

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MORTON ARTHUR SHIMEL,

Defendant-Appellant.

UNPUBLISHED

July 30, 1999

No. 213901

Mason Circuit Court

LC No. 93-011258 FH

95-012245 FH

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

In lower court docket no. 93-011258 FH, defendant pleaded guilty to unlawfully driving away a motor vehicle, MCL 750.413; MSA 28.645, and possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d). Defendant was sentenced to three years' probation with the first year to be served in the county jail.

In lower court docket no. 95-012245 FH, defendant pleaded guilty to breaking and entering a building with intent to commit malicious destruction of property over \$100 or obstruction of justice, MCL 750.110; MSA 28.305, and was sentenced to five years' probation, with the first year to be served in the county jail. At the guilty plea hearing in docket no. 95-012245 FH, defendant also pleaded guilty to violating the terms of his probation in docket no. 93-011258 FH. Defendant was sentenced on the probation violation to an additional ninety days in jail and his probation was extended to five years.

Defendant subsequently pleaded guilty to violating the terms of his probation in both lower court cases, and the trial court sentenced him to three to five years' imprisonment on the UDAA conviction and to three to ten years' imprisonment on the B&E conviction. Defendant appeals as of right. We affirm.

Defendant's sentences do not violate the principle of proportionality, especially in light of his conduct while on probation and the benefits bestowed upon him by the various plea agreements employed to secure his pleas. *People v Ward*, 206 Mich App 38, 45; 520 NW2d 363 (1994); *People v Reynolds*, 195 Mich App 182, 184-185; 489 NW2d 128 (1992).

Affirmed.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder