

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH CLARENCE GEIGER,

Defendant-Appellant.

UNPUBLISHED

August 10, 1999

No. 205023

Monroe Circuit Court

LC No. 94-026141 FH

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted from his guilty plea based conviction for forgery, MCL 750.248; MSA 28.445. Defendant was sentenced to serve two to fourteen years in prison. We affirm.

Defendant first argues that he is entitled to specific performance of the original plea agreement, which called for a sentence of probation. We disagree. Defendant's plea was entered in August 1994. Prior to sentencing, defendant failed to appear for a presentence interview and absconded to Nevada. In so doing, defendant violated the plea agreement. As a result, defendant is not "entitled to the benefit of the bargain." *People v Kean*, 204 Mich App 533, 536; 516 NW2d 128 (1994).

Defendant also argues that his sentence violates the principle of proportionality. Again, we disagree. As already noted, defendant fled the jurisdiction prior to sentencing. While in Nevada, defendant was convicted of attempted larceny of an automobile and possession of a controlled substance, both of which are felonies. Although the two year minimum exceeds the zero to twelve month range established by the sentencing guidelines, we believe that the guidelines do not accurately reflect defendant's "blatant disregard of the plea agreement . . . and his disrespect for the criminal justice system." *Id.* at 537.

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

Affirmed.

/s/ David H. Sawyer

/s/ Donald E. Holbrook, Jr.

/s/ William E. Collette