

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DUJUAN CHRISTOPHER BERRY,

Defendant-Appellant.

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UNPUBLISHED

October 4, 1996

Nos. 192316; 192317

LC Nos. 94-000843-FH;

93-002658-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 attempted possession with intent to deliver less than fifty grams of cocaine, MCL 750.92; MSA 28.287 and MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and attempted carrying a concealed weapon, MCL 750.92; MSA 28.287 and MCL 750.227; MSA 28.424. For those respective convictions, he was sentenced to forty to sixty months' imprisonment and twenty to thirty months' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The sentences imposed on defendant for the underlying convictions following his probation violation do not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

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.