

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN EDWARD TOLFREE,

Defendant-Appellant.

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UNPUBLISHED

March 25, 1997

No. 192071

Saginaw Circuit Court

LC No. 93-007623-FH

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 convictions of carrying a concealed weapon, MCL 750.227; MSA 28.424, and habitual offender, second offense, MCL 769.10; MSA 28.1082. He was sentenced to 3 to 7-1/2 years' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's argument that the trial court failed to consider the circumstances of the offense and the offender is without merit. Defendant's sentence is proportionate. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Daniel F. Walsh

/s/ Robert P. Griffin

/s/ Walter P. Cynar

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\*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.