

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN MARK HARRIS,

Defendant-Appellant.

UNPUBLISHED

February 15, 2000

No. 215669

Kent Circuit Court

LC No. 94-002086-FH

94-001858-FH

Before: O'Connell, P.J., and Meter and T. G. Hicks*, JJ.

MEMORANDUM.

Defendant appeals as of right from his resentencing to 1 to 18 years' imprisonment for delivery of less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and to 6 to 18 years' imprisonment for delivery of 50 grams or more but less than 225 grams of cocaine, MCL 333.7401(2)(a)(iii); MSA 14.15(7401)(2)(a)(iii), entered after remand from this Court. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court found that the original sentences were entered in error because the trial court believed that it had no discretion to sentence defendant to terms less than the statutory maximums. On remand, the trial court accepted defendant's argument that his maximum terms should be reduced and consequently reduced the maximum terms from 20 years to 18 years. Defendant has failed to show that in imposing this reduction, the trial court failed to recognize and use its full sentencing discretion. See *People v Farah*, 214 Mich App 156, 157; 542 NW2d 321 (1995).

We decline defendant's invitation to extend proportionality review to his maximum sentences. The Supreme Court has implicitly limited the application of such review to minimum sentences. See *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Finally, we are not convinced that either of defendant's maximum sentences evidenced an abuse of sentencing discretion on the part of the trial court.

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

Affirmed.

/s/ Peter D. O'Connell

/s/ Patrick M. Meter

/s/ Timothy G. Hicks