

**STATE OF MICHIGAN
COURT OF APPEALS**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL TRENT WEST,

Defendant-Appellant.

UNPUBLISHED
December 6, 1996

No. 156959
LC No. 92-007284

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

MEMORANDUM.

Defendant pleaded guilty to breaking and entering an occupied dwelling with intent to commit larceny, MCL 750.110; MSA 28.305, and habitual offender, fourth offense, MCL 769.12(1)(a); MSA 28.1084(1)(a). He was sentenced to five to fifteen years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's challenge to the delay in his arraignment does not call into question the state's authority to bring him to trial and so has been waived by his unconditional plea. See *People v Lannom*, 441 Mich 490, 493; 490 NW2d 396 (1992); see also *Powell v Nevada*, 511 US ___; 114 S Ct 1280; 128 L Ed 2d 1, 9-11 (1994); *People v Cipriano*, 431 Mich 315, 329; 429 NW2d 781 (1988). We also note that defendant was offered the opportunity to withdraw his plea at sentencing and instead chose to reaffirm it.

Defendant's challenge to the proportionality of his sentence has been waived by the failure to move to withdraw his guilty plea. *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992). Even if not waived, the challenge is without merit because the sentence is not disproportionate. *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 1996-10.

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan