

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

CLAVERN TYSON BEY, JR.,

Defendant-Appellee.

UNPUBLISHED

October 1, 1996

No. 184841

LC No. 94-134332-FH

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

MEMORANDUM.

Defendant pleaded guilty to possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), and to being a second controlled substance offender, MCL 333.7413(2); MSA 14.15(7413)(2). Plaintiff appeals as of right, challenging defendant's sentence of two years' probation. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not abuse its sentencing discretion in imposing a two-year probationary term. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990). Although the sentence was below the recommended guidelines' range, the court noted that the probation department also recommended probation and believed that defendant, an admitted drug addict, is in need of treatment.

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

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