

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HENRI J. PLOVIE,

Defendant-Appellant.

UNPUBLISHED

March 28, 1997

No. 189633

Oakland Circuit Court

LC Nos. 93-124769-FH

93-126628-FH

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

MEMORANDUM.

In LC No. 93-124769-FH, defendant pleaded guilty to two counts of felonious assault, MCL 750.82; MSA 28.277, one count of malicious destruction of property under \$100, MCL 750.377a; MSA 28.609(1), and one count of habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to a single enhanced term of three to eight years' imprisonment for the felony convictions and ninety days for the misdemeanor conviction. In LC No. 93-126628-FH, defendant pleaded guilty to one count of malicious destruction of property over \$100, MCL 750.377b; MSA 28.609(2), and habitual offender, third offense, MCL 769.11; MSA 28.1083, for which he was sentenced to an enhanced term of three to eight years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

The one-year requirement set forth in MCL 771.1(2); MSA 28.1132(2) was not violated. The order delaying sentence was entered on June 16, 1994. Defendant was sentenced on June 8, 1995. Thus, defendant was sentenced within one year of the order delaying sentence. *Tiedman v Tiedman*,

*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.

400 Mich 571, 576; 255 NW2d 632 (1977); *People v Turner*, 181 Mich App 680, 683; 449 NW2d 680 (1989).

Defendant has failed to preserve for appellate review his claim that there was an insufficient factual basis to support his convictions for habitual offender-third. MCR 6.311(C); *People v Kaczorowski*, 190 Mich App 165, 172; 475 NW2d 861 (1991).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar