

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAUL E. RAMIREZ, JR.,

Defendant-Appellant.

UNPUBLISHED

February 20, 1998

No. 198910

Midland Circuit Court

LC No. 92-006715 FH

Before: Michael J. Kelly, PJ., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

Defendant appeals by right his sentence of three to five years' imprisonment, following his guilty plea to probation violation based on an underlying offense of OUIL, third offense, MCL 257.625(6)(d); MSA 9.2325(6)(d). The probation violation consisted of domestic assault and consumption of alcohol occurring on February 5, 1996, consumption of alcohol, driving an automobile on a public highway, and OUIL and driving with a suspended license, all occurring on July 20, 1996. We affirm.

Defendant contends that his three to five year sentence is disproportionate to the offense and to the offender. As a probation violator, defendant's sentence is subject to review only for abuse of the trial court's sentencing discretion. *People v Williams*, 223 Mich App 409; 566 NW2d 649 (1997). Given the nature of the offense, the separate and sequential violations of probation involving alcohol, and defendant's defiance of the law by driving drunk and with a suspended license, in addition to his assaultive behavior, no abuse of the trial court's sentencing discretion has been demonstrated on this record.

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison

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