

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

QUINCY WALLACE, JR.,

Defendant-Appellant.

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UNPUBLISHED

April 1, 1997

No. 189591

Kent Circuit Court

LC Nos. 95-000139-FC;

95-000359-FC

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded nolo contendere to two counts of armed robbery, MCL 750.529; MSA 28.797, and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to concurrent terms of twelve to thirty years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant received the benefit of his bargain and has waived the right to challenge the lengths of his sentences. *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992). Even if the challenge was preserved for appellate review, the sentencing guidelines do not apply to the sentences of habitual offenders. *People v Gatewood*, 450 Mich 1021; \_\_\_ NW2d \_\_\_ (1996); *People v Cervantes*, 448 Mich 620, 626-627; 532 NW2d 831 (1995). Moreover, the trial court did not abuse its discretion in sentencing defendant. *Cervantes, supra*; *People v Finstrom*, 186 Mich App 342, 345-346; 463 NW2d 272 (1990). Defendant's sentences are proportionate to the seriousness of the

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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.

circumstances surrounding the offenses and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar