

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT EMMANUEL HOLIDAY,

Defendant-Appellant.

UNPUBLISHED

March 4, 1997

No. 184913

Genesee Circuit

LC No. 94-051441-FC

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to second-degree murder, MCL 750.317; MSA 28.549, and was sentenced to eight to fifty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

We reject defendant's claim that defense counsel should have asked the trial court at the plea proceeding to state on the record the maximum sentence that would be imposed pursuant to *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993). The trial court specifically informed defendant that, although the minimum sentence would not exceed eight years' imprisonment, it did not know what the maximum sentence would be. Under these circumstances, counsel did not err in failing to ask the trial court what the maximum sentence would be. *People v Effinger*, 212 Mich App 67, 69; 536 NW2d 809 (1995).

Affirmed.

/s/ Daniel F. Walsh

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

/s/ Robert P. Griffin
/s/ Walter P. Cynar