

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT L. CHEEK,

Defendant-Appellant.

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UNPUBLISHED

March 3, 1998

No. 196432

Recorder's Court

LC No. 96-000403

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison\*, JJ.

MEMORANDUM.

Defendant appeals by right his bench trial conviction of felonious assault, MCL 750.82; MSA 28.277, and felony-firearm, MCL 750.227b; MSA 28.424(2). His sole contention is that the one and one-half to four year sentence he received for felonious assault is disproportionate to the offense and the offender. We affirm.

Defendant's sentence is within the guideline range, which, as reflected in the sentence information report prepared and signed by the trial judge and filed with the lower court record, is six to twenty-four months on the minimum. Defendant has failed to overcome the presumption that a sentence within the guideline range is proportionate to the offense and the offender. *People v Eberhardt*, 205 Mich App 587; 518 NW2d 511 (1994).

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison

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