

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAMON HERNANDEZ, III,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 180839

LC No. 93-017091-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 underlying convictions of felonious assault, MCL 750.82; MSA 28.277, and operating a motor vehicle while under the influence of intoxicating liquor, MCL 257.625(1); MSA 9.2325(1). He was sentenced to thirty-two to forty-eight months' imprisonment, and now appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant is not entitled to resentencing due to the sentencing court's failure to score the sentencing guidelines for the probation violation since the guidelines do not apply to probation violations. *People v Cotton*, 209 Mich App 82, 83-84; 530 NW2d 495 (1995); *People v Peters*, 191 Mich App 159, 167; 477 NW2d 479 (1991); Michigan Sentencing Guidelines (2d ed, 1988), pp 1, 11-22. Defendant has failed to provide us with a meritorious reason for ruling otherwise.

Moreover, defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant's willingness to engage in violent and potentially deadly conduct while on probation makes him a continuing danger to the community.

Affirmed.

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

/s/ John H. Gillis
/s/ Glenn S. Allen, Jr.
/s/ Joseph B. Sullivan