

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD TURNER,

Defendant-Appellant.

UNPUBLISHED

July 1, 1997

No. 182621

Recorders Court

LC No. 94-011149

Before: Jansen, P.J., and Young and R.I. Cooper,* JJ.

PER CURIAM.

Defendant pleaded guilty to one count of first-degree retail fraud. MCL 750.356c(2); MSA 28.588(3)(2). Defendant appeals as of right from his sentence of one to two years of imprisonment. We affirm.

Defendant principally requests that this Court remand for resentencing so the sentencing court can impose a sentence which includes drug rehabilitation. Defendant argues that but for the prosecution's insistence to the contrary, the lower court would have ordered drug rehabilitation. We disagree. As part of defendant's plea agreement, defendant agreed to a term of imprisonment for one to two years. Drug rehabilitation was not part of the agreement. As defendant's sentence was imposed in accordance with the sentencing agreement, defendant's challenge to its propriety must now be rejected. *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993)

A defendant who pleads guilty and is sentenced in accordance with a plea bargain and sentencing agreement waives the right to challenge the sentence unless there is also an attempt to withdraw the plea for a sound legal reason. *People v Ward*, 206 Mich App 38, 43-44; 520 NW2d 363 (1994). Defendant has not moved to withdraw his plea. Accordingly, we will not disturb the sentence imposed nor remand for resentencing.

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

Affirmed.

/s/ Kathleen Jansen

/s/ Robert P. Young, Jr.

/s/ Richard I. Cooper