

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KENYATTA LAMAR WEAVER,

Defendant-Appellant.

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UNPUBLISHED

October 4, 1996

No. 189817

LC No. 94-002733-FH

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to felonious assault, 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). Sentences which fall within the sentencing guidelines' range are presumed to be neither excessively severe nor unfairly disparate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987); *People v Williams (After Remand)*, 198 Mich App 537, 543; 499 NW2d 404 (1993). Having reviewed the record, we hold that defendant has not rebutted the presumptive proportionality of his sentence.

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan

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