

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL ALEXANDER PATTON,

Defendant-Appellant.

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UNPUBLISHED  
December 19, 1997

No. 193507  
Recorder's Court  
LC No. 92-003748

Before: O'Connell, P.J., and White and C. F. Youngblood\*, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to manslaughter, MCL 750.321; MSA 28.553, and was sentenced to five years' probation, with the first year to be served in the William Dickerson Facility. Defendant subsequently pleaded guilty to violating the terms of his probation and was sentenced to a term of imprisonment of five to fifteen years. Defendant appeals by leave granted. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's five-year minimum sentence does not violate the principle of proportionality. Defendant violated the terms of his probation on three separate occasions. He also involved himself with narcotics while on probation, securing a conviction for possession of less than twenty-five grams of cocaine. Finally, when given the opportunity for substance abuse treatment, defendant failed to abide by the rules of the treatment program and, as a consequence, was terminated from the program. After reviewing the record, we are convinced that defendant's sentence is proportionate to the offense and offender. *People v Hardy*, 212 Mich App 318, 321; 537 NW2d 267 (1995).

Affirmed.

/s/ Peter D. O'Connell  
/s/ Helene N. White  
/s/ Carole F. Youngblood

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