

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL GILBERT THOMAS,

Defendant-Appellant.

UNPUBLISHED

April 4, 1997

No. 194343

Livingston Circuit Court

LC No. 92-007381-FH

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

MEMORANDUM.

Defendant pleaded guilty to uttering and publishing a forged instrument, MCL 750.249; MSA 28.446, and habitual offender, third offense, MCL 769.11; MSA 28.1083. He was ultimately sentenced to five to twenty-eight years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Because defendant received the sentence that he bargained for and has made no effort to withdraw his plea, he may not challenge the sentence on appeal. *People v Blount*, 197 Mich App 174, 175-176; 494 NW2d 829 (1992). Moreover, we find that, in light of defendant's criminal background and the nature of the instant offense, the sentence does not violate the principle of proportionality. *People v Cervantes*, 448 Mich 620; 532 NW2d 831 (1995); *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Zinn*, 217 Mich App 340, 349; 551 NW2d 704 (1996).

*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.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar