

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEFFREY LANELL HALL,

Defendant-Appellant.

UNPUBLISHED

January 24, 1997

No. 187213

Kalamazoo Circuit Court

LC No. 94-000757

Before: Bandstra, P.J., and Hoekstra and S.F. Cox,* JJ.

MEMORANDUM.

Defendant appeals as of right his convictions of receiving and concealing stolen property over \$100, MCL 750.535; MSA 28.803, carrying a concealed weapon, MCL 750.227; MSA 28.424, and fourth habitual offender, MCL 769.12; MSA 28.1084. He was sentenced to ten to thirty years' imprisonment. We affirm.

Defendant argues that his sentence of ten to thirty years in prison is disproportionate. Because defendant is an habitual offender, our review of defendant's sentence is limited to whether the sentence violates the principle of proportionality set forth in *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). *People v Gatewood (On Remand)*, 216 Mich App 559, 560; 550 NW2d 265 (1996). At the time defendant committed the present offenses, he was only twenty-one years old and had already committed three prior felonies. The present offenses constituted his fourth and fifth felonies. While defendant was in prison in 1991 and 1992, he had twenty-one major misconducts. Furthermore, defendant was on parole at the time he committed the present offenses and admitted that he was also involved as a driver in an armed robbery that occurred earlier in the evening prior to his arrest for the present offenses. In light of the circumstances surrounding the offense and offender in this case, we conclude that defendant's sentence does not violate the principle of proportionality. *Milbourn, supra*. Thus, the trial court did not abuse its discretion in sentencing defendant. *Gatewood, supra*.

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

We affirm.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Sean F. Cox