

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

May 14, 1996

Plaintiff-Appellee,

v

No. 185385

LC No. 94-068284-FC

LYNELL DAY, a/k/a DESHAWN DAWSON,

Defendant-Appellant.

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Before: Kavanagh, T.G.,\* P.J., and R.B. Burns\*\* and G.S. Allen,\*\* JJ.

MEMORANDUM.

Defendant pleaded guilty to carjacking, MCL 750.529a; MSA 28.797(a), and was sentenced to five to ten years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). The trial court properly focused its sentencing decision on defendant's background, including his numerous prior convictions and his failed efforts at rehabilitation. The trial court did not impose the most severe sentence allowed by statute. MCL 750.529a; MSA 28.797(a); *People v Tanner*, 387 Mich 683, 690; 199 NW2d 202 (1972). Furthermore, defendant avoided the mandatory two-year consecutive sentence for felony-firearm as a result of the plea agreement. *People v Anthony Williams*, 191 Mich App 685, 687-688; 479 NW2d 36 (1991).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

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\*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

\*\*Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

/s/ Glenn S. Allen, Jr.