

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANIEL ELI LUDWICK,

Defendant-Appellant.

UNPUBLISHED

May 13, 1997

No. 195267

Manistee Circuit Court

LC No. 95-2483 FH

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Defendant's sentence does not violate the principle of proportionality. *People v Hardy*, 212 Mich App 318; 537 NW2d 267 (1995); *People v Smith*, 195 Mich App 147; 489 NW2d 135 (1992). The sentence guidelines do not apply in the probation violation context, and any use of the guidelines in such circumstances would constitute a misapplication of a tool neither designed with probation violation in mind nor based on data which include probation violation sentences. *People v Edgett*, 220 Mich App 686; ___ NW2d ___ (1996).

Affirmed.

/s/ Maura D. Corrigan

/s/ Robert P. Young, Jr.

/s/ Michael J. Talbot

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