

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN DAVID SMITH,

Defendant-Appellant.

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UNPUBLISHED

March 25, 1997

No. 189025

Kalkaska Circuit Court

LC No. 94-001360-FH

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

MEMORANDUM.

Pursuant to a plea agreement, defendant pleaded guilty to possession with intent to deliver marijuana, MCL 333.7401(2)(c); MSA 14.15(7401)(2)(c), and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). For those respective convictions, he was sentenced to one to four years' imprisonment and two years' consecutive imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentence for the marijuana conviction, which is a six-month departure from the sentencing guidelines' recommended range, does not violate the principle of proportionality. *People v Milbourn*, 435 Mich 630, 651; 461 NW2d 1 (1990). The reasons for the sentence articulated by the trial court adequately justified the departure from the guidelines' range. *People v Coulter (After Remand)*, 205 Mich App 453, 456; 517 NW2d 827 (1994); *People v Rosales*, 202 Mich App 47, 49; 507 NW2d 776 (1993); *People v Brzezinski (After Remand)*, 196 Mich App 253, 256; 492 NW2d 781 (1992).

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\*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