

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRELL L. MODEST,

Defendant-Appellant.

UNPUBLISHED
October 10, 1997

No. 193829
Genesee Circuit Court
LC No. 93-049345 FC

Before: O'Connell, P.J., and White and C. F. Youngblood*, JJ.

MEMORANDUM.

Defendant appeals by right his fifteen- to twenty-year enhanced sentence, as a third offender, MCL 769.11; MSA 28.1083, based on an underlying offense of armed robbery, MCL 750.529; MSA 28.797, imposed after resentencing ordered by this Court on prior appeal of right, Docket No. 173960.

Habitual offender sentences are reviewed on appeal only for abuse of the trial court's sentencing discretion. *People v Hansford (After Remand)*, 454 Mich 320; ___ NW2d ___ (1997). As defendant could have received life or any term of years without regard to his recidivist status, no abuse of sentencing discretion is apparent on this record. That a codefendant, who pled guilty pursuant to a plea bargain which limited the trial court's sentencing options, and who is only a second offender, received a lesser sentence is not only legally irrelevant, but factually irrelevant. *In re Dana Jenkins*, 438 Mich 364, 376-377; 475 NW2d 279 (1991).

Affirmed.

/s/ Peter D. O'Connell
/s/ Helene N. White
/s/ Carole F. Youngblood

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