

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL GRAHAM,

Defendant-Appellant.

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UNPUBLISHED  
October 29, 1996

No. 196135  
LC No. 93 061476-FH

Before: Gribbs, P.J., and Sawyer and McDonald, JJ.

MEMORANDUM.

Defendant pleaded guilty to possession with intent to deliver 50 grams or more, but less than 225 grams, of a mixture containing cocaine, MCL 333.7401(2)(a)(iii); MSA 14.15(7401)(2)(a)(iii), habitual offender, second offense, MCL 769.10; MSA 28.1082, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). He was sentenced to thirteen to thirty years' imprisonment for the cocaine and habitual offender convictions, plus two years' consecutive imprisonment for the felony-firearm conviction. In a prior appeal, this Court held that the plea agreement was illusory and remanded the matter to give defendant an opportunity to withdraw his pleas. In light of that decision, we declined to address defendant's remaining issues. *People v Graham*, unpublished opinion memorandum of the Court of Appeals, decided August 22, 1995 (Docket No. 171133). Plaintiff filed an application for leave to appeal with the Supreme Court which, in lieu of granting the application, reversed this Court's decision and remanded to us for reconsideration of the issues that were previously not addressed. *People v Graham*, \_\_\_ Mich \_\_\_ (Docket No. 104199; issued May 24, 1996). We now affirm.

The trial court did not abuse its discretion in sentencing defendant on the cocaine and habitual offender convictions. *People v Cervantes*, 448 Mich 620, 626-627; 532 NW2d 831 (1995). Defendant's thirteen- to thirty-year 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).

Defendant has not shown that he was denied the effective assistance of counsel. *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994).

Affirmed.

/s/ Roman S. Gibbs

/s/ David H. Sawyer

/s/ Gary R. McDonald