

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHERYL ANN TUCKER,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 187375

LC No. 95-000753-FH

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

MEMORANDUM.

Defendant pleaded guilty to first-degree home invasion, MCL 750.110a(2); MSA 28.305(a)(2), and felonious assault, MCL 750.82; MSA 28.277. For those respective convictions, she was sentenced to concurrent terms of five to twenty years' imprisonment and two to four years' imprisonment. She appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence for first-degree home invasion does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990); *People v McCrady*, 213 Mich App 474, 483; 540 NW2d 718 (1995). In sentencing defendant, the trial court noted that her criminal history consists of two felony convictions and three misdemeanor convictions, that her crimes have become progressively more severe in nature, and that she has a long-term substance abuse problem involving cocaine, alcohol and heroin. The instant offense involved a brutal physical attack upon two elderly people in their home. Defendant and two accomplices ransacked and damaged the victims' home, left the victims badly bruised, and stole items from the home. The trial court did not abuse its discretion in sentencing defendant to five to twenty years' imprisonment for first-degree home invasion. *Milbourn, supra*.

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

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan