

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CATHERINE ELAINE SHANKS,

Defendant-Appellant.

UNPUBLISHED

July 26, 1996

No. 178365

LC No. 93-006445-FC

Before: Michael J. Kelly, P.J., and Bandstra and S.B. Miller,* JJ.

MEMORANDUM.

Defendant pleaded guilty to armed robbery, MCL 750.529; MSA 28.797, and was sentenced to a term of ten to forty years' imprisonment. She appeals as of right. We affirm in part and vacate in part.

The trial court did not abuse its discretion in sentencing defendant to twice the minimum range recommended by the sentencing guidelines in light of the fact that she robbed the same establishment twice as revenge for having been discharged and prosecuted for embezzlement a few years earlier and considering the fact that a second armed robbery charge was dismissed in exchange for defendant's guilty plea. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Defendant's next argument regarding the proportionality of her maximum sentence is premised on *People v Young*, 206 Mich App 144; 521 NW2d 340 (1994), in which this Court held that a parolee who commits a subsequent offense while still on parole must complete the entire maximum sentence of his or her prior offense before beginning to serve the consecutive sentence for the subsequent offense. In light of our Supreme Court's recent reversal of this Court's holding in *Young*, we find defendant's argument to be without merit. *People v Young*, 451 Mich 569; ___ NW2d ___ (1996).

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

The trial court erred in ordering restitution to the corporate victim of lost profits and excess overtime wages incurred as a result of the robberies. Because such restitution is not authorized by statute, the order awarding such restitution is vacated. See *People v Chupp*, 200 Mich App 45, 51; 503 NW2d 698 (1993); see also MCL 780.766(4) and (5); MSA 28.1287(766)(4) and (5).

We affirm in part and vacate in part.

/s/ Michael J. Kelly
/s/ Richard A. Bandstra
/s/ Stephen B. Miller