

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CARL GREGORY,

Defendant-Appellant.

UNPUBLISHED

March 8, 2002

No. 229134

Wayne Circuit Court

LC No. 98-009377

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his probation violation sentence, based on his underlying conviction for aggravated stalking, MCL 750.411i. We affirm.

Defendant pleaded guilty to aggravated stalking and habitual offender, fourth offense, MCL 769.12, and he was sentenced to five years' probation, with the first year to be served in jail. The order of probation indicated that defendant was to have no contact with complainant. Defendant was found guilty of violating probation after complainant testified about multiple violent contacts initiated by defendant.

The court sentenced defendant to forty to sixty months' imprisonment, the maximum possible sentence. The court noted defendant repeatedly violated his probation, and that it feared defendant and complainant would end up killing each other. Defendant argues that this sentence is disproportionate.

Sentencing guidelines are not applicable to probation violations. *People v Cotton*, 209 Mich App 82, 83-84; 530 NW2d 495 (1995). This court will review a sentence to determine whether it is proportionate to the seriousness of the matter. *People v Houston*, 448 Mich 312, 319; 532 NW2d 508 (1995). Given complainant's testimony, there is no question that this matter was very serious, and defendant posed a high risk of harm. The trial court did not abuse its discretion in imposing the maximum sentence. *People v Merriweather*, 447 Mich 799, 806; 527 NW2d 460 (1994).

We affirm.

/s/ Richard A. Bandstra

/s/ William B. Murphy

/s/ Christopher M. Murray