MEMORANDUM.

Defendant pleaded nolo contendere to aggravated stalking, MCL 750.411i; MSA 28.643(9), 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's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Defendant challenges the constitutionality of § 411i on the grounds that it is void for vagueness and that it shifts the burden of proof to a defendant with regard to an essential element of the offense. This Court has recently rejected these constitutional challenges. *People v Ballantyne*, 212 Mich App 628, 628-629; 538 NW2d 106 (1995); *People v White*, 212 Mich App 298, 308-315; 536 NW2d 876 (1995).

We decline to entertain defendant's challenge to § 411i on double jeopardy grounds. *Broadrick v Oklahoma*, 413 US 601, 610; 93 S Ct 2908; 37 L Ed 2d 830, 839 (1973).

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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.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.