

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES DAVID STRAIT,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 187229

LC Nos. 94-037600-FH;

95-037861-FH

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

MEMORANDUM.

Defendant pleaded guilty in each of two separate cases to receiving or concealing stolen property over \$100, MCL 750.535(1); MSA 28.803(1), and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to concurrent terms of 4 to 7-1/2 years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

We first note that the sentencing guidelines do not apply to habitual offender convictions. *People v Gatewood*, 450 Mich 1021; 546 NW2d 252 (1996). Although reformation of the offender is an appropriate consideration in fashioning an appropriate sentence, *People v Houston*, 448 Mich 312, 232; 532 NW2d 508 (1995); *People v Snow*, 386 Mich 586, 592; 194 NW2d 314 (1972), it remains the role of the sentencing judge to weigh facts deemed relevant to the sentencing decision. *People v Adams*, 430 Mich 679, 686-687; 425 NW2d 437 (1988). Given the many opportunities that defendant has had in the past to demonstrate that he was capable of reformation, and defendant having repeatedly failed in that regard, we cannot say that the trial court abused its discretion in not giving the factor of rehabilitation paramount importance in its sentencing decision. In light of defendant's background and the fact that the instant offenses were committed while he was on parole for a prior breaking and entering conviction, the sentences are proportionate to the offenses and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

*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