

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

UNPUBLISHED
September 13, 2012

v

EDWARD SANDERS,

No. 304885
Kent Circuit Court
LC No. 07-006434-FH

Defendant-Appellant.

Before: WILDER, P.J., and O'CONNELL and K.F. KELLY, JJ.

MEMORANDUM.

Following a March 25, 2011, guilty plea for violating a modified probation order, the trial court revoked defendant's probation for his convictions for possession of a controlled substance in an amount less than 25 grams, MCL 333.7403(2)(a)(v), and operating a motor vehicle while intoxicated, third offense, MCL 257.625. The court sentenced defendant to 18 to 60 months' imprisonment for possession of a controlled substance, and 18 to 60 months' imprisonment for operating a motor vehicle while intoxicated, third offense. Defendant appeals as of right. We affirm.

On appeal, defendant seeks a remand to create a record that defendant's counsel was ineffective with regard to a January 2011 probation violation hearing. The January 2011 hearing addressed defendant's prior guilty plea on a violation of his first probation order. We cannot provide the requested relief. The current appeal is limited to issues arising from the March 25, 2011, plea proceeding and the resulting sentencing. Defendant may not use this appeal to attack prior proceedings. See *People v Pickett*, 391 Mich 305, 308; 215 NW2d 695 (1974) (appeal of a probation violation is "limited to the matters surrounding the immediate violation involved, i.e., . . . to those matters relating to the probation violation"), superseded on other grounds by constitutional amendment as stated in *People v Kaczmarek*, 464 Mich 478, 482; 628 NW2d 484 (2001).

Affirmed.

/s/ Kurtis T. Wilder
/s/ Peter D. O'Connell
/s/ Kirsten Frank Kelly