

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MELVIN WARD,

Defendant-Appellant.

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UNPUBLISHED

May 24, 1996

No. 183103

LC No. 89-049452 FC

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 assault with intent to commit criminal sexual conduct, MCL 750.520(g)(1); MSA 28.788(7)(1), and was sentenced to five to ten years' imprisonment. He appeals as of right. We affirm as modified. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not abuse its discretion in sentencing defendant. *People v Cervantes*, 448 Mich 620, 626-627 (1995); *People v Smith*, 195 Mich App 147, 149-150; 489 NW2d 926 (1993). The sentence is proportionate to the offense and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990).

However, the trial court erred in imposing conditions of parole as part of the sentence. *People v Greenberg*, 176 Mich App 296, 310-311; 439 NW2d 336 (1989). Accordingly, we order that those conditions be stricken from the judgment of sentence. Resentencing is not required.

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\*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.

Affirmed as modified.

/s/ Thomas G. Kavanagh

/s/ Robert B. Burns

/s/ Glenn S. Allen, Jr.