

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RICHARD OTIS FARMER,

Defendant-Appellant.

UNPUBLISHED

August 26, 1997

No. 195721

Berrien Circuit Court

LC No. 94-004317-FH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Defendant appeals by right his sentence of 1½ to 4 years' imprisonment for felonious assault, after being adjudicated a probation violator based on drug use, failure to report to his probation officer, and sharing living quarters with a person possessing assault rifles. Defendant's sole contention is that his sentence is disproportionate to the offense and the offender.

The sentence guidelines for the underlying offense are completely irrelevant to this Court's appellate review of defendant's sentence, which is subject to appellate correction only if it represents an abuse of the trial court's sentencing discretion. *People v Williams*, 223 Mich App ____; ____ NW2d ____ (Docket No. 194996, released May 13, 1997). Where, as here, defendant's conviction offense is the result of a plea bargain, by virtue of which charges carrying higher maximum penalties or mandatory penalties have been dismissed, this Court is especially disinclined to find an abuse of sentencing discretion. *Id.* No abuse of the trial court's sentencing discretion has been established on this record.

Affirmed.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Edward A. Quinnell

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