STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VIRGIL MAURICE HILL,

Defendant-Appellant.

UNPUBLISHED
August 26, 1997

No. 196093
Kalamazoo Circuit Court
LC No. 95-000076-FH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Defendant appeals by right his plea-based conviction for writing a no account check, enhanced by his third offender status—plea bargained down from fourth offender—resulting in a thirty-two- to forty-eight-month sentence. His sole contention on appeal is that his sentence is disproportionate to the offense and the offender.

At the outset, this Court rejects all defendant's arguments which are predicated on the sentence guideline range for the underlying offense. The sentence guidelines are irrelevant in all pertinent respects to appellate evaluation of a habitual offender sentence. *People v Edgett*, 220 Mich App 686; 560 NW2d 360 (1996). Habitual offender sentences are reviewed only for abuse of discretion, *People v Hansford* (After Remand), 454 Mich 320; 562 NW2d 640 (1997), and where, as here, defendant has benefited by a plea bargain resulting in reduction both of the number of offenses and the potential penalty, this Court will only rarely find an abuse of sentencing discretion. *People v Williams*, 223 Mich App ___; ___ NW2d ___ (Docket No. 194996, released May 13, 1997). No abuse of the trial court's sentencing discretion has been established on this record.

Affirmed.

/s/ David H. Sawyer
/s/ Richard A. Bandstra
/s/ Edward A. Quinnell

* Circuit judge, sitting on the Court of Appeals by assignment.