

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GARY JOSEPH ADAMS,

Defendant-Appellant.

UNPUBLISHED

January 13, 1998

No. 199458

Shiawassee Circuit Court

LC No. 96-007571 FH

Before: Gage, P.J., and Murphy and Reilly, JJ.

MEMORANDUM.

Defendant pleaded guilty to first-degree retail fraud, MCL 750.356c; MSA 28.588(3), and received an enhanced sentence of twenty-four to forty-eight months' imprisonment, in light of his status as a third habitual offender, MCL 769.11; MSA 28.1083. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sentence does not violate the principle of proportionality in light of the leniency shown defendant by the plea agreement and his criminal history. *People v Dixon*, 217 Mich App 400, 412-413; 552 NW2d 663 (1997); *People v Duprey*, 186 Mich App 313, 318; 463 NW2d 240 (1990). Moreover, defendant's sentence does not constitute cruel or unusual punishment. *People v Williams (After Remand)*, 198 Mich App 537, 543; 499 NW2d 404 (1993).

Affirmed.

/s/ Hilda R. Gage

/s/ William B. Murphy

/s/ Maureen Pulte Reilly