# STATE OF MICHIGAN

# COURT OF APPEALS

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| PEOPLE OF THE STATE OF MICHIGAN,<br><br>Plaintiff-Appellee, | UNPUBLISHED<br>May 11, 1999 |
| v | No. 193250<br>Calhoun Circuit Court |
| DONALD DALE SOUTHWELL,<br><br>Defendant-Appellant. | LC No. 93-002147 FH |

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Before: Gage, P.J., and Gribbs and Hoekstra, JJ.

MEMORANDUM.

In 1994, defendant pleaded guilty to operating a motor vehicle under the influence of intoxicating liquor (OUIL), third offense, MCL 257.625(1)(a); MSA 9.2325(1)(a), and was sentenced to five years' probation. In late 1995, defendant pleaded guilty to violating the terms of his probation by failing to report. His probation was then revoked and he was resentenced to three to five years' imprisonment on the underlying OUIL 3rd conviction. Defendant now appeals by right. We affirm.

This appeal does not provide a basis for reviewing the proceedings on defendant's underlying OUIL 3rd conviction in 1994, but is limited to the subsequent proceedings concerning defendant's violation of probation. *People v Pickett*, 391 Mich 305, 316; 215 NW2d 695 (1974). Here, defendant's sole issue for appeal concerns the trial court's failure to advise him of licensing sanctions in accordance with MCL 257.625b(4); MSA 9.2326(2)(4), which provides:

> Before accepting a plea of guilty or nolo contendere under § 625 or a local ordinance substantially corresponding to §625(1), (2), (3) or (6) the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation, and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state pursuant to § 204a.

Because MCL 257.625b(4); MSA 9.2326(2)(4) applies only to defendant's plea of guilty on the underlying OUIL offense, not his subsequent probation violation plea, defendant's argument is beyond the scope of this appeal. *Pickett*, *supra*.

Affirmed.

/s/ Hilda R. Gage
/s/ Roman S. Gribbs
/s/ Joel P. Hoekstra