

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DENNIS LYNN LUNDY, a/k/a DENNIS LINN
LUNDY,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 186991

LC No. 92-006973-FC

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

MEMORANDUM.

Defendant pleaded guilty of felonious assault, MCL 750.82; MSA 28.277, and habitual offender, fourth offense, MCL 769.12; MSA 28.1084, for which he was sentenced to six 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 did not abuse its discretion in resentencing defendant to a minimum six-year term pursuant to the original plea agreement. The sentencing guidelines do not apply to appellate review of the sentences of habitual offenders. *People v Gatewood*, 450 Mich 1021; 546 NW2d 252 (1996); *People v Cervantes*, 448 Mich 620, 626-627; 532 NW2d 831 (1995). Defendant's sentence is proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 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.