

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRIAN PATRICK FODO,

Defendant-Appellant.

UNPUBLISHED

June 20, 1997

No. 195597

Bay Circuit Court

LC No. 95-1093 FH

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

The sentence guidelines have no application to review of defendant's sentence as a probation violator. *People v Wagner*, 193 Mich App 679; 485 NW2d 133 (1992); *People v Edgett*, 220 Mich App 686; ___ NW2d ___ (1996). Where defendant violated his probation for issuing a no account check, and the violation consisted of uttering and publishing a forged instrument, a 16 to 24 month sentence as a probation violator is not disproportionate to the offense or the offender. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995); *People v Gatewood (On Remand)*, 216 Mich App 559; 550 NW2d 265 (1996).

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra