

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHN MICHAEL EVANS,

Defendant-Appellant.

UNPUBLISHED

April 12, 1996

No. 186024

LC No. 94-51368 FH

Before: O’Connell, P.J., and Hood and C.L. Horn, * JJ.

PER CURIAM.

Defendant pleaded guilty to prison escape, MCL 750.193; MSA 28.390, and was sentenced to a term of imprisonment of thirty to sixty months. He now appeals as of right, challenging the proportionality of his sentence. We affirm.

Defendant argues that the sentence imposed was disproportionate to the offense and the offender. *People v Milbourn*, 435 Mich 630, 635-636; 461 NW2d 1 (1990). With respect to the present offense, while the escape itself was perpetrated merely by cutting an electronic tether, the circumstances surrounding defendant’s apprehension weigh heavily against him. Defendant, who had no valid driver’s license, was driving a car without license plates. He fled from a police squad car, running a red light and nearly causing several accidents, stopping only after colliding with another squad car. With respect to defendant’s prior record, he had at least three prior felony convictions, and several more misdemeanor convictions. Considering these relevant factors, we find no abuse of discretion in the sentence imposed. *Id.*

Affirmed.

/s/ Peter D. O’Connell

/s/ Harold Hood

/s/ Carl L. Horn

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

