

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee

v

STACEY L. WALLER, a/k/a,
STACEY LEE WALLER,

Defendant-Appellant

UNPUBLISHED

May 16, 1997

No. 186728

Oakland Circuit Court

LC No. 94-134639 FH

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

MEMORANDUM.

This case is being decided without oral argument pursuant to MCR 7.214(E). On this appeal of right, defendant raises only a sentencing issue, citing *People v Coles*, 417 Mich 523; 339 NW2d 440 (1983). *Coles*, of course, was overruled and replaced with the proportionality standard in *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). On the facts of this case, defendant has failed to overcome the presumption that a sentence within the guideline range is proportionate to the offense and the offender. *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994).

Affirmed.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

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