

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROLAND ALBERT CLAMPITT,

Defendant-Appellant.

UNPUBLISHED

May 14, 1999

No. 205648

Tuscola Circuit Court

LC No. 96-007036 FH

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant pleaded guilty to uttering and publishing, MCL 750.249; MSA 28.446, and was sentenced to nine to fourteen years' imprisonment. Defendant appeals by leave. We affirm.

First, defendant contends that the trial court erred when it sentenced him on the basis of conduct other than the uttering and publishing offense to which defendant pleaded guilty. We disagree. The trial court reviewed defendant's presentence investigation report and noted his long history of involvement with the justice system. Under the facts in this case, we conclude that the sentence was based on appropriate considerations. *People v Ross*, 145 Mich App 483, 495-496; 378 NW2d 517 (1985).

Second, defendant contends that his sentence was disproportionate to both defendant and the crime committed. We disagree. The trial court imposed a sentence within the sentencing guidelines. Defendant has failed to overcome the presumption that a sentence within the guidelines is proportionate to the offense and offender. *People v Eberhardt*, 205 Mich App 587, 591; 518 NW2d 511 (1994).

Affirmed.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski