

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY D. ALLEN,

Defendant-Appellant.

UNPUBLISHED

May 17, 1996

No. 186048

LC No. 88-007802

Before: Kavanagh, T.G.,* P.J., and R.B. Burns** and G.S. Allen,** JJ.

MEMORANDUM.

Defendant pleaded guilty to violating probation on his underlying conviction of delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to three to ten years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Contrary to defendant's claim, the trial court did not fail to score the sentencing guidelines on the underlying conviction, which recommended a minimum sentence range of 12 to 36 months' imprisonment. Further, defendant's sentence did not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990); *People v Peters*, 191 Mich App 159, 167; 477 NW2d 479 (1991).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

*Former Supreme Court Justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

**Former Court of Appeals Judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.

/s/ Glenn S. Allen, Jr.