

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JACKIE CASELBERRY,

Defendant-Appellant.

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UNPUBLISHED

February 2, 1999

No. 199924

Recorder's Court

LC No. 90-010633

Before: Kelly, P.J., and Hood and Markey, JJ.

PER CURIAM.

Defendant pleaded guilty to violating the terms of his juvenile probation for his 1990 adult convictions of assault with intent to rob while armed, MCL 750.89; MSA 28.284, and possession of a firearm during the commission of a felony, MCL 750.227b;MSA 28.424(2). He was sentenced to ten to twenty years' imprisonment for the assault conviction and a consecutive two-year term for the felony-firearm conviction. He appeals as of right. We affirm.

This Court's review of defendant's sentence is limited to whether the trial court abused its discretion. *Peole v Odendahl*, 200 Mich App 539, 541; 505 NW2d 16 (1993). A sentencing court abuses its discretion when it imposes a sentence that violates the principle of proportionality. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990).

Because the sentencing guidelines do not apply to probation violators, defendant may not challenge the scoring of his guidelines on appeal. *People v Williams*, 223 Mich App 409, 412; 566 NW2d 649 (1997). Considering the circumstances of both the underlying offense and defendant's probation violation, together with defendant's criminal history and his poor prison adjustment, we conclude that defendant's sentence does not violate the principle of proportionality.

Affirmed.

/s/ Michael J. Kelly

/s/ Harold Hood

/s/ Jane E. Markey