

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON DAN PEARSON,

Defendant-Appellant.

UNPUBLISHED

March 25, 1997

No. 188740

Saginaw Circuit Court

LC No. 93-008257-FH

Before: D.F. Walsh,* P.J., and R.P. Griffin** and W.P. Cynar,* JJ.

MEMORANDUM.

Defendant pleaded guilty to violating probation on his underlying conviction of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and was sentenced to four to twenty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

There is adequate evidence in the record to uphold the trial court's assessment of ten points for Offense Variable 8. See *People v Garner*, 215 Mich App 218, 219; 544 NW2d 478 (1996). Moreover, defendant's sentence does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630; 461 NW2d 1 (1990).

Next, there is no indication that the trial court relied on uncharged conduct in deciding to revoke defendant's probation. *People v Laurent*, 171 Mich App 503, 506; 431 NW2d 202 (1988). Defendant is not entitled to a new probation violation hearing.

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

**Former Supreme Court justice, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-10.

Affirmed.

/s/ Daniel F. Walsh
/s/ Robert P. Griffin
/s/ Walter P. Cynar