

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TONY LEE MCCLAIN,

Defendant-Appellant.

UNPUBLISHED

March 4, 1997

No. 193205

Genesee Circuit Court

LC No. 89-40640-FH

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

PER CURIAM.

Defendant pled guilty to violation of probation after selling a live grenade to an undercover officer. He was resentenced on the underlying charge of possession of less than fifty grams of cocaine, MCL 333.7403(2)(a)(iv); MSA 14.15(7403)(2)(a)(iv), to a term of four to twenty years. We affirm.

Defendant argues on appeal that his sentence was disproportionate because the original sentencing guidelines range for the underlying offense was twelve to thirty months. There is no merit to defendant's claim. 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). 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).

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Roman S. Gribbs

/s/ Stanley J. Latreille

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