

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALICE GRIGAR,

Defendant-Appellant.

UNPUBLISHED

February 27, 1998

No. 191958

Genesee Circuit Court

LC No. 95-052651-FH

AFTER REMAND

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

MEMORANDUM.

Defendant pleaded guilty to embezzlement, MCL 750.175; MSA 28.372, and was originally sentenced to three to ten years' imprisonment. In a prior decision of this Court, we remanded the case for a hearing at which the sentencing judge was to articulate his reasons for the sentence impose. The Court also retained jurisdiction to review defendant's challenge to the proportionality of her sentence. Although the Court did not order resentencing, this was nevertheless done without objection because the original judge had retired and the new judge felt incapable of articulating reasons for a sentence he did not impose. Defendant was resentenced to two to ten years' imprisonment, and the case is back before us for review of the proportionality of defendant's sentence. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant's new sentence, which is within the recommended range of the sentencing guidelines, does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Dukes*, 189 Mich App 262; 471 NW2d 651 (1991).

*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