

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD J. HART,

Defendant-Appellant.

UNPUBLISHED

September 27, 1996

No. 180087

LC Nos. 91-000298-FH;

91-000299-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM.

Defendant pleaded guilty to violating probation on his two underlying convictions of breaking and entering an occupied dwelling with intent to commit larceny, MCL 750.110; MSA 28.305, and was sentenced to concurrent terms of seven to fifteen 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 assertion, the trial court individualized his sentences. The court's explanation for the sentences reveals an intimate knowledge of defendant and his history. Defendant's sentences do not violate the principal of proportionality. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990); *People v Smith*, 195 Mich App 147, 149-150; 489 NW2d 926 (1993).

Defendant was not sentenced based on an uncharged and unproven felony-firearm offense. A sentencing court may consider the facts underlying uncharged offenses, pending charges, and acquittals. *People v Parr*, 197 Mich App 41, 46; 494 NW2d 768 (1992). Because defendant expressly approved the information in the presentence investigation report regarding the pistol, he has not

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

preserved this issue for appellate review. *People v Lawrence*, 206 Mich App 378, 380; 522 NW2d 654 (1994).

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan