

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PATRICK H. MONTGOMERY,

Defendant-Appellant.

UNPUBLISHED

May 24, 1996

No. 181142

LC Nos. 91-001010-FH;

91-001011-FH;

91-001012-FH

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

MEMORANDUM.

Defendant pleaded guilty of violating probation on his three convictions of attempted uttering and publishing, MCL 750.92; MSA 28.287 and MCL 750.249; MSA 28.446, and was sentenced to concurrent terms of forty to sixty months' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Defendant's sentences are proportionate to the circumstances of the probation violations, the underlying offenses, and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.

*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.