

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

COREY CROOM,

Defendant-Appellant.

UNPUBLISHED

May 15, 1998

No. 200230

Genesee Circuit Court

LC No. 94-051397 FC

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

As a consequence of defendant's plea-based conviction to second-degree murder, MCL 750.317; MSA 28.549, defendant was sentenced to twenty-five to fifty years' imprisonment. We vacated defendant's sentence and remanded for resentencing without commenting on the proportionality of defendant's original sentence. *People v Croom*, unpublished opinion per curiam of the Court of Appeals, decided May 17, 1996 (Docket No. 186202). On remand, defendant was sentenced to twenty-three to fifty years' imprisonment. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's twenty-three-year minimum sentence does not violate the principle of proportionality, especially in light of the circumstances surrounding the killing and the leniency afforded defendant by the plea agreement. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Dixon*, 217 Mich App 400, 412-413; 552 NW2d 663 (1996).

In light of this conclusion, defendant's sentencing guidelines scoring challenge does not state a cognizable claim for relief. *People v Mitchell*, 454 Mich 145, 176-177; 560 NW2d 600 (1997).

We affirm.

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

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka