

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH EDWARD WHITE, JR.,

Defendant-Appellant.

UNPUBLISHED
February 28, 1997

No. 180391
Cass Circuit
LC No. 94-008191

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

MEMORANDUM.

Defendant pleaded guilty to malicious destruction of personal property over \$100, MCL 750.377a; MSA 28.609(1), and was sentenced to thirty-two to forty-eight months' imprisonment, to be served consecutive to a sentence imposed on an escape conviction. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). The thirty-two month minimum sentence is within the recommended range of the sentencing guidelines and is therefore presumptively proportionate. *People v Blount*, 197 Mich App 174, 175; 494 NW2d 829 (1992). Defendant has not presented any unusual circumstances to rebut that presumption. *People v Piotrowski*, 211 Mich App 527, 532; 536 NW2d 293 (1995).

*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.

To the extent that defendant challenges the length of the sentence imposed on his escape conviction, we decline to review that challenge because he did not file a claim of appeal from that conviction and sentence.

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar