

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD SPENCE ROBERTS,

Defendant-Appellant.

UNPUBLISHED

February 19, 1999

No. 193530

Oakland Circuit Court

LC No. 95-142687 FH

Before: Gribbs, P.J., and Saad and P. H. Chamberlain,* JJ.

MEMORANDUM.

Defendant pleaded guilty to possession of under 25 grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d), and operating a motor vehicle without a driver's license, MCL 257.311; MSA 9.2011. He received concurrent sentences of one to four years' imprisonment for the cocaine conviction, one year for the marijuana conviction and ninety days for the driving without a license conviction. Defendant appeals by right, and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's one to four-year sentence is not invalid for lack of adequate articulation of reasons for the sentence imposed. The sentence is within defendant's sentencing guidelines range of six to thirty months, as well as defendant's plea agreement for a minimum sentence not exceeding two years' imprisonment, and the trial court imposed the sentence following remarks by both the prosecuting attorney and defense counsel in favor of a one-year minimum sentence. *People v Lawson*, 195 Mich App 76, 78; 489 NW2d 147 (1992).

We also reject defendant's contention that the one-year minimum sentence is disproportionate to the seriousness of the offense and the offender. Because the sentence is within the sentencing guidelines range, it is presumptively proportionate, and defendant has failed to overcome the presumption of proportionality by identifying the kind of unusual circumstances that would render a

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

sentence within the guidelines range disproportionate. E.g., *People v Piotrowski*, 211 Mich App 527, 532-533; 536 NW2d 293 (1995). Moreover, defendant's challenge to the proportionality of the sentence is precluded by his plea agreement. *People v Cobbs*, 443 Mich 276, 285; 505 NW2d 208 (1993).

Affirmed.

/s/ Roman S. Gribbs

/s/ Henry William Saad

/s/ Paul H. Chamberlain