

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DENVER DOYLE KRUGLER,

Defendant-Appellant.

UNPUBLISHED

August 13, 1996

No. 182462

LC No. 93-007867-FH

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded nolo contendere but mentally ill to two counts of assault with intent to do great bodily harm less than murder, MCL 750.84; MSA 28.279, one count of felonious assault, MCL 750.82; MSA 28.277, three counts of possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), and three counts of habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced as an habitual offender to concurrent prison terms of six to fifteen years for each count of assault with intent to do great bodily harm less than murder and forty to sixty months for felonious assault. In addition, he was sentenced to three two-year prison terms for felony-firearm, to be served consecutive to the assault convictions but concurrent to each other. Defendant appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant's habitual offender sentences do not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Considering the great danger posed by defendant's

*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.

assaults, his history of assaultive behavior, and his status as an habitual offender, the six-year minimum sentences are not disproportionately harsh.

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.