

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRUCE A. JIMERSON,

Defendant-Appellant.

UNPUBLISHED

October 2, 1998

No. 200544

Genesee Circuit Court

LC No. 96-054619 FH

Before: Cavanagh, P.J., and Murphy and White, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of home invasion in the first degree, MCL 750.110a(2); MSA 28.305(a)(2). The trial court sentenced defendant as an habitual offender, third offense, MCL 769.11(1)(a); MSA 28.1083(1)(a), to a term of ten to forty years' imprisonment. Defendant appeals his sentence as of right. We affirm.

Defendant argues that his minimum sentence of ten years violates the principle of proportionality. We disagree. Defendant was on parole at the time of the instant offense. Defendant has an extensive prior criminal record, including two felony convictions and eight misdemeanors. Although defendant argues that the presentence report contains convictions for offenses committed while he was in prison, our reading of the presentence report indicates that these offenses occurred during the two periods that defendant was on parole. Evidence was presented that defendant perpetrated the instant offense in order to obtain money to purchase crack cocaine. We conclude that defendant's sentence is proportionate to the seriousness of the circumstances surrounding the offense and the offender. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990).

Affirmed.

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Helene N. White