

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL MARCUS FRANKLIN,

Defendant-Appellant.

UNPUBLISHED

August 19, 1997

No. 192294

Ingham Circuit Court

LC No. 92-064758-FH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Defendant appeals by right his judgment of sentence, after remand for resentencing pursuant to this Court's order in Docket No. 168315, of five to fifteen years' imprisonment for felonious assault, enhanced as a fourth felony offender, and two years for possession of a firearm during the commission of a felony. This case is being decided without oral argument pursuant to MCR 7.214(E).

In contending that his sentence is disproportionate, defendant's argument focuses on the sentence guidelines for the underlying offense. Those guidelines, however, are completely irrelevant to the evaluation of a habitual offender sentence. *People v Edgett*, 220 Mich App 686; 560 NW2d 360 (1996). This Court reviews a habitual offender sentence solely to determine whether the trial court abused its sentencing discretion. *People v Hansford (After Remand)*, 454 Mich 320; 562 NW2d 460 (1997).

No abuse of the trial court's sentencing discretion has been established on this record, where defendant introduced potentially deadly force into a mere verbal altercation.

Affirmed.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Edward A. Quinnell

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

