

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD CURTIS BORST,

Defendant-Appellant.

UNPUBLISHED

April 1, 1997

No. 189673

Kent Circuit Court

LC No. 94-003353-FH

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

MEMORANDUM.

Defendant pleaded guilty to first-degree home invasion, MCL 750.110a(2); MSA 28.305(a)(2), and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to fifteen to thirty years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence does not violate the principle of proportionality given defendant's lengthy history of criminal activity and substance abuse, his status as a probationer at the time of the commission of the instant offense, and the benefits bestowed upon him by the terms of the plea agreement. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

*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.