

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTOINE LAMAR WALLACE,

Defendant-Appellant.

UNPUBLISHED

March 25, 1997

No. 193843

Ingham Circuit Court

LC No. 95-069464-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, conspiracy to commit breaking and entering, MCL 750.157(a); MSA 28.354(1) and MCL 750.110; MSA 28.305, and carrying a concealed weapon, MCL 750.227; MSA 28.424. For those respective convictions, he was sentenced to fifteen to forty years' imprisonment, ten to fifteen years' imprisonment, and three to five 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).

Having reviewed the record, we hold that the prosecutor did not violate the plea agreement. *People v Rodriguez*, 192 Mich App 1, 5; 480 NW2d 287 (1991); *People v Nixten*, 183 Mich App 95, 98-99; 454 NW2d 160 (1990).

In imposing the sentences, the trial court took into account all the necessary factors and the additional information brought to its attention by defendant. *People v Coles*, 417 Mich 523, 549-550; 339 NW2d 440 (1983). The trial court did not abuse its discretion in sentencing defendant. *People v Cervantes*, 448 Mich 620, 626-627; 532 NW2d 831 (1995). Defendant's sentences are

*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.

proportionate to the seriousness of the circumstances surrounding the offenses and the offender.
People v Milbourn, 435 Mich 630, 635-636; 461 NW2d 1 (1990).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar