

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAMIAN LEANDER DUKES,

Defendant-Appellant,

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UNPUBLISHED

March 4, 1997

No. 186864

Genesee Circuit

LC No. 94-051367-FH

Before: Michael J. Kelly, P.J., and Smolenski and W.J. Giovan,\* JJ.

MEMORANDUM.

Defendant pleaded guilty to breaking and entering an occupied dwelling, MCL 750.110; MSA 28.305, and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to 3 to 22-1/2 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 complains that his sentence is disproportionately severe. However, defendant knew what his sentence was going to be in advance of his guilty plea. For that reason, defendant "must expect to be denied relief on the ground that the plea demonstrates [his] agreement that the sentence is proportionate to the offense and the offender." *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993).

Affirmed.

/s/ Michael J. Kelly

/s/ Michael R. Smolenski

/s/ William J. Giovan

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