

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RANDALL NELSON LEONARD,

Defendant-Appellant.

UNPUBLISHED

May 13, 1997

No. 196796

Bay Circuit Court

LC No. 94-1283 FH &

94-1284 FH

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Although the trial court imposed the maximum sentence as permitted by the two-thirds rule of *People v Tanner*, 387 Mich 683; 199 NW2d 202 (1972), it did so only after reflecting on defendant's attitude and rehabilitative prospects, as exemplified by his misconduct while on probation. The sentence guidelines were irrelevant to the determination of an appropriate sentence. *People v Edgett*, 220 Mich App 686; ___ NW2d ___ (1996); *People v Gatewood (On Remand)*, 216 Mich App 559; 550 NW2d 265 (1996).

Where defendant had already received the benefit of a plea bargain which resulted in reduction of some of the original charges or dismissal of others, and had twice violated his probation, the sentence imposed does not constitute an abuse of the trial court's sentencing discretion. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995).

Affirmed.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

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