

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES SANDERS,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 185084
Muskegon Circuit
LC No. 94-037643-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded guilty to uttering and publishing, MCL 750.249; MSA 28.446, and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to six to twenty-one years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court did not abuse its discretion in denying defendant's post-sentencing motion to withdraw his guilty pleas. *People v Eloby (After Remand)*, 215 Mich App 472, 474-475; 547 NW2d 48 (1996). Having reviewed the record, we find that the trial court could have reasonably concluded that defense counsel never promised defendant that the instant sentence would be served concurrently to an unrelated sentence for which he was on parole.

Finally, defendant's sentence does not violate the principle of proportionality given defendant's repeated failure to reform, his extensive criminal history, and the benefits bestowed upon him by the terms of the plea agreement. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Gatewood (On Remand)*, 216 Mich App 559, 560; 550 NW2d 265 (1996).

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

Affirmed.

/s/ Daniel F. Walsh
/s/ Robert P. Griffin
/s/ Walter P. Cynar