

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PHILIP WAYNE THON,

Defendant-Appellant.

UNPUBLISHED

July 10, 1998

No. 199554

Saginaw Circuit Court

LC No. 95-010398 FH

Before: Murphy, P.J., and Young, Jr. and M. R. Smith*, JJ.

MEMORANDUM.

Defendant pleaded guilty to delivering marijuana to a minor, MCL 333.7410; MSA 14.15(7410), and was sentenced to 64 to 96 months' imprisonment. We remanded for resentencing after finding that the sentence imposed violated the principle of proportionality. *People v Thon*, unpublished memorandum opinion of the Court of Appeals, issued October 1, 1996 (Docket No. 186918). On remand, defendant was sentenced to 3-1/2 to 8 years' imprisonment. Defendant appeals as of right. We affirm.

Defendant's sentence is proportionate to the circumstances of the offense and offender, particularly in light of the benefit bestowed upon defendant by the plea agreement and the circumstances of the offense as detailed by the victims. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Dixon*, 217 Mich App 400, 412-413; 552 NW2d 663 (1996).

Affirmed.

/s/ William B. Murphy

/s/ Robert P. Young, Jr.

/s/ Michael R. Smith

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