

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM EARL McPHEE,

Defendant-Appellant.

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UNPUBLISHED

December 19, 1997

No. 197497

Washtenaw Circuit Court

LC No. 94-002868 FH

Before: Griffin, P.J. and Markman and Whitbeck, JJ.

MEMORANDUM.

Defendant appeals by right his sentence of two to five years' imprisonment following adjudication as a probation violator based on an underlying offense of operating a motor vehicle under the influence of intoxicating liquor, third offense, MCL 257.625(1); MSA 9.2325(1). The nature of the probation violation was domestic assault. According to the presentence report, this is defendant's sixth felony conviction, in addition to numerous misdemeanors. We decide this appeal without oral argument pursuant to MCR 7.214(E).

Defendant contends that the trial court failed to individualize his sentence, focusing only on protection of society. Protection of society is a proper sentencing consideration. *People v Snow*, 386 Mich 586; 194 NW2d 314 (1972). The record shows that the sentence imposed was based on defendant's offense and personal criminal and social history. The sentence was thus properly individualized. *People v Crowell*, 186 Mich App 505, 509; 465 NW2d 10 (1991). Sentences for probation violation are subject to appellate review only for abuse of sentencing discretion; the sentence guidelines are wholly inapposite for any purpose. *People v Williams*, 223 Mich App 409; 566 NW2d 649 (1997). The record demonstrates no abuse of the trial court's sentencing discretion. *People v Hansford (After Remand)*, 454 Mich 320; 562 NW2d 460 (1997).

Affirmed.

/s/ Richard Allen Griffin

/s/ Stephen J. Markman

/s/ William C. Whitbeck