

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

FREDERICK ANTHONY BRADFORD,

Defendant-Appellant.

UNPUBLISHED
October 30, 1998

No. 199490
Manistee Circuit Court
LC No. 91-002134

Before: Young, Jr., P.J., and Wahls and Jansen, JJ.

MEMORANDUM.

Defendant was sentenced to six to twenty years' imprisonment and fined \$15,000, following his plea of nolo contendere to violating the terms of his lifetime probationary sentence which was imposed following his plea-based conviction for delivery of less than fifty grams of cocaine, MCL 333.7401(1) and (2)(a)(iv); MSA 14.15(7401)(1) and (2)(a)(iv). Defendant appeals as of right. We affirm.

We decline appellate review of defendant's challenge to the validity of the underlying probationary sentence. An appeal from a determination of violation of probation and imposition of penalty is limited solely to those matters surrounding the immediate violation involved. *People v Pickett*, 391 Mich 305, 308; 215 NW2d 695 (1974).

The fine imposed was not constitutionally excessive in light of defendant's admitted lengthy involvement in drug trafficking and the reasonable inference drawn therefrom that defendant profitted from this trafficking, and defendant's ability to pay the fine as detailed in the presentence investigation report. *People v Antolovich*, 207 Mich App 714, 717-719; 525 NW2d 513 (1994).

Neither defendant's fine nor his six-year minimum sentence violates the principle of proportionality in light of the circumstances surrounding the probation violation, the benefits bestowed upon defendant by the plea agreements used to secure defendant's convictions on the underlying drug conviction, and on the present probation violation and defendant's conduct while on probation which included violating the terms of his probation on three separate occasions. *People v Dixon*, 217 Mich App 400, 412; 552 NW2d 663 (1996); *Antolovich, supra*, pp 719-722; *People v Peters*, 191 Mich App 159, 167; 477 NW2d 479 (1991).

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Myron H. Wahls

/s/ Kathleen Jansen