

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONNIE DONALD,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 186909

LC No. 94-009773-FH

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

MEMORANDUM.

Defendant pleaded guilty to larceny from a person, MCL 750.357; MSA 28.589, and habitual offender, fourth offense, MCL 769.11; MSA 28.1083, for which he was sentenced to four to fifteen years' 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's failure to resolve the challenge whether defendant had three or four prior felony convictions was harmless error because the asserted inaccuracy had no determinative effect on sentencing. *People v Daniels*, 192 Mich App 658, 675-676; 482 NW2d 176 (1992). However, we note that the "Prior Criminal Record" section in the Presentence Report shows that defendant had four prior felony convictions. In any event, defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990); *People v Cervantes*, 448 Mich 620; 532 NW2d 831 (1995); *People v Gatewood*, 450 Mich 1021 (1996); *People v Gatewood (On Remand)*, 216 Mich App 559; 550 NW2d 265 (1996)

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.