

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONNIE EARL MORRIS,

Defendant-Appellant.

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UNPUBLISHED

October 4, 1996

No. 180326

LC No. 94-001804-FH

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

MEMORANDUM.

Defendant appeals as of right, challenging the three- to ten-year sentence imposed on his plea-based conviction for breaking and entering an unoccupied building with intent to commit a felony, MCL 750.110; MSA 28.305. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant argues that the trial court imposed disproportionate sentences by making the sentence in this case and the sentence in a companion file (first-degree retail fraud, MCL 750.356c; MSA 28.588[3]) consecutive to sentences imposed for earlier offenses. These later offenses were committed while defendant was on delayed sentence status for the earlier offenses. We find no error. The proportionality of a sentence is considered without regard to other consecutive sentences imposed. *People v Marshall Warner*, 190 Mich App 734, 736; 476 NW2d 660 (1991). Defendant's sentences are proportionate to the circumstances of the offense and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Although the value of goods stolen in the retail fraud case was low, other aggravating factors support the sentence imposed. Defendant's contention on appeal that he did not have felonious intent when he broke the window of a music store and stole a guitar is contradicted by his sworn testimony at the plea proceeding.

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\*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