

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES CHARLES SMITH,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 184349

LC No. 94-018501-FH

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

MEMORANDUM.

Defendant pleaded guilty to felonious assault, MCL 750.82; MSA 28.277, and habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to four to eight years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant failed to preserve for appellate review his challenge to the validity of his plea. MCR 6.311(C). He has also failed to provide citation to supportive authority. *People v Sowders*, 164 Mich App 36, 49; 417 NW2d 78 (1987). Accordingly, we decline appellate consideration of this challenge.

Defendant's sentence does not violate the principle of proportionality in light of his criminal history, the generous nature of the plea agreement, his lack of remorse, his unwillingness to accept responsibility for his actions, and the degree of danger he poses to his wife and children. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Finally, because defendant's sentence is proportionate, it does not constitute cruel and unusual punishment. *People v Williams (After Remand)*, 198 Mich App 537, 543; 499 NW2d 404 (1993).

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

Affirm.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan