

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES CATOR, a/k/a LARRY ALLEN,

Defendant-Appellant.

UNPUBLISHED

May 8, 1998

No. 199629

Recorder's Court

LC No. 94-009215

Before: Neff, P.J, and White and D. A. Teeple,* JJ.

MEMORANDUM.

On plea of guilty, defendant was convicted of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and placed on lifetime probation. Defendant was then convicted of violating his probation, and was sentenced to three to twenty years' imprisonment. On this appeal of right, defendant contends that his sentence is disproportionate to the offense and the offender.

Since defendant's sentence follows violation of his probation, the sentence guidelines for the underlying offense are inapposite and irrelevant, and review of the sentence is for abuse of the trial court's sentencing discretion. *People v Williams*, 223 Mich App 409; 566 NW2d 649 (1997). In light of defendant's prior criminal record, his violation of the terms of his probation, and the nature of the offense, no abuse of the trial court's sentencing discretion has been demonstrated.

Affirmed.

/s/ Janet T. Neff

/s/ Helene N. White

/s/ Donald A. Teeple

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