

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ERIC LEE LOBDELL,

Defendant-Appellant.

UNPUBLISHED

November 12, 1996

No. 186316

LC No. 95-006043-FH

Before: Gribbs, P.J., and Mackenzie and Griffin, JJ.

PER CURIAM.

Pursuant to a plea bargain agreement, defendant pled guilty to prison escape, MCL 750.193; MSA 28.390, breaking and entering an unoccupied dwelling, MCL 750.110; MSA 28.305, breaking and entering an occupied dwelling, and one count of larceny over \$100, MCL 750.356; MSA 28.588. Under the terms of the agreement, the prosecutor agreed not to file a supplemental information charging defendant as a habitual offender. Defendant was sentenced to a term of two and one-half to five years for prison escape. Defendant was also sentenced to concurrent terms of five to ten years, seven to fifteen years, and two and one-half to five years, to be served consecutively to the sentence for prison escape. On appeal, defendant contends that the trial court improperly scored offense variable 8 (OV8). We disagree and affirm.

Defendant argues that the trial court improperly scored ten points for OV8, pattern of criminal activities. The guidelines provide that ten points are to be scored when the charged offense is part of a pattern of criminal activity over a period of time from which defendant derived a substantial portion of his income. Here, defendant concedes that the criminal activity was his sole source of income after his escape from prison. However, he contends that, because all the crimes were committed within a five-day period, it was not a sufficient "period of time" to justify a score of ten points. We do not agree. Our review of scoring decisions is very limited. *People v Daniels*, 192 Mich App 658, 674; 482 NW2d 176 (1992). This Court affirms a scoring decision where, as here, evidence exists to support the score. *People v Hoffman*, 205 Mich App 1, 24; 518 NW2d 817 (1994). As the trial court noted, the time frame of defendant's crime spree may have been relatively short, but it was the sole source of his income until he was apprehended. Further, defendant's sentence in this case was

proportionate to the offense and the offender. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Affirmed.

/s/ Roman S. Gibbs

/s/ Barbara B. MacKenzie

/s/ Richard Allen Griffin