

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARIN GARLAND,

Defendant-Appellant.

UNPUBLISHED

February 28, 1997

No. 193837

Manistee Circuit Court

LC No. 91-2133-FH

Before: Young, P.J., and Gribbs and S. J. Latreille,* JJ.

PER CURIAM.

Defendant pled guilty to violation of probation. He was resentenced on the underlying offense of breaking and entering an unoccupied building, MCL 750.110; MSA 28.305, to a term of three and a half to ten years. We affirm.

Defendant contends that he is entitled to sentence credit for the time he spent during his probation in a half-way house. There is no merit to this claim. The sentencing credit statute authorized credit only for time served in jail prior to sentencing because of the denial or inability to furnish bond. MCL 769.11b; MSA 28.1083(2). *People v Scott*, 216 Mich App 196, 199; 548 NW2d 678 (1996). Here, defendant's time in the half-way house was not served in jail because of the inability to post bond. He is not entitled to the credit.

Defendant also argues that his sentence is disproportionate because the sentencing guidelines range for the underlying offense was zero to twelve months. There is no merit to this issue. Sentencing guidelines do not apply to probation violations, *People v Gatewood*, 450 Mich 1025; ___ NW2d ___ (1996); *People v Cervantes*, 448 Mich 620, 625, 630; 532 NW2d 831 (1995); *People v Reynolds*, 195 Mich App 182, 184; 489 NW2d 128 (1992). Here, defendant had a significant prior record and, in this case, had violated his term of probation several times prior to this sentence. We find defendant's sentence in this case proportionate to the offender and the offense. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

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

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Roman S. Gibbs

/s/ Stanley J. Latreille