

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAYMOND ROBERT YRLAS,

Defendant-Appellant.

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UNPUBLISHED

September 24, 1996

No. 175106

LC No. 93-8436-FC

Before: Markey, P.J., and McDonald and M. J. Talbot\*, JJ.

MEMORANDUM.

Following a jury trial defendant was convicted of assault with intent to murder, MCL 750.83; MSA 28.278 and discharging a firearm from a vehicle with intent to harm, MCL 750.234; MSA 28.431. Thereafter defendant plead guilty to habitual offender, third offense, MCL 769. 11; MSA 28.1084 and was sentenced to concurrent prison sentences of from 20 to 40 and 2 to 8 years respectively. Defendant now appeals as of right claiming the prosecutor presented insufficient evidence to support his convictions and that the sentences are not proportionate to the crime. We affirm.

Our review reveals sufficient evidence to support both defendant's convictions, *People v Wolfe*, 440 Mich 508; 489 NW2d 748 (1992) and the sentencing court's imposition of the contested sentences. Although the guidelines are inapplicable to habitual offender convictions, the defendant's sentences fall within the guidelines and are proportionate to both the offense and offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Jane E. Markey

/s/ Gary R. McDonald

/s/ Michael J. Talbot

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\* Circuit judge, sitting on the Court of Appeals by assignment.