

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRONELL ROSKIC GREEN,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 182675

LC No. 93-002954-FH

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

MEMORANDUM.

Defendant pleaded guilty to attempted breaking and entering an occupied dwelling, MCL 750.92; MSA 28.287 and MCL 750.110; MSA 28.305, possession of burglar tools, MCL 750.116; MSA 28.311, and habitual offender, third offense (two counts), MCL 769.11; MSA 28.1083. He was sentenced to enhanced terms of 6-2/3 to 10 years' imprisonment for the attempted B & E conviction and 10 to 20 years' imprisonment for the possession of burglar tools conviction. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant's 1964 Indiana conviction was not obtained in violation of *Gideon v Wainwright*, 372 US 335; 83 S Ct 792; 9 L Ed 2d 799 (1963), so this conviction could be considered at sentencing. *People v Ingram*, 439 Mich 288; 484 NW2d 241 (1992); *People v Moore*, 391 Mich 426; 216 NW2d 770 (1974). Defendant has not shown that the guidelines were improperly scored. *People v Reddish*, 181 Mich App 625; 450 NW2d 16 (1989). Moreover, his sentences do not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Finally, a review of the hearing transcripts shows that the prosecutor did not violate the terms of the plea and sentence agreement. *People v Nixten*, 183 Mich App 95; 454 NW2d 160 (1990).

*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.