

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

REBECCA MORALES,

Defendant-Appellant.

UNPUBLISHED

February 14, 1997

No. 192642

Saginaw Circuit Court

LC No. 93-8569 FH

Before: O’Connell, P.J., and Markman and M.J. Talbot,* JJ.

PER CURIAM.

Defendant pleaded nolo contendere to charges of involuntary manslaughter, MCL 750.321; MSA 28.553, and second-degree child abuse. MCL 750.1366(3); MSA 28.331(2)(3). She was sentenced to five years’ probation. Defendant subsequently pleaded guilty to violating the terms of her probation. The circuit court then imposed concurrent sentences of thirty-four to one hundred eighty months and thirty-one to forty-eight months, respectively, with respect to the underlying offenses. Defendant now appeals as of right the proportionality of the sentences imposed. We affirm.

While the sentencing guidelines do not apply to probation violations, they continue to be used as a “starting point” when determining the proportionality of a sentence imposed as a result of a probation violation. *People v Britt*, 202 Mich App 714, 717; 509 NW2d 914 (1993). Here, the guidelines recommended a minimum sentence of twenty-four to eighty-four months for the involuntary manslaughter conviction. See *People v Hodges*, 179 Mich App 629, 636; 446 NW2d 325 (1989) (where an offender is sentenced for multiple convictions, a sentencing information report need be prepared only for the conviction which carries the highest statutory maximum). Defendant argues that while the sentence imposed falls within the guidelines recommendation, the guidelines fail to take into account that she “had suffered a punishment greater than the court could ever inflict,” namely, the knowledge that her criminal negligence caused the death of her child. While this is true, the sentencing court explicitly addressed this consideration when imposing sentence. Given the severity of the underlying offenses and defendant’s failure to comply with the very modest probationary requirements,

* Circuit judge, sitting on the Court of Appeals by assignment.

we do not find the sentences imposed to constitute an abuse of discretion. See *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990).

Affirmed.

/s/ Peter D. O'Connell
/s/ Stephen J. Markman
/s/ Michael J. Talbot