

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TOMMY FOREMAN,

Defendant-Appellant.

UNPUBLISHED

January 9, 1998

No. 195071

Ingham Circuit Court

LC No. 93-065445 FC

Before: Gage, P.J., and Murphy and Reilly, JJ.

MEMORANDUM.

Defendant pleaded guilty, pursuant to a plea agreement, to larceny from a person, MCL 750.357; MSA 28.589, and was sentenced to four years probation, with the first year to be served in the county jail. Defendant subsequently pleaded guilty to violating the terms of his probation and was sentenced to five to ten years imprisonment. Defendant appeals as of right. We affirm.

Defendant's reliance on the sentencing guidelines to support his challenge to the proportionality of his sentence is misplaced. The guidelines do not apply to probation violations. *People v Williams*, 223 Mich App 409; ___ NW2d ___ (1997); see also *People v Edgett*, 220 Mich App 686, 690-691; 560 NW2d 360 (1996).

Defendant's sentence does not violate the principle of proportionality in light of his extensive juvenile record, the benefit bestowed upon him by the plea bargain used to secure the underlying conviction, defendant's criminal convictions obtained in Texas while on probation in this case and defendant's violation of the terms of his Texas probation. *People v Spicer*, 216 Mich App 270, 276; 548 NW2d 245 (1996); *People v Hardy*, 212 Mich App 318, 321; 537 NW2d 267 (1995), lv den 451 Mich 909 (1996); *People v Smith*, 195 Mich App 147, 150-151; 489 NW2d 135 (1992), lv den 441 Mich 926 (1993).

Affirmed.

/s/ Hilda R. Gage
/s/ William B. Murphy
/s/ Maureen Pulte Reilly