

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EMANUEL LEWIS TURNER,

Defendant-Appellant.

UNPUBLISHED

February 28, 1997

No. 193818

Genesee Circuit Court

LC No. 94-050479-FH

Before: Jansen, P.J., and Reilly and W.C. Buhl,* JJ.

MEMORANDUM.

Defendant pleaded guilty to possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v). He was subsequently sentenced to thirty-two to forty-eight months' imprisonment. Defendant appeals as of right and we affirm.

Defendant's sole contention on appeal is that his sentence violates the principle of proportionality. Although the sentence is outside of the sentencing guidelines range of zero to twelve months, we find no abuse of discretion on the part of the trial court. The trial court adequately articulated its reasons for exceeding the guidelines range on the record. *People v Fleming*, 428 Mich 408, 428; 410 NW2d 266 (1987). After pleading guilty to this conviction, which was made in exchange to a reduced charge from the original charge of delivery of less than twenty-five grams of cocaine, defendant failed to appear for sentencing and a bench warrant was issued. As noted in the presentence report, defendant also failed to appear for scheduled court dates and failed to appear for his initial presentence report interview. He absconded for 1 ½ years, when he was again arrested for unlawfully driving away an automobile. Defendant also has a significant juvenile record and four prior misdemeanor convictions.

In light of defendant's background and the circumstances surrounding the offense, we do not find that the sentence violates the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990); *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995).

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

Affirmed.

/s/ Kathleen Jansen

/s/ Maureen Pulte Reilly

/s/ William C. Buhl