

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

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY CHARLES DARTT,

Defendant-Appellant.

---

UNPUBLISHED

April 26, 1996

No. 188982

LC No. 93-025422-FH

Before: Taylor, P.J., and Fitzgerald and P.D. Houk,\* JJ.

PER CURIAM.

Defendant was on probation for his conviction of carrying a concealed weapon, MCL 750.227; MSA 28.424. He pleaded guilty of probation violation and was sentenced to a prison term of one to five years. Defendant appeals as of right. We affirm.

Defendant's sole claim is that his sentence is disproportionate. The sentencing guidelines do not apply to probation violation sentences. *People v Cotton*, 209 Mich App 82, 83-84; 530 NW2d 495 (1995). Nonetheless, defendant's sentence is only a slight departure from the guidelines' range of zero to six months for the underlying offense. Considering the seriousness of the circumstances surrounding the offense and the offender, we find that the sentence is proportionate. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Clifford W. Taylor

/s/ E. Thomas Fitzgerald

/s/ Peter D. Houk

---

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