

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WALTER J. BRENNER,

Defendant-Appellant.

UNPUBLISHED

June 16, 1998

No. 200492

Genesee Circuit Court

LC No. 94-050603 FH

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Defendant pleaded guilty to operating a motor vehicle while under the influence of intoxicating liquor, third offense, MCL 257.625(6); MSA 9.2325(6), and was sentenced to five years' probation, with the first year to be served in the county jail. Defendant subsequently pleaded guilty to violating the terms of his probation and was sentenced to three to five years' imprisonment. Defendant appeals as of right. We affirm.

Defendant's three-year minimum sentence does not violate the principle of proportionality, particularly in light of defendant's repeated failure to take advantage of rehabilitative opportunities offered him, the circumstances surrounding his probation violations and defendant's engendering of another OUIL 3rd charge while on probation. *People v Williams*, 223 Mich App 409, 410-412; 566 NW2d 649 (1997).

Affirmed.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage