

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GEORGE K. BRANHAM,

Defendant-Appellant.

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UNPUBLISHED  
December 27, 1996

No. 174413

Washtenaw County  
LC No. 93-1313-FH

Before: Smolenski, P.J., and Michael J. Kelly and J.R. Weber,\* JJ.

MEMORANDUM.

Defendant was convicted by a jury of possession of cocaine in an amount less than 25 grams contrary to MCL 333.7403(2)(A)(v); MSA 14.15, and appeals of right his February 4, 1994 sentence of one year and nine months to eight years imprisonment as habitual offender second.

We affirm. There is no showing that the trial judge was unaware of his discretion to depart from the statutory maximum sentence.

Affirmed.

/s/ Michael R. Smolenski

/s/ Michael J. Kelly

/s/ John R. Weber

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