

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PHILLIP FRANKLIN WINSTON,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 189821

Muskegon Circuit Court

LC No. 93-035921-FH

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

MEMORANDUM.

Defendant pleaded guilty to possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to two to twenty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

After pleading guilty but prior to being sentenced for the instant conviction, defendant was charged with second-degree criminal sexual conduct and was sentenced upon conviction to 48 to 150 months' imprisonment. The trial court had authority to order defendant's sentence for the instant conviction to run consecutively to his sentence for criminal sexual conduct pursuant to MCL 768.7b(2); MSA 28.1030(2)(2) and MCL 333.7401(3); MSA 14.15(7401)(3). *People v Morris*, 450 Mich 316, 330; 537 NW2d 842 (1995); *People v Hardy*, 212 Mich App 318, 323; 537 NW2d 267 (1995).

*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