

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BARUCH ARMOND WINSTON,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 190113

Recorder's Court

LC No. 94-012866-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 was sentenced to seven-and-a-half to twenty 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).

The fact that the trial court calculated the sentencing guidelines for breaking and entering and then extrapolated to create a recommended sentencing range for the crime of first-degree home invasion did not violate the separation of powers clause, Const 1963, art 3, § 2, since the guidelines are a creation of the Michigan Supreme Court and not of the Legislature.

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

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