

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANIEL PRESTON WOOD,

Defendant-Appellant.

UNPUBLISHED

October 7, 1997

No. 188903

Oakland Circuit Court

LC No. 93-129320 FH

93-129351 FH

93-129441 FH

93-129655 FH

93-129656 FH

93-130311 FH

93-130312 FH

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

In lower court docket nos. 93-130311 FH and 93-130312 FH, defendant pleaded guilty to one count each of drawing a check upon a bank without any bank account, MCL 750.131a; MSA 28.326(1), and, thereafter, received concurrent sentences of sixteen to twenty-four months imprisonment. In the remaining lower court cases, defendant pleaded guilty to one count each of drawing a check upon a bank without any bank account and received concurrent enhanced terms of imprisonment of six to ten years, reflecting defendant's status as fourth offender, MCL 769.12; MSA 28.1084. Defendant appeals as of right. We affirm. These cases are being decided without oral argument pursuant to MCR 7.214(E).

Defendant's pleas in lower court docket nos. 93-129320 FH, 93-129351 FH, 93-129441 FH, 93-129655 FH, and 93-129656 FH were induced, in part, by the trial court's initial indication, pursuant to *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993), that it would not impose a minimum sentence greater than eighty months imprisonment. At sentencing, the trial court informed defendant that the court would be ordering restitution. Defendant objected on the ground that restitution was not part

of the *Cobbs* agreement. The trial court then offered defendant the opportunity to withdraw his pleas. Defendant reaffirmed his pleas instead.

Defendant argues that the trial court erred when it ordered restitution after accepting defendant's pleas, which were induced by a *Cobbs* agreement that was silent concerning restitution. We disagree.

We conclude that restitution was properly ordered. *People v Schulter*, 204 Mich App 60, 66-67; 514 NW2d 489 (1994). The trial court exercised its sentencing discretion in conformity with the principles enunciated in *Cobbs*, *supra* at 283. Moreover, by reaffirming his guilty pleas, defendant waived his ability to raise the instant appellate challenge. *People v Shuler*, 188 Mich App 548, 551-552; 470 NW2d 492 (1991).

Affirmed.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad