

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HEATH BRANDON FELPS,

Defendant-Appellant.

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UNPUBLISHED

November 15, 1996

No. 180940

LC No. 94-001411

AFTER REMAND

Before: Corrigan, P.J., and Bandstra and W.A. Crane,\* JJ.

MEMORANDUM.

Defendant was originally sentenced to a term of eight to twenty years' imprisonment after he pled guilty to armed robbery, MCL 750.529; MSA 28.797. He appealed this sentence, and we remanded, reasoning that the trial court had not articulated sufficient reasons to exceed the maximum minimum of the applicable guidelines' range. Upon remand, the trial court resentenced defendant to a minimum term within the applicable guidelines' range of two to six years' imprisonment. Defendant has again appealed, arguing that his new sentence of six to twenty years' in prison is disproportionate under *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Sentences within the minimum guidelines' range are presumed to be proportionate, *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987), and having considered defendant's supplemental brief after remand, we find no unusual circumstances to conclude otherwise in this case, *Milbourn*, *supra* at 661.

We affirm.

/s/ Maura D. Corrigan  
/s/ Richard A. Bandstra  
/s/ William A. Crane

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\* Circuit judge, sitting on the Court of Appeals by assignment.