

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT DAVID HOLMES,

Defendant-Appellant.

UNPUBLISHED

September 24, 1996

No. 185514

LC No. 94-006657-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded guilty to driving under the influence of intoxicating liquor, third offense, MCL 257.625(6)(d); MSA 9.2325(6)(d), 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).

The trial court did not abuse its discretion in imposing the maximum minimum sentence upon defendant. *People v Houston*, 448 Mich 312, 319; 532 NW2d 508 (1995). Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.