

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EDDIE SHEDRICK HOUGH,

Defendant-Appellant.

UNPUBLISHED

January 21, 1997

No. 196334

Saginaw Circuit Court

LC No. 94-009120-FH

Before: Fitzgerald, P.J., and MacKenzie and A.P. Hathaway,* JJ.

PER CURIAM.

Defendant pleaded guilty of breaking and entering a building with intent to commit a felony, MCL 750.110; MSA 28.305, and of being an habitual offender, third offense, MCL 769.11; MSA 28.1083. He was sentenced to a prison term of four to twenty years. Defendant appeals as of right. We remand for specific performance of the plea agreement.

Defendant argues that he is entitled to resentencing because the trial court failed to sentence him in accordance with a *Cobb*s plea in which the prosecutor agreed to recommend a minimum sentence of no more than three years.¹ The prosecutor has confessed error. Consequently, in accordance with the remedy requested by defendant, we remand this case to the circuit court for specific performance of the plea. *People v Schluter*, 204 Mich App 60, 67; 514 NW2d 489 (1994).

Remanded. Jurisdiction is not retained.

/s/ E. Thomas Fitzgerald

/s/ Barbara B. MacKenzie

/s/ Amy Patricia Hathaway

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

¹ *People v Cobbs*, 443 Mich 276; 505 NW2d 208 (1993).