

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TIMOTHY EDWARD LYON,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 188600

LC No. 95-000844-FH

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

MEMORANDUM.

Defendant pleaded guilty to assault with a dangerous weapon, MCL 750.82; MSA 28.277, and was sentenced to two to four years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990). Defendant has failed to rebut the presumptive proportionality of his sentence. *People v Piotrowski*, 211 Mich App 527; 536 NW2d 293 (1995); *People v Sharp*, 192 Mich App 501; 481 NW2d 773 (1992).

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.