

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL SMITH,

Defendant-Appellant.

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UNPUBLISHED

March 4, 1997

No. 184978

Genesee Circuit

LC No. 93-049138-FH

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

MEMORANDUM.

Defendant pleaded guilty to receiving or concealing stolen property over \$100, MCL 750.535; MSA 28.803, and fleeing and eluding a police officer, MCL 257.602a; MSA 9.2302(1). For those respective convictions, he was sentenced to concurrent terms of three to five years' imprisonment and eight to twelve months' imprisonment. He appeals by delayed application granted. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The trial court's factual findings in support of its decision to exceed the recommended range of the sentencing guidelines were not clearly erroneous. *People v Harvey*, 203 Mich App 445, 448 449; 513 NW2d 148 (1994). Moreover, the trial court did not abuse its discretion in sentencing defendant above the guidelines' recommendation. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Haywood*, 209 Mich App 217, 233; 530 NW2d 497 (1995); *People v Windall Hill*, 192 Mich App 102, 119; 480 NW2d 913 (1991).

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\*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