

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JERRY FREDERICK ATHAN,

Defendant-Appellant.

UNPUBLISHED

February 25, 1997

No. 184335

Cheboygan Circuit

LC No. 93-001000-FC

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded guilty of violating probation on his underlying conviction of second-degree criminal sexual conduct, MCL 750.520c; MSA 28.788(3), and was sentenced to three to fifteen years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence is proportionate to the seriousness of the circumstances surrounding the underlying offense, the probation violation, and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990); *People v Rivera*, 216 Mich App 648, 652; 550 NW2d 593 (1996); *People v Smith*, 195 Mich App 147, 149-150; 489 NW2d 135 (1992).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.