

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DON CORNELIUS LEE,

Defendant-Appellant.

---

UNPUBLISHED  
October 29, 1999

No. 207992  
Saginaw Circuit Court  
LC No. 94-009884 FH

Before: Whitbeck, P.J., and Gribbs and White, JJ.

MEMORANDUM.

Defendant appeals as of right from his consecutive sentences of two to twenty years for possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and two to five years for carrying a concealed weapon in a motor vehicle, MCL 750.227; MSA 28.424. We affirm.

Defendant argues that his sentences are disproportionate. We disagree. Defendant's sentences were not enhanced in spite of his status as a second habitual offender. MCL 769.10; MSA 28.1082. The sentencing guidelines do not apply to habitual offenders. *People v Williams*, 223 Mich App 409, 412-413; 566 NW2d 649 (1997). The standard of review for a sentence imposed on an habitual offender is abuse of discretion. *People v Hansford (After Remand)*, 454 Mich 320, 323-324, 326; 562 NW2d 460 (1997). If an habitual offender's underlying criminal history demonstrates that he is unable to conform his conduct to the law, a sentence within the statutory limits does not constitute an abuse of discretion. *Id.* Defendant was on parole for the offense of possession with intent to deliver cocaine when he committed the instant offenses. His sentences are within statutory limits, and do not constitute an abuse of discretion.

Affirmed.

/s/ William C. Whitbeck

/s/ Roman S. Gibbs

/s/ Helene N. White