

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRIAN DEON POOLE,

Defendant-Appellant.

UNPUBLISHED

June 20, 1997

No. 196292

Saginaw Circuit Court

LC No. 94-9433 FH

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

MEMORANDUM.

The sentence guidelines as originally calculated have no application following defendant's adjudication as a probation violator. *People v Wagner*, 193 Mich App 679; 485 NW2d 133 (1992). As the guidelines were not designed with probation violators in mind, any attempt to use them for this purpose would lead to inaccurate results. *People v Edgett*, 220 Mich App 686; ___ NW2d ___ (1996). In this case, the trial court articulated valid justification for the sentence imposed, and the resulting sentence is not disproportionate to the offense or the offender, nor does it represent an abuse of sentencing discretion. *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995); *People v Gatewood (On Remand)*, 216 Mich App 559; 550 NW2d 265 (1966).

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra