

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JUNIAS JONES,

Defendant-Appellant.

UNPUBLISHED
November 6, 2001

No. 226301
Wayne Circuit Court
LC No. 98-008329

Before: Doctoroff, P.J., and Wilder and Chad C. Schmucker*, JJ.

MEMORANDUM.

Defendant appeals as of right his probation violation conviction. We affirm.

Defendant was convicted of possession with intent to deliver less than 50 grams of cocaine. MCL 333.7401(2)(a)(iv). He was sentenced to lifetime probation. He was charged with violating probation when he was arrested on another charge and failed to report to his probation officer.

Defendant asserts that there was insufficient evidence to support the probation violation conviction where he was only arrested on another charge, and not convicted. However, defendant's conviction was clearly based on his failure to report to his probation officer. Where defendant and the probation officer both testified that defendant failed to report, there was sufficient evidence to support the conviction. *People v Wolfe*, 440 Mich 508; 489 NW2d 748 (1992).

Defendant also asserts that his eight to twenty year sentence is disproportionate. A sentence imposed as a result of a probation violation essentially amounts to a revocation of the original probation order and a resentencing on the original offense. *People v Burks*, 220 Mich App 253, 258; 559 NW2d 357 (1996). The sentencing guidelines do not apply to probation violations. *People v Britt*, 202 Mich App 714; 509 NW2d 914 (1993).

Prior to sentencing, the court confirmed that defendant had admitted he engaged in further criminal conduct involving drugs. Given this activity after being placed on probation, the

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

sentence was reasonably tailored to the offender and the seriousness of the offense. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chad C. Schmucker